



O'SULLIVAN COLLEGE OF MONTREAL

POLICY TO PREVENT AND FIGHT SEXUAL VIOLENCE

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1. INTRODUCTION

- 1.1 Context

The *Act to prevent and fight sexual violence in higher education institutions* was passed on December 8, 2017, and states that higher learning establishments must adopt a Policy to prevent and fight against sexual violence prior to January 1, 2019, which must be put in place by September 1, 2019, at the latest.

The law contains guidelines and obligations regarding many aspects, namely in regard to the development of the Policy, the consultation, the required training of College staff, the support services, the adoption of a code of conduct when in educational relationships or in position of authority and the establishment of rules for social activities and welcoming events for students.

In its Policy, the College must outline the sanctions imposed on to any person contravening to the provisions of the Policy.

The College also has the obligation to provide the Minister with its Policy once it has been adopted. The College must also inform the Minister of any or all amendments made to the Policy.

The requirements of the Law in respect to Colleges and Universities represent the core values of the College and its commitment to provide and promote a safe and secure academic and work environment, free of any type of harassment or violence.

With the Policy, the College has the opportunity to reaffirm that respect is a fundamental value and strengthen the actions implemented to counter all forms of violence, including sexual violence.

While respecting the process of a police investigation and the judicial proceedings, the Policy hereby gives education great importance and this by establishing services, support and other types of measures for situations of sexual violence. By promoting awareness and prevention, the College remains committed to its main objective and core values.

All of the College community must respect the terms of the Policy including each and every individual who have dealings with the College.

- 1.2 Purpose of the Policy

The Policy is based on many legal Canadian and Québec documents, such as, but not limited to the Criminal Code, the Civil Code of Québec, the Charter of human rights and freedoms, the act respecting labour standards and the laws and regulations respecting the protection of personal information.

The Policy is consistent with the policies and regulations presently in place at the College as well as the employment contracts and collective agreements binding the employees.

In accordance with the Law, the Policy is separate from other policies adopted by the College.

- 1.3 Policy Development

In accordance with article 7 of the Law, the College has put in place a permanent committee in order to “elaborate, review and ensure the follow-up” of the Policy. Students, teachers as well as employees and members of the Administration sit on this committee.

Prior to submitting the Policy to the Board of Directors, the Committee has consulted the teachers, the employees, the Administration, the student representatives and the Teachers’ Union of the Collège O’Sullivan de Montréal inc.

The College worked with other private Colleges to develop the present Policy, which led to informative discussions, a useful exchange of information and the sharing of good practices. This allows the College and the permanent committee for the development of collaboration methods to properly implement the Policy and ensure its enforcement.

2. DEFINITIONS

Activities: “Social and welcoming activities organized by (the College), an employee of the College, a director, a sports organization or a student association.”¹ Also includes intramural and intercollegiate sports and sociocultural activities.

Sexual assault: “Sexual assault is a sexual act, with or without physical contact, committed by an individual without the consent of the victim or, in some cases, and especially when children are involved, through emotional manipulation or blackmail. It is an act that subjects another person to the perpetrator’s desires through an abuse of power, the use of force or coercion, or implicit or explicit threats. Sexual assault violates the victim’s fundamental rights, including the right to physical and psychological integrity and security of the person.

This definition applies regardless of the age, sex, culture, religion or sexual orientation of the victim or of the perpetrator of the assault, 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 perpetrator. Certain other terms are also used to refer to sexual assault, including “rape”, “sexual abuse”, “sexual offence”, “sexual contact”, “incest”, “prostitution” and “child pornography”.²

¹ *Act to prevent and fight sexual violence in higher education institutions*, art. 3 (5), RLRQ c. P-22.1

² Government directions on sexual assault, Gouvernement du Québec, 2001, p. 22

Student representatives: its directors and representatives

College: Collège O’Sullivan de Montréal inc.

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

College community: Students, directors and employees of the College as well as unions and sports organizations, as defined in the Policy

Consent: “Consent is the voluntary agreement given by an individual when taking part in sexual activities. Such consent must be voluntary, if not, the consent is not valid. A person may change their mind and take back their consent at any time.

A person’s consent is not valid in the following situations:

- ✓ consent is given by the words or actions of a third party;
- ✓ the person is incapable of giving their consent, namely because they are intoxicated by (or under the influence of) drugs or alcohol or is unconscious, for example;
- ✓ the person is coerced into the sexual activity by abuse of confidence or power;
- ✓ by their words or actions, a person shows that they do not consent to the sexual activity;
- ✓ after having given their consent, a person’s words and actions show that they do not consent to continuing with the sexual activity.

In Canada, the age of consent to sexual activities is 16 years old, however, is increased to 18 years old in the following situations:

- ✓ the sexual partner is a person in a position of trust and of authority;
- ✓ the person is dependent on the sexual partner;
- ✓ the relationship between the two individuals constitutes as sexual abuse.”³

Revelation/Reporting: “[...] by the term *disclosure* it is understood that a person is revealing that they have been the victim (or witness) of sexual violence. The disclosure does not necessarily entail an official complaint.”⁴

In the present Policy, the terms “disclosure” and “reporting” are one and the same, unless the context requires otherwise.

Director: A person in a director position or a manager or supervisor

³ Based on: *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>

⁴ *Stratégie d’intervention pour prévenir et contrer les violences à caractère sexuel en enseignement supérieur 2017-2022*, Ministère de l’Éducation et de l’Enseignement supérieur, 2017, p. 17

Student: All persons registered for or who participate in a training activity provided by the College, whether such activity is credited or not or whether or not this activity leads to the completion of a diploma, an attestation of studies or any other certifications.

One-stop shop: Combined resources and services provided by the College in situations of sexual violence where the first level of contact is with the resource person, as provided for in the Policy.

Sexual harassment: “Sexual harassment is included in the definition of psychological harassment. It can therefore be a vexatious conduct manifested by certain behavior, words, acts or repeated gestures, which are hostile and unwanted, undermining the dignity or psychological or physical integrity of the person, leading to a harmful work environment. Psychological harassment includes such behavior when it is expressed by words or acts of a sexual nature.

