



**Cégep de la Gaspésie
et des Îles**

INSTITUTIONAL POLICY TO PREVENT AND FIGHT SEXUAL VIOLENCE

This policy was drawn up using the policy template drafted and produced by the Legal Affairs Directorate of the Fédération des Cégeps. It is also inspired by the *Guide for higher education institutions* published by the Ministère de l'Éducation et de l'Enseignement supérieur to help institutions develop the policy prescribed by the *Act to prevent and fight sexual violence in higher education institutions*. The document was adapted to take into account the Cégep de la Gaspésie et des Îles reality in keeping with the recommendations of the institutional committee to counter and prevent sexual violence, created in September 2018.

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1. Preamble

1.1 Legal and regulatory framework

Sexual violence is a problem that exists in all spheres of society, including at institutions of higher education. The *Act to prevent and fight sexual violence in higher education institutions* (hereinafter “the Act”) was adopted in December 2017 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”. To comply with its legal obligations and to implement measures to ensure the entire college community of an equalitarian and safe living environment, the Cégep de la Gaspésie et des Îles has adopted this policy to prevent and fight sexual violence.

It was drawn up using the policy template drafted and produced by the Legal Affairs Directorate of the Fédération des Cégeps. The text was then adapted to take into account the reality of the Cégep de la Gaspésie et des Îles. It also follows through on the recommendations set out in the *Guide for higher education institutions*¹ published by the Ministère de l'Éducation et de l'Enseignement supérieur (MEES) on August 8, 2018. Furthermore, the college community was consulted on the policy. In addition to being drafted in accordance with the Act, the policy is also guided by several other legislative provisions, including those enacted in:

- The *Charter of Human Rights and Freedoms*;
- The *Act respecting occupational health and safety*;
- The *Act respecting Access to documents held by public bodies and the Protection of personal information* (modified on September 22, 2022);
- The *Act respecting labour standards*;
- The *Criminal Code*;
- The *Civil Code*; and
- The *Labour Code*.

1.2 Principles and values

The College reiterates the priority it places on a safe teaching and work environment, free of sexual violence. The College's values are implicit in this policy: respect, equality, cooperation, integrity and commitment.

1.3 Application

This policy applies to all members of the college community (students, personnel and student

1. Government of Québec, 2018. [Guide for higher education institutions – Development of the policy](#), Ministère de l'Éducation et de l'Enseignement supérieur.

association representatives). It also applies to any individual doing business with the College or the college community, such as contractors, subcontractors, internship workplaces, people who use College services and where applicable, the permanent employees of associations present within the College and others, as described in sections 2.15 to 2.20.

This policy applies to educational, social or sport activities organised by members of the college community that take place on or off campus, including such activities as newcomer orientation and integration, school trips, festivities to mark the beginning or end of the academic year, etc. It also applies to online activities by which members of the college community stay in touch.

Furthermore, the policy applies to any situation likely to negatively impact the academic path or work climate of a member of the college community.

In applying this policy, the College pays particular attention to persons at greater risk of experiencing sexual violence: women, people from sexual or gender identify minorities, people from cultural or Aboriginal communities, foreign students and persons with disabilities.

In accordance with the Act, the College cannot require individuals to file a complaint before taking action. Moreover, it cannot act in place of police forces or the courts. The purpose of the Act is 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”².

2. Definitions

In this policy, unless the context dictates otherwise, the following expressions mean:

2.1 Sexual violence

Sexual violence encompasses any form of violence committed by means of sexual practices or by targeting sexuality. This concept also refers to any other misconduct, in such forms as unwanted gestures, comments, behaviours or attitudes with sexist or sexual connotations. It also refers to any misconduct, directly- or indirectly-expressed – including by a technological means, pertaining to sexual or gender diversity.

Sexual assault, rape, sexual harassment, sexist comments, indecent behaviour or sexualised exposure, the possession, transmission, production or distribution of sexually degrading images, voyeurism, exhibitionism, frotteurism, cyberstalking and sexual exploitation, notably, constitute

2. Section 1, Para. 1 of the Act.

acts of sexual violence. Any attempt to commit such acts is deemed to be a manifestation of sexual violence.

This definition applies regardless of the age, sex, gender, culture, religion, sexual orientation, or identity of the individuals involved. It applies regardless of the type of sexual act or the place where it took place and regardless of the nature of any connection that may exist between the individual disclosing or reporting an incident or filing a complaint and the person implicated.

2.2 Sexual assault

Sexual assault is an act of a sexual nature, with or without physical contact, committed by an individual without the consent of the target person, or in certain cases, involving affective manipulation or blackmail. It is an act that seeks to subject another individual to one's own impulses by abusing power, by using force or constraint, or by making an implicit or explicit threat. Sexual assault violates an individual's fundamental rights, in particular a person's right to physical and psychological integrity and safety.

