



POLICY No. 12

# **POLICY AGAINST SEXUAL VIOLENCE <sup>1</sup>**

## **MODIFICATIONS**

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Adopted December 2018  
BG-18-012-220

## **NOTES**

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<sup>1</sup>. This policy was written by Marie-Lou Larouche, Pedagogical Counsellor at TAV College.

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## A. FORWARD

TAV College actively seeks to promote healthy and positive interpersonal relationships among all members of the college community. This policy aims to prevent all forms of sexual violence (VCS) and meets the requirements of Bill 151, *An Act to prevent and fight sexual violence in higher education institutions*. As an institution, the College must promote mutual respect, tolerance and acceptance of others. Each member of the college community is responsible for collaborating and implementing this policy against sexual violence. This Policy also applies to third persons working directly on the College campus. Thus the College's Code of Conduct states that:

The [College] will have zero tolerance for anyone who is violent or who adopts behaviours that may compromise the physical integrity of anyone who attends TAV College. The [College] will sanction sexual and psychological harassment, other criminal acts and any form of misconduct. This regulation will be applied in accordance with individual rights already recognized by the laws in force, particularly through the Quebec and Canadian Charters of Rights and Freedoms.<sup>1</sup>

In addition, is liable to punishment, expulsion or dismissal any person who :

acts in a way that endangers the health and safety of others; attacks the reputation of another by libellous statements; commits immoral acts including acts of gross indecency; commits sexual or psychological harassment.<sup>2</sup>

A person commits an act of sexual harassment, psychological harassment or violence, when he/she: makes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature; subjects others or exposes others to behavior that may result in psychological trauma that can include anxiety and depression; adopts attitudes and/or violent behaviours that violate the laws of Canada and Quebec.<sup>3</sup>

The College recognizes that some groups are more vulnerable and ensures that all those who are targeted by this Policy are made aware of these issues. This Policy takes into account those at greater risk of experiencing sexual violence, persons from sexual or gender minorities, cultural communities or Indigenous communities, foreign students and persons with disabilities.

## B. DEFINITIONS

### a) The College

This entity groups together the entire community employed at the College: management, administrative staff, teaching staff, program coordinators, professionals and support staff.

### b) Consent

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<sup>1</sup> *Code of Conduct*, « Article 3 », TAV College (2013).

<sup>2</sup> *Ibid.*, « Article 13 ».

<sup>3</sup> *Ibid.*, « Article 2.1 ».

The agreement a person gives to her/his partner when participating in a sexual activity. This consent must be given voluntarily, it is a free and informed choice. Consent must be clear and given personally by the person involved in the sexual activity. Staying silent is not giving consent.

c) Disclosure

A disclosure occurs if the person reveals that she has been the victim of sexual violence. It can result in a request for help, support or a need of accommodation.

d) Targeted Person

Refers to the person against whom the allegations weigh.

e) Person in Authority

Anyone who has a pedagogical relationship with, or authority over a student (teacher, internship supervisor, individual tutor, support staff, etc.) as well as any management staff (senior staff, administrative staff, program coordinator, academic advisor, etc.).

f) Standing Committee

These people are responsible for studying the follow-up issues or processing of a disclosure or an administrative complaint and designate the person responsible (the designated person) for the single-window service at the College. This committee should be composed of members from the student body, administrative staff and staff members. The Standing Committee must elaborate, review and ensure policy follow-up.

g) Designated Person

This person is designated by the Standing Committee and is responsible for the single-window service for receiving and guiding members of the College community who are subjected to a situation of sexual violence.

h) Complainant

A member of the College community or a third party (partners, visitors, contractors, guests, etc.) who has reported a situation or made a formal complaint of sexual violence.

i) Administrative Complaint

It aims to acknowledge a situation of sexual misconduct and to punish the defendant (the targeted person). A form (see [Annex I](#)) must be completed by the complainant and will be the first step in the formalization of the complaint.

j) Police Complaint

A police complaint involves the possible perpetration of a criminal offense. A victim who wishes to report an act, event or act of a criminal nature must be immediately and systematically referred to the police force for a statement to be taken by an experienced investigator.<sup>4</sup>

k) Third persons

Any person outside TAV College in relation with the College (outside organizations, guests, service providers, contractual resources, consultants, visitors, etc.).

l) Sexual Violence

Any form of violence, physical or psychological, carried out through sexual practices or targeting sexuality (sexual assault, sexual harassment and any form of sexual misconduct).

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<sup>4</sup> *Intervention Strategy for Preventing and Countering Sexual Violence in Higher Education (2017-2022)*, Ministère de l'éducation et de l'enseignement supérieur, < [http://www.education.gouv.qc.ca/fileadmin/site\\_web/documents/enseignement-superieur/Brochure\\_Violences\\_Sexuelles\\_EN.pdf](http://www.education.gouv.qc.ca/fileadmin/site_web/documents/enseignement-superieur/Brochure_Violences_Sexuelles_EN.pdf) >, 2017, p. 17.