Inappropriate behavior may also constitute as psychological harassment if it violates the person and has a harmful effect on them.”⁵

Sexual misconduct: “Sexual misconduct refers to improper gestures of a sexual nature made in the context of a professional relationship as per the Professional Code (Professional Code, RLRQ, c. C-26, art.59.1).”⁶

Premises: All of the premises owned, leased or used by the College for its activities

Law: *Act to prevent and fight sexual violence in higher education institutions*⁷

External member: Each and every person who is not employed by the College and who sits on a work committee or administrative boards such as the executive committee or Board of Directors

Ministère: *Ministère de l'Éducation et de l'Enseignement supérieur*

Minister: *Ministre de l'Enseignement supérieur*

Sports organization: intramural or intercollegiate sports team as well as its directors, coaches and employees, including all volunteers

Targeted person: person who is alleged to be the sexual offender

Employee: All persons employed by the College, whatever their function, title, status or means of remuneration, including all persons working on contract or on a specific mandate

⁵ *Gabarit de politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges, Fédération des cégeps, mai 2018, p.3*

⁶ *Gabarit de politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges, Fédération des cégeps, mai 2018, p.4*

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

Plaintiff : Person who issues the complaint

Complaint: “A Complaint is a formal process followed by the victim to officially report the situation [of sexual violence] to the learning establishment or to the police department. The purpose of an administrative complaint is to make the situation of misconduct or sexual harassment known and to punish the person in question. Furthermore, a police report implies that an offence may have been committed.”⁸

Policy: The present Policy, unless otherwise specified

Relationship of authority: The principle of authority results in a hierarchical relationship between two individuals. In the Policy, this definition includes all relationships with, on the one hand, a director, an employee, a coach and volunteer of a sport’s organization and, on the other hand, a student, which includes situations of assistance.⁹

Pedagogical relationship: A relationship in the context of training and learning and based on, for example, a teacher and student type of interaction, an instructor and a trainee or a teaching professional and a student, etc.¹⁰

Union: Syndicat des professeurs du Collège O’Sullivan de Montréal inc. (SPCO) including their directors, representatives and employees

Active witness: A person aware of the importance of acting in a situation where there is a risk of sexual violence and who has received the proper training in this regard

Third party: Any physical or moral person who is not a director, an employee, an external member, a student nor anyone having any type of relation with the College. For example, the employees at a stage emplacement, a service provider, a cafeteria employee, a volunteer, etc.

Sexual violence: “1. [...] the notion of sexual violence includes all types of violence committed by sexual practices and targeting sexuality, such as sexual assault.

This notion includes other types of misconduct which are manifested by actions, words, behavior, attitude or unwanted sexual connotations, including those regarding sexual diversity or expressed directly or indirectly, including by ways of technology.”¹¹

⁸ *Stratégie d’intervention pour prévenir et contrer les violences à caractère sexuel en enseignement supérieur 2017-2022, Ministère de l’Éducation et de l’Enseignement supérieur, 2017, p. 17*

⁹ Definition inspired from the online French language dictionary *Larousse*
<https://www.larousse.fr/dictionnaires/francais>

¹⁰ Definition inspired by various online articles on pedagogical relationships

¹¹ *Act to prevent and fight sexual violence in higher education institutions*, art. 1, RLRQ c. P-22.1

3. OBJECTIVES OF THE POLICY

- ✓ Respect the requirements of the Law
- ✓ Prohibit all sexual violence within the College community, including by means of technology (platform, email, social media, etc.), and all measures of retaliation against the person having formulated a disclosure or a complaint
- ✓ As prescribed by the Law, “prevent and (...) fight against sexual violence”¹², by putting into place activities regarding awareness, prevention, and training as well as measures of supervision
- ✓ Create a unique one-stop shop of services and resources for situations of sexual violence available to the entire College community
- ✓ Establish a treatment process of the disclosures and complaints received within the delays prescribed by the Law
- ✓ Define the respective roles and responsibilities of the members of the College community
- ✓ Enforce the measures already in place in order to continue to encourage and provide students with a safe and sound work environment, free of all types of harassment and violence, including sexual violence

4. SCOPE

The students, the external members, the employees, the directors, third parties as well as student representatives, the unions and the sports organization must respect the Policy, or will be subject to a penalty.

The Policy covers all pedagogical activities or other activities held on the College premises. It also applies to all activities held outside of the College in relation with a Program of Studies—for example, a stage—or activities organized by the College, such as trips, or activities organized by organizations linked to the College, the student representatives, the sports organizations, such as sports competitions and sociocultural activities, or by members of the College community.

When the activities are held outside of the College premises and the targeted person does not have any link with the College, the victim, if he or she studies at or works at the College, may use the services offered by the College for situations of sexual violence, and this, even if the College does not have the authority to punish the targeted person in the same manner as if they were a member of the College community or a third party.

If the targeted person is a member of the College community, they may also use the services offered by the College whether the victim is a member of the College community or not. The Policy also applies to sexual violence expressed with technology. It reinforces the College Policy in this regard.

¹²*Act to prevent and fight sexual violence in higher education institutions*, art. 1, RLRQ c. P-22.1

5. RESPECTIVE ROLES AND RESPONSIBILITIES OF ALL THE MEMBERS OF THE COLLEGE COMMUNITY

- 5.1 The whole of the College community

All of the members of the College community must take cognizance of and respect the Policy, show good judgment, follow the required training, assist the victims and provide the information of the one-stop shop or the numbers in case of emergency.

Also, all members of the community are strongly encouraged to report any incidents including those witnessed.

- 5.2 The Board of Directors

The Board of Directors adopts the Policy and its amendments accordingly and receives rendering of account reports annually.

- 5.3 The permanent committee

The committee, who is responsible for the development and review of the Policy, consults with the College community and ensures necessary follow-ups are made.

- 5.4 The Director General

The Director General ensures the respect of the Law, and more specifically the enforcement and respect of the Policy, the treatment of disclosures and complaints within the delays prescribed by the Law and the preparation and the submission of the rendering of accounts to the Board of Directors. The Director General must send all required documents to the Minister within the delays prescribed by Law or by the said Minister.