This definition applies regardless of the age, sex, gender, culture, religion, sexual orientation or identity of the individuals involved. It applies regardless of the type of sexual act or the place where it took place and regardless of the nature of any connection that may exist between the individual disclosing or reporting an incident or filing a complaint and the person implicated.

2.3 Sexual harassment

By definition, psychological harassment encompasses sexual harassment. It can involve vexatious behaviour in the form of repeated hostile or unwanted spoken or written comments, acts or gestures of a sexual nature. Such conduct attacks the dignity or the psychological or physical integrity of the person, thus making that person's work or study environment harmful. A single incident of vexatious behaviour can constitute harassment if it affects the target person's environment to this extent or if it produces an ongoing harmful impact on that person.

2.4 Sexual cyberstalking

Sexual cyberstalking is a type of sexual harassment conducted using information technology, on social networks, for instance. E-mailing comments of a sexual nature or threats of sexual assault are examples of sexual cyberstalking. Other examples of sexual cyberstalking include spreading or threatening to spread rumours, photos, or audio or video recordings of intimate sexual moments without the individual's consent³.

3. Ontario initiative to fight violence against women. Cyberharcèlement à caractère sexuel, on line at <http://tracons-les-limites.ca/cyberharcelement-a-caractere-sexuel/>, retrieved on August 20, 2018.

2.5 Rape culture

Rape culture corresponds to a set of behaviours that trivialise and excuse sexual assaults, going so far as to blame victims for the assault.

2.6 Sexual misbehaviour

Sexual misbehaviour refers to acts of a sexual connotation that occur within the framework of a professional relationship within the meaning of the *Professional Code*⁴.

2.7 Consent

Consent is the explicit, freely given and voluntary agreement of a person to become involved in a sexual activity. Consent can be withdrawn at any time. It is invalid if:

- It is expressed by means of the words or behaviour of a third party;
- The person is incapable of expressing it, notably because they are intoxicated (by drugs or alcohol), sleeping or unconscious;
- The person's consent is obtained through an abuse of trust or authority;
- The person expresses, through word or behaviour, an absence of agreement to engaging in the activity; or
- After having first consented to the activity, the person expresses, in word or behaviour, their absence of agreement to continue the activity.

An absence of refusal or the fact of remaining silent cannot be interpreted as consent.

In Canada, the age of consent to sexual activity is 16 years according to the Criminal Code, although it sets the age of consent at 18 years in the following cases:

- When there is a relationship of trust or authority between the person and the person's sexual partner;
- When there is a relationship of dependency between the person and the person's sexual partner; or
- When the relationship between the two individuals constitutes sexual exploitation.

2.8 Disclosure

Within the meaning of this policy, disclosure corresponds to the fact of one person revealing that they have allegedly suffered sexual violence. Disclosure does not necessarily result in a complaint being filed.

4. Professional Code, CQLR c C-26, Section 59.1.

2.9 Report⁵

Within the meaning of this policy, a report refers to the action of a person who transmits information about an alleged act of sexual violence to a person in a situation of authority. A report does not necessarily result in a complaint being filed.

2.10 Complaint

A complaint is a formal step taken to officially report a situation of sexual violence to an educational institution or police department. An administrative complaint is made to have the existence of misconduct or sexual harassment recognised so as to put an end to it and take action against the person implicated. Furthermore, a complaint to the police may lead to criminal prosecution.

2.11 Single entry point

The single entry point created in Section 14 of this policy is an office where people can obtain services. Easily identifiable on each College campus, this entry point provides full information about available resources. It serves to centralise reports and disclosures, provide moral support to victims and witnesses, and transmit information about the disclosure, report and complaint processes and their advancement.

2.12 Relationship of authority

A relationship of authority refers to a situation where one person holds the authority to direct, evaluate or supervise another person and to require that person to do something.

2.13 Helping relationship

A helping relationship is a relationship involving the provision of psychological and professional accompaniment to a person experiencing moral distress and who requests support. This notably includes relationships built with psychologists, social workers, student access centre staff members, guidance counsellors, academic and professional information counsellors, personal academic counsellors, hall or community workers and student life advisors.

2.14 Intimate relationship

The term “intimate relationship” refers to both romantic and sexual relationships.

5. This policy does not affect the responsibility of any person to report to the Youth Protection Director any situation compromising the safety or development of a child within the meaning of the Youth Protection Act, (CQLR c P-34.1).