## **C. RESPONSIBILITIES**

### **1. Members of the College community**

All members of the TAV College community must:

- Acquaint themselves with the Policy and understand its content, respect its requirements, its obligations and the Code of Conduct;
- Be aware of the importance of taking action when witnessing a situation where there is a risk of sexual violence;
- Take part in the mandatory training and provide information on resources to a person victim who confided in them.

### **2. Dean of Studies**

The dean of Studies is the main person designated to receive and promptly manage any reports or complaints regarding sexual violence. It is his duty to consider the severity of each incident related to sexual violence, the disciplinary measures taken and, at all times, the well-being of students and employees (teachers, professionals, management, support staff) when it comes to determining the consequences of this type of violence.

The dean of studies:

- Recommends the adoption of the Policy against Sexual Violence that strictly complies to the recommendations and guidelines in Bill 151;
- Oversees the implementation of the College Standing Committee for this policy;
- Oversees the respect, application and enforcement of the policy by staff, teachers and students;
- Oversees the revision, evaluation and update of the policy when modifications are deemed necessary. In accordance with Bill 151, students and members of the College community must be consulted for the revision of this policy;
- Submits the policy to the minister as soon as it is adopted and as soon as it is amended;
- Disseminates the policy to all students, staff and teachers: this policy will be presented to every new student and employee at the beginning of each semester.
- Provides students, teachers, professionals and support staff with the necessary resources to ensure compliance with the policy;
- Supports staff members who intervene and ensures administrative complaints are treated with diligence and within the expected time limits;
- Produces an annual report prescribed by law;
- With the complainant's consent, receives the incident report and, if applicable, approves the appropriate support measures;
- Protects the confidentiality of any report or complaint related to sexual misconduct;
- For students under 18 years of age, the dean of studies :
  - Informs parents or guardians of this policy;
  - Notifies the parents or guardians of the complaining student of the act and the nature of the incident that harmed their child and the measures taken to prevent other acts of sexual misconduct.

### **3. The College**

- Provides a safe and healthy environment for its employees and students – where each person can develop their full potential, free of any violence;
- Makes this policy available to the entire College community and ensures the application of its content;
- Supports the implementation of this policy, anti-violence and security measures, and the protocol to be followed when an act of sexual violence is committed.

### **4. The Standing Committee**

- Elaborates and reviews this policy, and ensures its application;
- Reviews issues arising from the follow-up or processing of a disclosure or an administrative complaint;
- Appoints and advises the person responsible (Designated Person) for the single window service in order to welcome, support and refer people to the available external resources;
- Helps reinforce the confidentiality of the cases processed at the College;

### **5. The Designated Person**

- Knows this policy and ensures its application;
- Welcomes complainants, witnesses and targeted persons; presents them options and offers them the support they need;
- Helps writing the incident report (if applicable);
- Protects the confidentiality of any report or complaint related to sexual misconduct;
- If necessary, refers complainants, witnesses and targeted persons to an external resource.

If a student, teacher or any other staff member witnesses and act of sexual misconduct, here are their responsibilities:

### **6. Teachers or other staff members**

- Know this policy and ensure its application;
- Refers the case to the Designated Person;
- Fills out an incident report with the Designated Person and the Committee (if necessary).

### **7. Students**

- Know this policy and respect its content;
- Notify the Designated Person of the situation;
- If relevant, provide testimony contributing to the incident report.

### **8. The Board of Governors**

The responsibilities of the Board of Governors are the following:

- Adopt the policy upon the commendation of the Dean of Studies;
- Adopt any report from the application or evaluation of this policy.

## **D. PREVENTION AND AWARENESS MEASURES**

In all cases, the change requires that all people concerned be sensitized to sexual violence and adhere to a common will to prevent them and to counter them. In educational institutions, increasing awareness among managing staff, teachers, students, the entire College community, is essential in preventing sexual violence.

### **1. Training activities and security measures**

- Mandatory training activities for students will be offered on a yearly basis.
- Mandatory training activities for management and staff members will be offered on a yearly basis.
- These activities take into consideration the setting that may place the most vulnerable people in situations where they may be subject to sexual violence, namely persons from sexual or gender minorities, cultural communities or Indigenous communities, foreign students and persons with disabilities;
- The Policy against Sexual Violence will be disseminated among all staff members – teachers, support staff and teachers, for the first time in Winter 2019. The policy will also automatically be distributed to every new staff member.
- A poster raising awareness on sexual violence will be put up on each floor and in every College pavilion. The poster will present a list of different external resources, including the CAVAC (Crime Victims Assistance Centre) and the CALACS (Quebec coalition of sexual assault centers).
- The College will do everything to ensure the security of the entire college community. The College will continuously review its infrastructure to maintain a safe environment.
- All social and welcoming activities organized by the College must be planned and conducted so the events take place in a healthy and safe manner, in order to prevent any act of sexual violence.