- 5.5 The directors

The department directors or supervisors must ensure that the Policy is applied in their respective departments and must follow the required training provided for in section 7.

The directors must support the employees responsible of the interventions arising from the present Policy.

- 5.6 The employees

The roles and responsibilities are listed in section 5.1 of the Policy.

- 5.7 The students

The roles and responsibilities are listed in section 5.1 of the Policy.

- 5.8 The directors and student representatives

The directors and student representative must exhibit leadership by collaborating in the implementation and enforcement of the Policy. They must also ensure that the Policy is respected during activities organized by the students. In addition, they must follow the required training activities provided for in section 7 of the Policy and encourage students to take part in activities offered by the College regarding sexual violence.

- 5.9 The directors and union representatives

The directors and union representatives must implement and enforce the Policy, more specifically during activities organized by the unions, by following training activities provided for in section 7 of the Policy and by encouraging their members to participate in activities offered by the College regarding sexual violence.

- 5.10 The resource person (one-stop shop)

By collaborating with the specialized resources within their team, the resource person who is responsible for the one-stop shop, welcomes, listens, informs, receives disclosures and complaints, and ensures that the necessary follow-ups are made within the required delays. The resource person is encouraged to take part in the implementation of the support measures, to offer specialized services or to assist a victim or targeted person in obtaining the proper psychosocial assistance at or outside of the College, depending on their needs, and to provide guidance.

The resource person must follow trainings on sexual violence regularly in order to fulfill their role and responsibilities. The resource person is in direct contact with the organizations who participate in the committee activities on sexual violence, including those organized by the Association des collèges privés du Québec.

- 5.11 Specialized resources

By collaborating with the resource person, they offer the appropriate psychosocial assistance on the premises or outside of the College.

- 5.12 Third party

Third parties take cognizance of the Policy and undertake to respect its dispositions. For those who work on the College premises, it is recommended to follow the same training as the one offered to the employees.

6. PREVENTION AND AWARENESS MEASURES

- 6.1 General measures

The College has put in place various prevention and awareness measures. For example:

- ✓ From the moment of admission, the future students are informed of the existence of the Policy and are encouraged to read it.
- ✓ At the beginning of the fall and winter semesters, a welcome table dedicated to sexual violence allows students to ask questions.
- ✓ Short videos on the subject are available on the electronic platforms of the College.
- ✓ Information capsules reiterating details of the Policy are publicized from time to time in College print and electronic media.
- ✓ Legal information capsules clearly expressed (for example, pertaining to sexual offences, harassment, and civil and criminal recourses) are reiterated in the College print and electronic media.
- ✓ On the College screens and on the electronic platforms, short messages on the specialized organizations, their types of interventions, their activities, and their contact information are displayed from time to time.

- 6.2 Persons more at risk

Values of openness towards others and respect exhibited by the College advocates acceptance of differences. Persons of sexual minorities or of certain cultural minorities, indigenous minorities, or persons from abroad or with disabilities may be more vulnerable to sexual violence.

The Policy recognizes this by making information on this matter available to everyone who frequents the College, and this by publicizing information capsules from time to time in the College print and electronic media. The most vulnerable individuals are encouraged to discuss their situation with those responsible for the one-stop shop.

7. REQUIRED TRAINING

The College is required, by Law, to offer training courses to the members of the College community.

The directors of the College, the employees, the directors and association and union representatives as well as student representatives must follow the training on an annual basis.

- 7.1 For the students

A training course regarding each of the chapters of the Policy, in which the definitions address many elements, the Code of conduct in pedagogical or authority relationships, the resources and services available at or outside of the College, high-risk situations and regarding the conduct of the witness of a situation.

The training, in the form of a video, must be viewed when the students obtain their schedule at the College or on the College platform.

- 7.2 For the directors and student representatives

In addition to the training provided for in section 7.1, an active witness training given by video or by a peer group as well as training on their responsibilities as directors and student representatives is offered at the leadership camp of the *ACPQ* one September.

Other thematic trainings may be added annually.

- 7.3 For the directors and union representatives

In addition to the training provided for in section 7.1, an active witness training video is available on the College's platform as well as training on their responsibilities when they organize activities at or outside of the College.

Other thematic trainings may be added annually.

- 7.4 For the employees

A training course regarding each of the chapters of the Policy, in which the definitions address many elements, the Code of conduct in pedagogical or authority relationships, the resources and services available at or outside of the College, high-risk situations and on the behavior of the witness of a situation. The training is recorded on video and is aired at the employees' welcoming activity.

Other thematic trainings may be added annually.

- 7.5 For the Director General and department directors

In addition to the employee training, an active witness training is available on video on the College platform.

A training course on their responsibilities when they organize activities at or outside of the College.

For the Director General and certain directors (sports organizations, residences, etc.), as well as, a training on particularities in their respective environments.

Other thematic trainings may be added annually.

- 7.6 For the College's first responders (resource person and one-stop shop) and the permanent committee

A more specific training is provided on rape, legal aspects as well as the receipt of a disclosure or complaint.

- 7.7 For third parties

Everyone who works on the College premises is encouraged to attend the employee information session.

8. SECURITY MEASURES

The College is equipped with a locking system of its doors outside of regular opening hours and surveillance cameras operate 24 hours a day, 7 days a week. The classroom doors are locked after each use. However, great caution is required during less busy times at the College.

Any suspicious behavior must be reported to the reception during regular opening hours.

The College's security equipment is verified on a regular basis, and proper measures are taken as soon as the problem is revealed.

Following a disclosure or complaint, the College verifies, modifies, and strengthens, if need be, its security measures, if the incident occurred on premises controlled by the College.

- 8.1 IT and social networks

Even with the technological surveillance on social media and the College's other electronic platforms, it is important to remain alert and advise the resource person of any sexually violent images or inappropriate language used or published electronically, as provided for in the College's policy in regard to technological subjects.