2.15 Teaching relationship

The teaching relationship can be understood as “all phenomena connected to the discussions, reciprocal influence, actions and reactions that exist between teachers and students” (Weigand and Hess, 2007, p. 1). The purpose of this relationship is to “train, teach and have students learn” (Marsollier, 2004)⁶. This definition notably encompasses relationships between students and teachers but also with any other person who contributes to the acquisition of knowledge and competencies by learners (monitors, tutors, people overseeing practical assignments, trainers, etc.).

2.16 College community

The College community includes students, staff members, union representatives and the representatives of student associations.

2.17 Manager

A manager is a member of the management staff (senior managers and other managers) who holds a management position at the College.

2.18 Personnel member

Any person employed by the College or who works there, including student employees, is considered a member of the personnel.

2.19 Person with whom the College has a contractual relationship (sub-contractors)

Within the context of a supply or service contract, the subcontractor is a legal person governed by private law, a general partnership, limited partnership or undeclared partnership or a natural person operating a sole proprietorship. This definition includes organisations that are signatories to a College Centre for Technology Transfer (CCTT) management agreement.

2.20 Sport and sociocultural organisations

Sport and sociocultural organisations encompass any person who is a member of a College sport team or sociocultural organisation, including players, trainers, and other employees and volunteers.

2.21 Union representative

6. This definition is drawn from the Cégep de l’Outaouais Procédure de gestion d’une plainte étudiante de nature pédagogique *Institutional policy to prevent and fight sexual violence* 8
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A union representative is a paid or unpaid person designated by their assembly to represent a group of unionised employees.

2.22 Student association representative

A student association representative is a person designated in accordance with that association's general by-laws to represent the students enrolled at that campus.

2.23 User

Any person who participates in College activities or who uses College services or facilities or the services provided by a third party on a College campus is considered to be a user.

2.24 Outside resources

Outside resources can include any public or quasi-public community organisation that may, because of its particular expertise, contribute to the College via its efforts in the areas of promotion, training, intervention or investigation.

3. Objectives

3.1 In accordance with the Act, this policy seeks primarily to:

- Establish the roles and responsibilities of actors within the College community;
- Strengthen actions to prevent and fight sexual violence;
- Create a healthy, safe environment for students and staff members, one that is free of sexual violence;
- Put in place preventive and safety measures;
- Supervise social and orientation activities, including ones taking place off campus;
- Establish the procedures for handling complaints, reports and information obtained;
- Promote a culture of respect;
- Foster the coherence of interventions and consultation with existing external resources;
- Prevent sexual violence by developing a culture of consent, by promoting equal relationships between men and women and by valuing respect, inclusion and diversity;
- Adopt an approach centred on the needs of victims;
- Provide support and assistance tailored to the needs of victims of sexual violence; and
- Establish a safe, credible and effective complaints system to hold accountable individuals who commit acts of sexual violence.

3.2 In adopting this policy, the College aims to:

- Comply with the relevant laws and regulations;
- Prevent sexual violence by and against members of the College community;
- Put in place a system for handling complaints, reports or disclosures that is respectful and fair to all involved; and
- Delineate roles and responsibilities so as to ensure that the policy is applied in a consistent and thorough manner and that everyone understands “who does what”.

4. Roles and responsibilities

It is the responsibility of members of the College community to:

- Take cognizance of this policy and their responsibilities;
- Comply with this policy;
- Report as soon as possible to the single entry point (anonymously or otherwise) any situation involving sexual violence that they have witnessed;
- Participate in the mandatory training sessions stipulated in the Act and offered by the College;
- Take part in the various training and prevention activities organised in connection with this policy;
- Direct to the single entry point anyone wishing to report or obtain information;
- Cooperate in investigations of situations involving sexual violence;
- Respond empathically, helpfully and without judgment when a situation involving sexual violence is reported;
- Respect the confidentiality of information transmitted within the framework of a report; and
- Be pro-active and remain aware of the importance of taking action whenever they witness a situation that involves or might potentially involve sexual violence.

It is the responsibility of College General Management to:

- Raise the awareness of staff members;
- Oversee the application of this policy;
- Ensure the accountability set out in this policy and in the Act;
- Inform outside resources and the managing bodies of its CCTTs about this policy;
- Post the policy on the College website; and
- Announce the policy publicly from time to time.

It is the responsibility of the Human Resource Department to:

- Plan and implement the staff training plan;
- Post the policy on the staff portal;

- Give copies of the policy to all current staff members and new recruits; and
- Designate and identify the authority responsible for handling complaints.