9. SUPERVISION MEASURES FOR SOCIAL, WELCOMING AND SPORTS ACTIVITIES

9.1 Reminder

The Policy applies to all activities organized by the College, a director, an employee, the student representatives, a sports organization, or a union, whether held on the College premises or not.

- 9.2 Rules to follow

The person responsible for an activity must present themselves to the resource person at the one-stop shop and must fill out an activity form by indicating the measures taken by the organizers to prevent sexual violence. For example, prior to the event, in the publicity or email invitations, indicate that *without a yes, it's a no!* and the numbers to call in case of an emergency. For example, during the event, display the information communicated prior to the event and also include a sign about moderate drinking.

The person responsible for the activity “must take the necessary measure to avoid any games, jokes or activity that may compromise anyone’s physical and psychological integrity.”¹³

At all times, the person responsible for the activity or any other person from the organization present at the event must act as an active witness. The College reserves the right to require one or more active witnesses depending on the number of participants to an activity.

The organizers who do not adhere to these rules are subject to sanctions (see section 18).

10. STAGE AND OTHER EXTERNAL ACTIVITIES

The Policy continues to apply when a stage or other pedagogical activities bring students to learn outside of the College premises without necessarily being in the continued presence of a teacher or other College employee. The students, College employees and third parties must respect the Policy. If a member of the College community is a victim of sexual violence, they are encouraged to visit the reception, referral and support services offered by the College for situations of sexual violence, and this, even if the targeted person is not from the College.

The targeted person who is a student or who works at the College may use the services listed in the present Policy, even if the victim is not a member of the College community and this, even if the alleged perpetrator is not from the College.

This also applies to activities such as trips organized by the College; it is therefore possible to use the services remotely by contacting the College’s one-stop shop at 514-866-4622 extension 124 or by email at aide@osullivan.edu.

11. DISPOSITIONS APPLICABLE TO THIRD PARTIES

The College informs the individuals or external organization with whom they are dealing, of the Policy’s existence and provides them with access via a link to a platform included in exchanged emails or contracts binding the parties.

¹³ Accompanying information guide for higher learning establishments/Development of the Policy imposed by the *Act to prevent and fight sexual violence in higher education institutions, Ministère de l’Éducation et de l’Enseignement supérieur, Gouvernement du Québec, 2018, p.14*

Compliance with the policy is a condition of execution of any contract binding a third party. The College requests that third parties distribute the Policy to the individuals in their organization who are in contact with members of the College community.

If the third parties work on the College premises—cafeteria employees, for example—the College formally encourages them to not only take cognizance of the Policy, but to also follow the required training imposed on the whole of the College community (see section 7).

- 11.1 Sanctions

The College may not impose the same sanctions to third parties as they do to students and employees who do not comply with the Policy. However, the College may terminate their relationship with a third party who does not comply with the Policy or prohibit them from having access to the College premises.

12. CODE OF CONDUCT IN PEDAGOGICAL OR AUTHORITY RELATIONSHIPS

- 12.1 Rules of conduct at the College

The rules of conduct listed in the College’s institutional documents and good practice promote respect and the absence of conflicts of interest, whether real or apparent, in the relations between members of the College community.

The Law sets guideline for certain situations.

- 12.2 Code of Conduct in Pedagogical or Authority Relationships

The College will not tolerate any romantic or sexual relationships between a student and a person of authority or teaching staff at the College. All employees and teaching staff must avoid developing such a relationship.

Should such a relationship exist prior to the coming into effect of the Code of Conduct or should one begin after, the person in the pedagogical or authority position must immediately advise, in writing, the Department of Studies to stop the pedagogical or authority relationship from continuing (for example, transfer of group, evaluation by a different teacher, etc.).

The Code also applies when technological methods are involved. According to the Policy, any relationship between a student and a staff member is limited to a professional exchange, meaning that messages and images shared on social media and through other communication technologies must be limited to College activities. There should be no friendly or personal exchanges.

- 12.3 Sanctions

Non-compliance with the Code may result in the application of the sanctions mentioned in section 18 of the Policy.

13. WELCOMING, REFERRAL, PSYCHOSOCIAL AND SUPPORT SERVICES

- 13.1 One-stop shop

The services are offered at the one-stop shop, student life services, located in local 301, telephone: 514-866-4622 extension 124, email: aide@osullivan.edu.

Outside of opening hours contact the toll-free number 1-888-933-9007 from anywhere in Québec, at all times, for someone to listen, for information and references. In this case, we encourage you to follow up with the resource person upon your return to the College.

- 13.2 Services offered

The services are offered to the victim, to the targeted persons, to the witnesses and the whole of the College community.

The welcoming services answer questions on sexual violence and provide information on the options available to the victim or witness (see Annex 1). They receive the disclosures and administrative complaints, start the treatment process, suggest accommodations, in collaboration with professional resources and the victim, and offer the appropriate psychological and support to the victim, the witness or targeted person. A victim who wishes to institute criminal charges can find the necessary information prior to starting the process.

The College can refer the victim or targeted person to external specialized resources in various fields who can offer them the proper support.

- 13.3 Delays

The intervention delay to provide the services offered and to implement the accommodation measures is seven (7) days.

14. PROCEDURES TO FOLLOW WHEN DISCLOSING, REPORTING OR ISSUING A COMPLAINT

- 14.1 Disclosure and administrative complaint

The victim of sexual violence may, in confidence, make a disclosure or complaint at any time, meaning whenever it is convenient for them.

A witness may also disclose at any time, in confidence, an event.

The victim is immediately informed of the possibility of proceeding anonymously as well as the possibility of being able to institute more than one proceeding at the same time and that the process can be terminated at any time.

For a disclosure:

The victim contacts the resource person at the support services, located in local 301, telephone: 514-866-4622 extension 124, email: aide@osullivan.edu.

- ✓ Outside of opening hours, the victim may dial the emergency number 1-888-933-9007 for external services and then communicate with the resource person;
- ✓ The resource person welcomes, listens and helps the victim evaluate the available options (see Annex 2);
- ✓ Depending on the situation, the resource person or a specialized resource guides the victim to be able to address the situation themselves, should they wish to do so; by suggesting mediation, psychosocial and support services; explore the possible accommodation measure; explain the administrative complaint process; and inform them of the possibility of filing a police report (see Annex 4). Whatever the situation, the final decisions on how to proceed are made by the victim (see section 16.2 for the exceptions).

If the victim decides to immediately form a complaint, the resource person assists the victim with completing the **administrative complaint** form and informs the victim of the persons who will take cognizance of the complaint in the treatment of the file.

According to the circumstances, **accommodation measures** for a student may be, for example, of a pedagogical nature (transfer of groups, delay of evaluation, pedagogical adjustments, etc.) or administrative (termination of the lease without penalty, suspension of the educational services contracts, etc.).

For a staff member, the measures may, for example, be in the form of temporary displacement, a change of superior, etc.

- 14.2 Police report

Should the victim choose to make a police report—which can be made at any time—the resource person refers the victim to the proper authorities and continues to provide the appropriate services at the College.

- 14.3 Reporting an incident

A person who witnesses sexual violence must report the incident to the resource person or report the situation to the person responsible for the activity or communicate directly with the police.

15. FOLLOW-UP TO A DISCLOSURE OR TO AN ADMINISTRATIVE COMPLAINT

- 15.1 Disclosure

According to section 13.3, the College provides the victim with support services within seven (7) days. The intervention can take many forms: educational arrangements, consultation with a psychologist, coaching, meditation, etc.

- 15.2 Administrative complaint

In processing an administrative complaint, the College follows the steps set out in Annex 3 as follows:

- ✓ The resource person provides the person responsible for evaluating the situation with the written form detailing the complaint, provided it is admissible.
- ✓ If admissible, the victim confirms wanting to continue with the process before the next steps are taken.
- ✓ The Department of Studies provides the file to the outside investigator, who meets with the victim, the targeted person and the witnesses. If the Department of Studies is too closely linked to the file, the Director General names a replacement.
- ✓ The investigator provides his report to the Department of Studies who renders a decision and determines the sanctions. The Director of Studies may retain the services of a committee for these two steps to avoid any possible conflicts.
- ✓ The resource person shares the conclusions of the report with the victim, without revealing if and which sanctions were imposed as this information is confidential.
- ✓ The Department of Studies or the designated person meets with the targeted person, to inform him of the conclusions of the investigation and the sanctions affecting him.

During the treatment process of the complaint, the persons concerned may access the support services offered to them at any time.

The maximum delay for processing a complaint is ninety (90) days.

- 15.3 Intervention in the College community

A disclosure or complaint may give rise to different outcomes:

- ✓ Informing the whole community of the incident, all while respecting confidentiality;
- ✓ Reminder of the roles and responsibilities of all of the members of the College community;
- ✓ Reminder of the proper behaviour of a witness or of a person whom a victim chooses to confide in;
- ✓ Meet with members of a sexual violence witness group;
- ✓ Put in place emergency measures.

Following a disclosure or a complaint, the College evaluates the situation and determines, if need be, the measures to reinforce or to implement to avoid the situation repeating itself.

Following a disclosure or complaint, at the request of the person making the disclosure or the complaint, the College must provide information regarding the disposition of the complaint, whether or not a sanction was imposed and the details and terms of the sanction, if any.

16. CONFIDENTIALITY AND COMMUNICATION OF INFORMATION

- 16.1 General rules

In accordance with the regulations and general practices, the College takes the appropriate measures to ensure disclosures and complaints are treated in the most confidential manner, to protect the victim, the targeted person and all other persons involved. The resource person therefore verifies, with the victim, the names of the persons who have access to the disclosure or complaint information in order that the victim be provided with the best services as possible, explaining that only necessary information will be provided. The resource person will then explain the consequences of any disclosure and a declaration of confidentiality will be signed.

The College may not require a person “to stay silent in order to protect the reputation of the College.”¹⁴

- 16.2 Minors and persons in particular situations

The resource person or someone from the College staff or an external specialized resource linked to the file must without delay, and in accordance with article 39 of the *Youth Protection Act*, inform the Director of Youth Protection of any incident of sexual violence involving a minor “if they have reason to believe that the security or development of the minor is in danger.”¹⁵

¹⁴ *Act to prevent and fight sexual violence in higher education institutions*, art. 3 (13), RLRQ c. P-22.1

¹⁵ *Guide d'accompagnement destiné aux établissements d'enseignement supérieur/Élaboration de la politique prescrite par la Loi visant à prévenir et à combattre les violences à caractère sexuel dans les établissements d'enseignement supérieur, Ministère de l'Éducation et de l'Enseignement supérieur, Gouvernement du Québec, 2018, p.17*

The College must alert the police if it has reason to believe that the security of a person is in danger or if the person is a threat to themselves, to others or to the College community (for example, for suicidal tendencies or for violent behaviour).

The College may forward confidential information when the purpose is to preserve security. Depending on the severity of the information received, the resource person may anonymously communicate the information to the appropriate authorities in order for the proper measures to be taken. All information identifying the persons having provided the information remains strictly confidential.

17. MEASURES AGAINST RETALIATION

The College takes the appropriate measures to protect the victim, a witness or all other individuals having provided information, from retaliation.

The resource person helps them evaluate the potential retaliation risks and suggests ways to counter them. For example: prohibit any contact between the victim and the targeted person, educational accommodations respectful of the academic process of the victim and all other appropriate measures according to the situation.

The College advises the targeted person to not harass or retaliate against the victim or a witness, with a reminder that all behaviour will be taken into account during the processing of the complaint which may end up having an effect on the eventual sanctions.

18. SANCTIONS FOR FAILING TO COMPLY WITH THE POLICY

The sanctions for failing to comply with the Policy, in accordance with the employment contracts, the collective agreement and the College's code of ethics, are administrative or disciplinary. They are determined and applied in function with the severity and repetitive nature of the non-compliance.