It is the responsibility of the Dean's Office to:

- Plan and implement the student training plan;
- Disseminate the policy using the tools provided for this purpose;
- Transmit the policy to internship workplaces together with internship contracts;
- Designate and identify the person responsible for handling complaints;
- Develop external partnerships;
- Share the policy with College partners within the framework of distance learning projects and take cognizance of their respective policies;
- Make sure the measures set out in this policy are applicable or adapted, if necessary, to address the needs of students engaged in multi-site training.

It is the responsibility of the Material and Financial Resource Department to:

- Make sure subcontractors apply the policy; and
- Work with management at each campus to implement certain safety measures.

It is the responsibility of management at each campus and continuing education management to:

- Set up a single entry point on each campus;
- Plan to hold training and prevention activities on each campus;
- Support training activities organised by the Human Resource Department and the Dean's Office;
- Evaluate the related safety measures annually and follow through on any necessary measures;
- Make sure the rules governing social activities are applied; and
- Present the policy during registration activities.

It is the responsibility of student association representatives to:

- Participate in the annual training set out in the Act and provided by the College;
- Make sure all student association activities – including prevention and awareness-raising activities – comply with the policy;
- Make sure the association's permanent staff, if any, agree to abide by the policy; and
- Work with the College in applying the policy.

5. Prohibitions

Although this policy is distinct from other applicable College policies and rules, the rules set out in the *Policy to prevent harassment and violence in the workplace* and *By-law 9 with respect to living conditions at the Cégep de la Gaspésie et des Îles* are applicable at all times. More specifically, it is prohibited to:

- Manifest any form of sexual violence against a member of the college community;
- Retaliate in any way against the author of a complaint, report or denunciation; and
- As a staff member, have an intimate relationship with a College student contrary to the code of conduct set out in Section 9.

6. Prevention, awareness-raising and education measures to counter sexual violence

To enlighten the College community concerning the phenomenon of sexual violence and to discuss it so as to gain awareness about it and counteract it, the College proposes prevention and awareness-raising measures, as stipulated in the Act that will be deployed as the policy is put into application.

6.1 Prevention and awareness-raising measures

Prevention measures can take a number of forms: awareness-raising, education, safety measures, partnerships with outside organisations, etc. It is crucial to make the potential perpetrators of acts of sexual violence the focus of such measures and not the victims.

These measures are identified in detail in the institutional action plan to counter sexual violence. They may include campaigns, lectures, on-line or printed resources, information stands or workshops. These activities explore a range of topics related to sexual violence; examples of typical topics include the different types of sexual violence, the concept of consent, rape culture, support resources, the connection between the consumption of alcohol or drugs and sexual violence, information of a legal nature, etc.

During social activities organized by the CEGEP, the unions, student associations, organisation officials or any other member of the college community must ensure that the required preventive measures are put in place. These measures must be approved in advance of the activities by the single entry point staff.

The College will participate in projects and initiatives implemented by the Fédération des cégeps.

6.2 Training

As stipulated in the Act, the College must plan to hold certain training activities:

- Mandatory training activities for students: These activities will have to be adapted to the reality of students enrolled in distance education at multiple sites off College campuses.
- Annual mandatory training activities for officers, staff members, representatives of their respective associations and unions (in the form of webinars, lunch-time lectures, standard half-day or day-long training sessions, etc.).

Training sessions can notably enable these members of the college community to learn how to receive disclosures of sexual violence and how to become active witnesses. The College will build on partnerships with specialised resources present in the region and will collaborate in projects put forward by the Cégep network.

7. Safety measures to counter sexual violence

At the beginning of each year, as part of the work done by the local health and safety committees, campus management will coordinate an assessment of existing safety measures in consultation with the relevant stakeholders. The IT Department may be called upon to assist in this work. The periodic assessment examines the safety of premises in terms of lighting, door locking, physical surveillance, cyber surveillance and video surveillance, etc.

Since the Act aims to prevent sexual violence, it is important to put in place measures to anticipate potentially dangerous situations so as to eliminate them. In addition, if an event involving sexual violence occurs at College, the appropriate corrective measures must be implemented as quickly as possible.

The institutional committee may make recommendations for improvements to campus management.

8. Rules governing social or orientation activities

As stipulated in the Act, this policy applies to any social or orientation activity organised by the College, a staff member, an officer, a sport organisation or a student association, regardless of where this activity takes place.

The organiser of an event of this kind must ensure compliance with this policy. The rules of conduct set out in *By-law 9* are also applicable to social and orientation activities. To be authorised to carry out the activity, the persons in charge will be required, under the terms of specific agreements and as necessary, to specify the measures put in place and the resources used to oversee the activity.

In all activities involving students, the organisation's leadership will need to include measures such as:

- The display, on the promotional tools used for the activity or event, of information about the services offered (by the single entry point or by outside resources);
- The display of information, during the event, about the services offered (by the single entry point or by outside resources);
- The dissemination of clear information concerning the responsible consumption of alcohol and drugs;
- The development of partnerships to implement the Angelot⁷ initiative;
- The identification of a resource person such as a community worker trained to understand and implement this policy; or the identification of a person in charge of the organisation who does not consume either alcohol or drugs.

9. Code of conduct regarding intimate relationships involving a teaching relationship or a relationship of authority

The College is of the opinion that intimate relationships between a member of its staff and a student run counter to the institution's educational mission. In order to avoid any real or apparent pernicious influence in the educational process or in the organisation of work, staff members shall refrain from maintaining any form of intimate relationship with College students with whom they have an existing teaching or helping relationship or a relationship of authority or with whom such a relationship is foreseeable in the near future. This responsibility applies even if there is sexual consent.

In cases where such a relationship exists prior to the student's admission or the hiring of a College staff member, both parties must complete and sign a declaration, and submit it to the relevant authority as soon as possible using the form provided for this purpose on the staff portal. The fact of having signed such a declaration does not prevent a person from declaring a situation of violence suffered within this relationship.

7. The *Commande un Angelot* initiative is the outcome of a partnership between the Alliance pour la santé étudiante au Québec (ASEQ), *Sans oui, c'est non!* and *Ni viande ni objet* introduced to fight sexual violence at bars frequented by students. The goal of the initiative is to prevent such situations and assist people in trouble. For more information, visit: <http://www.commandeunangelot.com>

If the relationship develops while a teaching relationship or a relationship of authority exists, a statement must be given to the competent authority as soon as possible.

The information contained in these statements is confidential.

Since the two types of relationships cannot coexist with impartiality, either real or apparent, it is the staff member's responsibility to terminate either their teaching or authority relationship, or their intimate relationship. When the declaration is submitted to the competent authority, measures may be agreed upon to terminate the teaching, helping or authority relationship.

10. Confidentiality and communication of information needed by an individual to ensure their safety

The information received at the single entry point must remain confidential, except with the express authorisation of the person providing the information. If the Act orders or authorises it by express provision, the information may be disclosed to prevent an act of violence, including suicide, or where there are reasonable grounds to believe that an imminent danger of death or serious injury threatens an identifiable person or group of persons.

When the information concerns a minor, the person who receives this information is required to report the situation to the Director of Youth Protection as soon as possible⁸.

The information can only be communicated to the persons concerned and to those who can help them. Thus, confidential information and personal information can only be passed on to an individual if this concerns them personally, including the complainant.

As a report, disclosure or complaint is being processed, the person who presented the information must be informed of the outcome of the process. The same information is transmitted to the person implicated.

Following the administrative complaint processing process, i.e. when a decision has been rendered and sanctions have been imposed, if applicable, the person complainant should be informed of the end of the process. Information relating to the follow-up given to the complaint, i.e. the imposition or not of a sanction, as well as the details and terms of this sanction, if applicable, may be communicated by the establishment at the request of the person who lodged a complaint⁹. The request must be addressed to the single entry point resource.

⁸ Youth Protection Act (CQLR c P-34.1), Sections 38 and 39, para. 1 and 2

⁹ Section 99 of the Privacy Legislation Modernization Act (L.Q 2021, ch.25), provides that Article 4 of the Law to prevent and combat *Institutional policy to prevent and fight sexual violence*

In all cases, the person transmitting information must disclose only what is necessary to achieve the purpose of the communication. The information must be transmitted to the College Access-to-Information Officer in accordance with the rules governing access to documents held by public bodies.

The complainant may remain anonymous, if they so request, when the person implicated in the complaint is informed about it.

Members of professional orders must make sure they abide by their code of ethics.

Depending on the severity or repetition of the reported acts, whether there is a formal complaint or not, the single entry point staff can transmit anonymous information to the competent authority so that appropriate action can be taken. Any element that can be used to identify individuals who have provided information must be kept strictly confidential.

11. Measures to protect against reprisals

The College is committed to putting in place the measures needed to shield the authors of a complaint, report, or disclosure from any reprisal from the community. As part of this policy, threats of reprisal are also considered reprisals. Threats of reprisal may also occur before the complaint, reporting or disclosure process begins.

Reprisals can take many forms and none will be tolerated. Such actions will be considered serious breaches of this policy and their author will be penalised in accordance with this policy.