For a student, the sanctions vary from a note in the student's academic file to the student being expelled as well as to the termination of the educational service contract, the obligation of having to follow training on sexual violence, temporary suspension, being prohibited from the College premises and all other appropriate sanctions. For an employee, the sanctions vary from a note in the file to a dismissal, the obligation of having to follow training on sexual violence, suspension, being prohibited from the College premises and all other appropriate sanctions.

19. ACCESSIBILITY OF THE POLICY

The College's Policy is accessible at all times on the College website. The full text in paper version is available for consultation at the one-stop shop or at the College library.

Certain parts of the text are used from time to time in the College media when communicating information on sexual violence.

The Policy is provided to all new employees when they sign their employment contract.

20. THE POLICY COMING INTO EFFECT

The Policy comes into effect on the 1st day of September 2019.

21. POLICY REVIEW

Every two years, when the College prepares its annual report for the Board of Directors, the permanent committee evaluates the need for reviewing the Policy and makes recommendations in this regard to the Director General of the College. Should a review of the Policy be required, the committee establishes a consultation method.

The modifications are submitted to the Board of Directors for approval and then, the modified policy is forwarded to the *minister*.

The Law requires that the College review the Policy a minimum of once every five years.

22. RENDERING OF ACCOUNTS

The Director General submits an annual report to the Board of Directors in accordance with the policy.

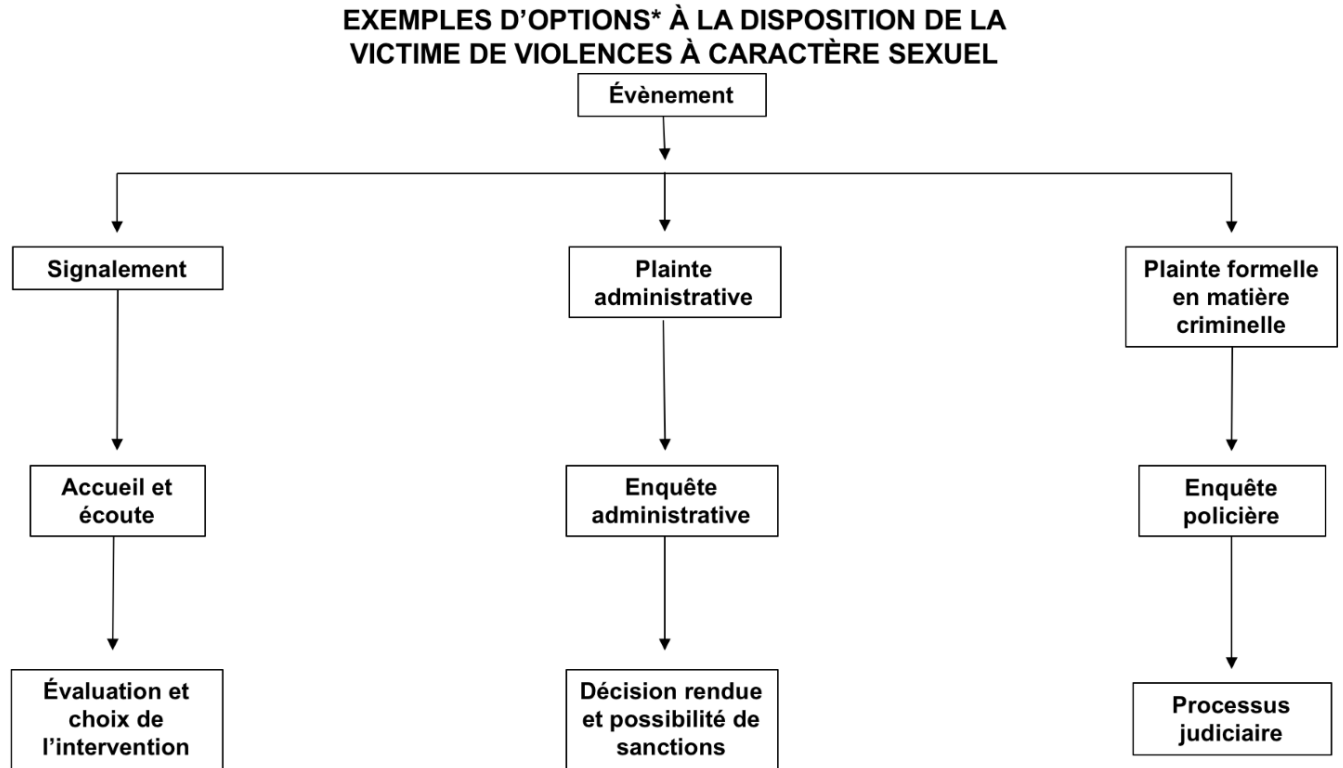
The rendering of accounts is completed by respecting the methodology and criteria established by the *minister*, regarding measures of prevention and awareness, training, security measures as well as the pertinence and effectiveness of the measures applied

during activities organized by a member of the College community.

The rendering of accounts is based on the filed disclosures and complaints, treatment delays, interventions and applied sanctions.

All information communicated during the annual report is as precise as possible and must be kept confidential to protect the rights of those implicate