12. Penalties applicable in the event of failure to comply with this policy

Non-compliance with this policy by a staff member could result in administrative or disciplinary action, up to and including termination, as per the collective bargaining process. Failure by a student to comply with the policy could result in administrative or disciplinary measures, which may include expulsion from the College, in accordance with the process set out in *By-law #9 establishing certain conditions of student life at the Cégep de la Gaspésie et des Îles*. The nature, gravity and repetitive nature of the

sexual violence in higher education establishments (chapter P-22.1) will be amended by adding the following paragraph at the end : « At the request of the person who lodged a complaint, the educational institution must communicate to him the information relating to the follow-up given to the complaint, either the imposition or not of a sanction as well as the details and terms of the sanction. optionally ». This provision will come into force on September 22, 2022, from which time establishments must comply.

alleged acts must be considered when deciding on a penalty.

Within the context of its contractual relations with a third party, the College may terminate any contract without notice for reasons of non-compliance with this policy. This policy shall be presented to all College third party contractors. Said contractors will be required to make a commitment to comply.

13. Immunity clause

The College recognises that some people may be reluctant to disclose, report or file a complaint about an incident of sexual violence in cases where they themselves violated certain College rules or policies at the time the reported incident took place (for instance, while consuming alcohol or drugs). Consequently, the College agrees to not take action against a person disclosing, reporting or submitting a complaint in connection with such breaches.

14. Single entry point

The Act requires the College to consolidate all available sexual violence-related services and resources in a known and readily accessible place. To adapt this requirement to the reality of the Cégep de la Gaspésie et des Îles, the “single entry point” stipulated by the Act is organised in the following way:

- A designated resource that is part of the psychosocial services team offered on campus acts as a single entry point to receive complaints, disclosures, reports, or requests for support from the student community.
- As part of a formal agreement to this end, CALACS la bôme-Gaspésie is responsible for acting as a single entry point for all Cégep staff members.

At all single entry points, information about such resources as the 811 social information help line, CALACS, employee assistance programs, and dedicated lines must remain accessible even when the resource is temporarily absent (for instance, outside working hours). Disclosure tools and information on help resources will be always available on the web site and on Omnivox.

The main mandate of the single entry point is to welcome people with information to transmit and assist them in the process, and not to conduct an administrative or disciplinary investigation. This entry point must be easily accessible and it must direct people to the appropriate resources while guaranteeing to them that their efforts will remain confidential.

15. Disclosure, report and complaint transmission and processing

One of the cornerstones of the Act is the establishment of an internal process for dealing with disclosures and complaints. It should be remembered that the College does not replace the police. In the most serious cases, the complainant must be referred to the competent authorities. The process can be terminated at any time if the author of the complaint so wishes. Appendices 1, 2 and 3 outline how the information is processed and how complaints are received.

The College makes sure that people who need to intervene during the process are not put in a position where they would be in a conflict of interest or where there would appear to be a conflict of interest.

Anyone making a disclosure pursuant to this policy has the right to:

- Be treated with dignity and respect;
- Receive full information about supportive services and resources; and
- Receive clear explanations about the process, potential accommodations and the follow-up given to their complaint.

Any person implicated in a disclosure pursuant to this policy has the right to:

- Receive a copy of the policy;
- Receive clear explanations concerning the process, potential options and any follow-up given to their file; and
- If appropriate and if requested by the person making the complaint, be offered restorative remedies.

15.1 Disclosures, reports and complaints

Any person who wishes to transmit information concerning an alleged breach of this policy, a report, disclosure or complaint (hereinafter referred to as "information") involving a member of the collegial community may do so by using, if necessary, the form provided for this purpose, and presenting it at the single entry point, as defined in Section 14. The information must be transmitted to the single entry point to ensure that this policy is applied. There may be cases where there is no guarantee that an intervener from outside the College community (examples include police officers, social workers, a trusted person not employed by the College) will transmit information they may receive. To be processed, the internal complaint must first be submitted via the single entry point, using the form provided for this purpose.

During meetings and throughout the investigation process, the person presenting a disclosure,

report or complaint and the person implicated may be accompanied by a person of their choice who is not involved in the reported sexual violence. Unless otherwise indicated, this accompanying person may attend the process as an observer only and may not speak on behalf of or represent any of the parties. However, people who have witnessed the situation or who can reasonably contribute to the investigation may not accompany either the person presenting a disclosure, report or complaint or the person implicated.

The College can also receive complaints submitted anonymously or by third parties. The College accepts anonymous complaints so as to:

- Provide a range of ways to disseminate information at the College about sexual violence;
- Address concerns about the safety of the college community;
- Determine whether the College needs to conduct an investigation; and
- Compile statistics and information about sexual violence at the College.

However, due to their anonymous nature, College authority to investigate such disclosures may be limited. Consequently, the College cannot guarantee the potential outcomes resulting from anonymous disclosures.

15.2 Information reception

Upon receiving information of this nature, the single entry point resource makes sure to provide listening, support, psychosocial support, moral support measures and referrals to specialised services to individuals who express the need for those services.

15.3 Information processing

The single entry point resource evaluates the situation and, working with the victim, chooses the appropriate intervention. In the case of the single entry point for staff members, the Human Resource Department will take on the services of an outside specialised resource to determine the best interventions. These interventions can take a variety of forms, for instance:

- Accommodation measures may be implemented;
- Restorative remedies may be proposed;
- An action may be taken in the workplace, study environment, etc.;
- The victim may be provided with referencing, moral support/coaching and information;
- An administrative or criminal complaint may be made;
- etc.

The appropriate intervention can include more than one of the elements described above. The measures put in place may be maintained, modified or cancelled at any point throughout the process.

The College is required to ensure that the behaviour of the individuals implicated do not cause prejudice to other members of the College community.

15.4 Implementation of single entry point interventions

Once the intervention has been chosen and the required accommodations targeted, the single entry point resource meets with the designated senior manager from the Dean's Office to inform them of those decisions and discuss the steps to be taken to implement them. The identity of the person making the complaint and elements that would allow them to be identified must be protected except when disclosure is necessary or with the complainant's consent.

Working with the manager in charge and the person involved, the single entry point resource will evaluate, if required, the accommodation measures that need to be put in place, including measures to protect the individuals involved from reprisals as the case may be.

15.5 Follow-up to intervention and accommodation measures

Once the intervention and accommodation measures have been implemented the single entry point staff member will validate with the complainant whether or not they wish to continue with the process.

The senior manager in charge can determine the extent of the single entry point resource's authority to implement certain recommendations and interventions. In such cases, the senior manager in charge informs the relevant department of the situation. The senior manager in charge must liaise with other departments when implementing certain interventions, and respect confidentiality while doing so.

At all times, it is important to ensure the victims of confidentiality. Recommendations must be worded so as to keep the victim's identity private; keeping information anonymous is one way to achieve this. Confidentiality must also be preserved for the individual implicated.

The College agrees to follow up on any request as quickly as possible, within seven days at most. In addition, although the processing approach is presented in a linear fashion, the nature of the information transmitted implies the need for flexibility in the manner of processing it. It is entirely

possible that processing will take place at an uneven pace. In addition, the way a report is processed might evolve differently over time from the way a formal complaint is processed. Consequently, and to adequately accompany the victim, the College can adapt its process.

The application of measures must be monitored by the person in charge of the single entry point.

15.6 Investigation process when a complaint is made to the police

In disclosure situations, when the victim decides to file a complaint with the police, the measures associated with the latter process apply and the investigation is handled by the police department. The single entry point resource ensures that adequate support is provided throughout the process. It is strongly suggested that a specialised external resource be employed throughout the investigation process.

When the victim presents a complaint of an administrative nature, College General Management (or a senior manager appointed by it) assesses the complaint to determine its admissibility in terms of the policy's scope and field of application. The admissibility criteria are as follows:

- A. The complainant is or has been a member of the College community;
- B. The implicated person is or has been a member of the College community;
- C. The person implicated by a member of the College community is a subcontractor or a person outside the College community who uses the services of the College;
- D. The situation may have an impact on the safety of members of the College community; and
- E. The basis of the complaint is sexual violence and is consistent with the definitions of sexual violence.

If the complaint is inadmissible, the complainant is informed of the reasons that led to this determination. This does not affect the services provided by the single entry point in any way. If the complaint is found to be admissible, the investigation process is as follows:

- General Management establishes an investigation committee. This committee may recommend the collaboration of outside resources, as needed; and
- The parties involved are informed as soon as possible of the established process for handling the complaint filed and the person responsible for the investigation. Only those involved, the individuals who participate in the various stages of the process and those who can clarify the situation are informed of the complaint. These people sign a confidentiality agreement.
- The parties involved may be accompanied by a person of their choice during the various meetings (a person representing their union or an association, a colleague). However, any

individual likely to be called as a witness is excluded.

- In situations where a student is the implicated person or the complainant, the Dean's Office will be involved in the investigation process. In a situation where an employee is the accused or complainant, the Human Resources Department will be involved in the investigation process.
- General Management reserves the right to call on an outside investigator if there is potential for the appearance of a conflict of interest.
- The investigation committee and outside investigator, if applicable, shall impartially verify the facts alleged by the complainant to determine:
 - A. If a situation of sexual violence or a breach of this policy has occurred;
 - B. The responsibility of the person implicated in the situation; and
 - C. Whether the facts have been reported in good faith.