Appendix 1 - OPTIONS

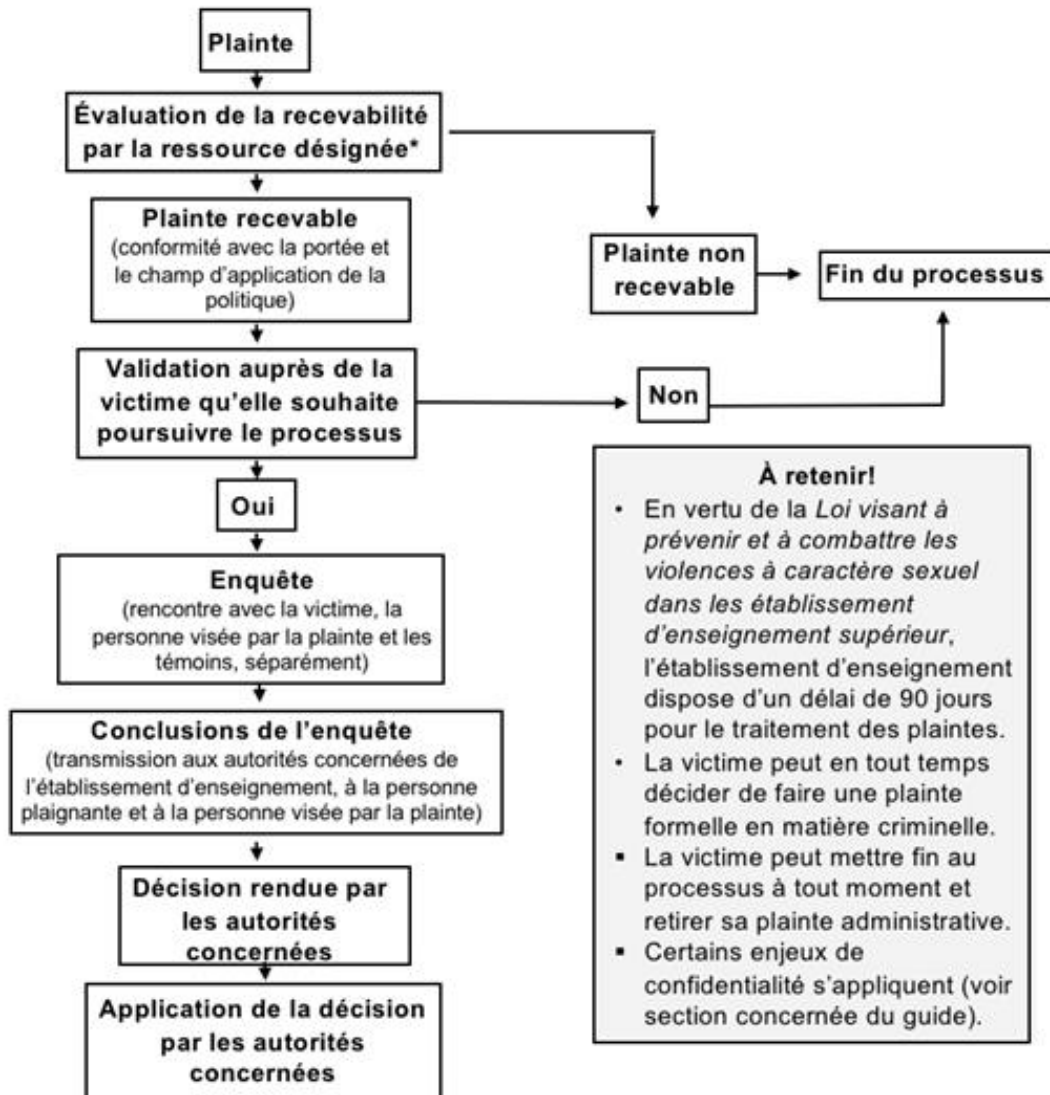


* Toutes les options doivent être offertes à la victime et le choix doit lui revenir. Le choix de l'une des options par la victime ne doit pas exclure la possibilité qu'elle puisse en entamer une autre par la suite ou parallèlement.

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

Appendix 2 – DICLOSURE/REPORTING

TRAITEMENT D'UNE PLAINTE ADMINISTRATIVE



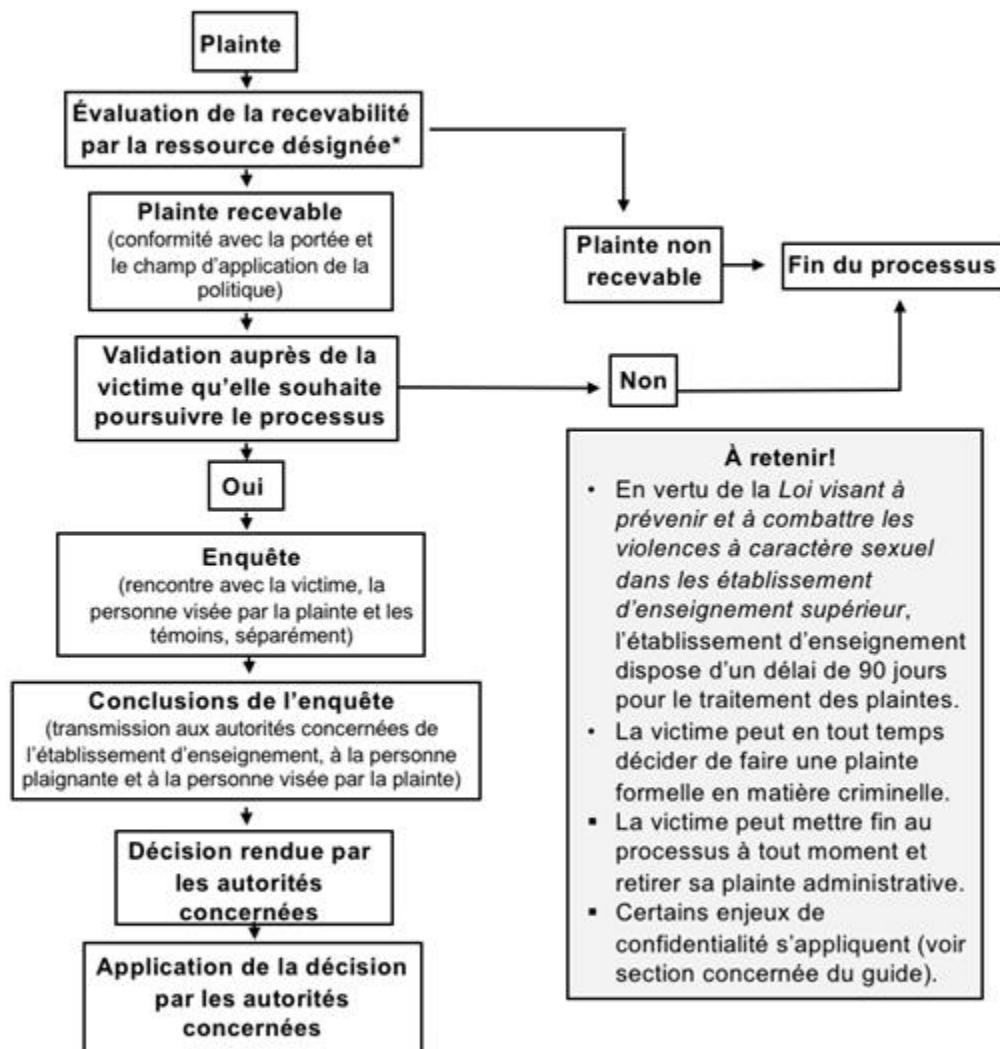
* Que la plainte soit jugée recevable ou non, les mesures d'accompagnement et les autres choix d'intervention doivent être offerts à la victime.