To this end, the committee hears the complainant, the person implicated and the witnesses, if any.

- The investigation takes place *in camera*. A report covering the entire process is then prepared as soon as possible. The investigation report determines the nature of the breach of this policy and the merits of each of the allegations set out in the text of the complaint. The committee, or failing that, the outside investigator, makes recommendations to General Management to prevent the recurrence of such a situation.
- In the light of the investigation report and the resulting recommendations, the competent authority ensures the follow-up and measures to be taken with regard to the person in question (penalty, disciplinary measure, change in the organization of work, etc.).
- General Management, or the person designated by it, informs the parties involved (implicated person, complainant and immediate superior) of the investigation committee's decision. The persons involved will be informed that a decision has been made but decisions with regard to the measures to be taken are transmitted to the immediate superior for the required follow-up.

In any case, administrative complaints received at the single entry point will have to be processed within a maximum of 90 calendar days. The College is responsible for implementing the measures determined at the end of the investigation. While the investigation is underway, the College agrees to do what is needed to keep the impact of the process on the complainant and other affected individuals as slight as possible, as needed.

Single entry point staff will participate in the in-house investigation only if the person who transmitted the information agrees.

15.7 Recommendations and accountability

The single entry point resource will be able to assess the situation and make certain recommendations to prevent the recurrence of a similar situation.

The senior manager in charge must compile an anonymous report indicating how many times information was received and transmit it to General Management.

16. Standing committee

Membership of the standing committee is as follows:

- A representative from the Dean's Office;
- A representative from the Human Resource Department;
- A member of the teaching staff designated following a call for nominations;
- A student designated following a call for nominations;
- A representative from the Communication Department;
- A representative from the Psychosocial Service Department designated following a call for nominations; and
- A representative from an outside partner.

The nomination process must, where applicable, take into account collective agreements and association by-laws. The composition is approved by the College Executive Committee. The committee's mandate is to develop, review and monitor and implement the policy.

17. E

18. Entry into force and revision

17.1 Entry into force

This policy is adopted by the Board of Governors and comes into force on the day of its adoption. It replaces and repeals any previous policy. Once adopted, it must be forwarded to the Ministry.

The institutional action plan provides a timeline for the entry into force of the various measures and for the implementation of the various mechanisms

17.2 Review mechanism

The policy shall be reviewed at least every five years.

19. Dissemination of the policy

The policy must be accessible, in French and in English, to the entire College community and to other persons connected to the establishment via the following platforms:

- For students: Reference to the policy in the syllabi, the Omnivox communities portal, academic calendar and during registration meetings;
- For staff members: Staff portal, copies given to newly recruited staff members;
- For the entire community, parents and College partners and subcontractors: Website, *Official documents* section and web pages managed by the Sport Activity Department; resources from outside the College (subcontractors, internship workplaces, etc.) will have to be advised directly of the existence of the policy by the means considered most adequate; and
- For contractors: Contracts will have to include a requirement to the effect that they must comply with the policy.

20. Accountability mechanism

In accordance with the Act, the College reports on the application of this policy in its annual report. This accounting must cover the following elements:

- The prevention and awareness measures put in place, including the training activities offered to students;
- Training activities attended by senior staff, staff members and representatives of student associations and unions;
- The safety measures put in place;
- The number of complaints and reports¹⁰ received and their processing times;
- The actions taken and the nature of the sanctions applied; and
- The consultation process used in developing or modifying the policy.

10. It is important to point out that for the purpose of applying the Act, with reference to accounting requirements, the term “report” must be construed as being synonymous to the term “disclosure”, more commonly used in practice and in interventions.

21. Appendices

- Appendix 1: Process for dealing with a report or disclosure).
<https://cegepgim.ca/wp-content/uploads/2022/05/annexe1pcvs.pdf>
- Appendix 2: Process for dealing with an administrative complaint).
<https://cegepgim.ca/wp-content/uploads/2022/05/annexe2pcvs.pdf>
- Appendix 3: Police investigation process and legal process.
<https://cegepgim.ca/wp-content/uploads/2022/05/annexe3pcvs.pdf>
- Appendix 4: Tool kit *What do I do if I receive a disclosure?, What do I do if I've experienced sexual violence, What do I do if I witness sexual violence?* and *Report form*.
 - https://cegepgim.ca/wp-content/uploads/2022/08/english_annexe4_devoilement.pdf
 - https://cegepgim.ca/wp-content/uploads/2022/08/english_annexe4_victime.pdf
 - https://cegepgim.ca/wp-content/uploads/2022/08/english_annexe4_temoin.pdf
 - <https://cegepgim.ca/en/student-services/in-action-against-sexual-violence/>