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_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



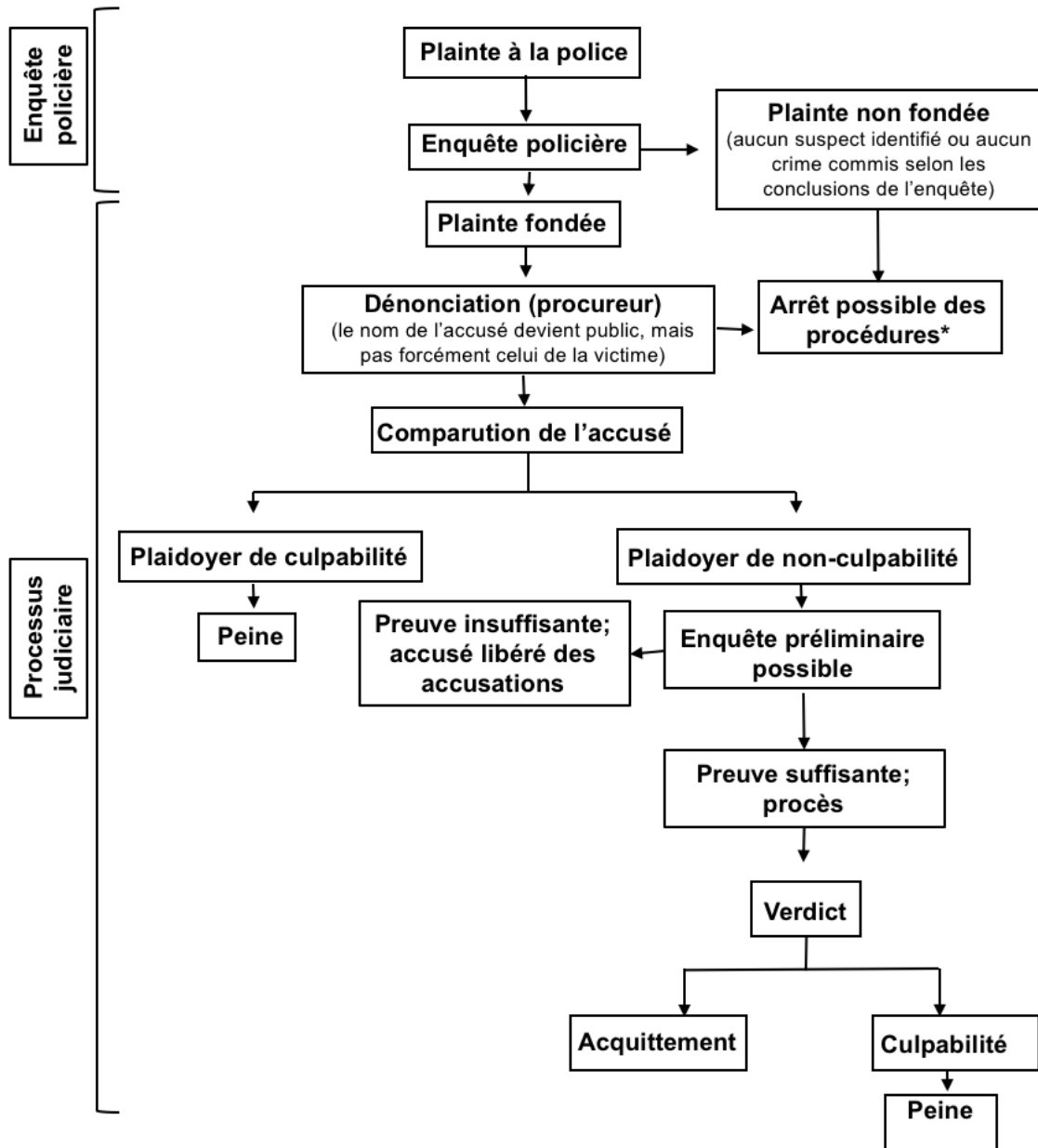
* Que la plainte soit jugée recevable ou non, les mesures d'accompagnement et les autres choix d'intervention doivent être offerts à la victime.

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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_adopte-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 – RESOURCES AND LAW ENFORCEMENT CONTACT INFO

College Resources

Sexual Violence Prevention and Resource Center: contact the Student Life Coordinator, room 01, 514-866-4622, extension 110 or aide@osullivan.edu

External Resources

- Emergency : Sexual Violence Helpline is available 24/7 at 1-888-933-9007
- CAVAC (Montreal crime victims assistance center)
514-277-9860
<https://cavac.qc.ca/en/contact/reach-a-cavac/>
- SOS Domestic Violence
Hotline 24/7 : 1-800-363-9010
Text messages : 438-601-1211
- Centre pour les victimes d'agressions sexuelles à Montréal
Address : 1801 boul. de Maisonneuve Ouest, Bureau 600, Montréal, Québec, H3H 1J9
Email address : info@cvasm.ca
Website : <https://www.cvasm.org/>
- DPCP (office of criminal prosecutions) emergency line 24/7, 1 888 933-9007
- DPCP (office of criminal prosecutions) information line about filling a complaint
with the police 1 877 547-3727

Law Enforcement

- Poste de police de quartier 20
1432 Sainte-Catherine Ouest, Montréal, H3G 1R3
514-280-0120
<http://www.spvm.qc.ca/>
- Pour toute urgence : 911

Saut de page

Annexe 6 – LIST OF FORMS

All forms are available in room 01 with the resource person.

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