## **E. GRIEVANCE MECHANISMS**

### **1. Options for the complainant**

The process for handling complaints and disclosures are major issues in the fight against sexual violence. The grievance mechanisms aim to protect and support the victim.

However, it is important to remember that [the College] cannot replace the police or the justice system in handling formal complaints of sexual violence. Sexual violence is a serious crime and, as such, should be reported to the police: no other body can take witness statements, conduct a formal investigation and ensure the victim's safety. Thus, at any time, and especially when they report a criminal offence, complainants must be systematically referred to the police or to a recognized victim-support organization, such as a crime victims assistance centre (in French, CAVAC) or a sexual assault prevention and assistance centre (in French, CALACS), to learn what options are available to them, the procedure to follow, and so on.<sup>5</sup>

Some victims may wish to remain at the level of support without proceeding as far as an investigation. Institutions will therefore have to ensure that victims have the option of not having an administrative investigation and, if one is conducted, the right not to participate in it. The police,

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<sup>5</sup> *Intervention Strategy, op. cit.*, p. 20.



however, are not bound by the victim's choices with respect to an administrative investigation. It is important to point out that all documentation related to an administrative complaint can be used in criminal proceedings, if applicable.<sup>6</sup>

## **2. Processing disclosures or complaints**

Anybody wishing to provide information regarding a violation of the Policy against Sexual Violence must first contact the College designated person. Afterwards, with the complainant's authorization, the designated person may consult a third party (the Standing Committee, another College resource or external resource) if necessary. In case of disclosure or complaint, the College must implement accommodations measures, offer a service and/or take action within 7 business days following the receipt of the complaint. The complaint must be processed within 30 days following the receipt of the complaint or disclosure.

### **a) Processing disclosures**

When a situation or a disclosure is reported, the designated person must receive the complainant. After an assessment of the situation, an appropriate intervention choice is decided with the complainant's collaboration:

- An intervention;
- Accommodation measures;
- A referral to an external resource (CAVAC and CALACS);
- Accompanying the complainant in case of a police or an administrative complaint.

The intervention can take many forms and the accommodations can be maintained, modified or cancelled at any moment by the complainant. The College commits to responding to any disclosure or complaint within 7 business days. The complaint or disclosure must be processed within 30 days following its receipt. If needed, the designated person may make recommendations to the Standing Committee and the College so that this type of situation does not happen again.

### **b) Processing a complaint**

The first step for processing a complaint is to fill out an incident report. The process may end at any time if the complainant wishes it. The situation is then analyzed and may lead to a series of measures:

- An intervention;
- Mediation between the complainant and the targeted person (see [Annex II](#));
- A referral and/or an accompaniment to an external resource;
- An accompaniment in case of a police complaint.

Once the complainant has consented to the measures to put in place, the Standing Committee and the designated person must meet. The College must have processed this request within 7 business days. The complainant stays anonymous at this stage. At any moment, the complainant can validate or invalidate his/her complaint and can be accompanied by someone throughout all stages of the process.

## **3. Measures ensuring the confidentiality of the process**

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<sup>6</sup> *Ibid.*, p. 21.

At any given time, a person may file a complaint, a report, or provide information regarding any situation of sexual violence without being subjected to reprisal and in accordance with the [Privacy Act](#)<sup>7</sup>. Anyone may disclose information about a violation of this policy without fear of reprisal, unless this information has been transmitted for the purpose of misleading by making a false statement.

The designated person receiving the information must keep it confidential unless:

- He/she has the authorization of the person who has given the information;
- A law authorizes or instructs it;
- To prevent an act of violence;
- The information concerns a minor.

#### **4. Penalties for policy breach**

Penalties must take into consideration the nature, seriousness and repetitive character of the act of sexual misconduct. Any person violating the Policy against Sexual Violence is liable to, among others, the following sanctions:

- Restriction from communicating with the complainant;
- Restricted access to the campus, or part of the campus, according to the terms and duration determined;
- Immediate dismissal and/or termination of contract without notice;
- Immediate expulsion.

#### **5. External resources**

- CAVAC (Montreal)
  - **Montreal Centre** (Beaubien metro station)  
Phone number : 514 277-9860
  - **East End Montreal** (Cadillac metro station)  
Phone number : 514 645-9333
  - **West End Montreal** (Du Collège metro station)  
Phone number : 514 744-5048
  - **Services in Spanish**  
Phone number: 514 277-9860, ext. 2235
- CALACS de l'Ouest de l'Île  
Phone number: 514 684-2198    Email : [info@calacsdelouest.ca](mailto:info@calacsdelouest.ca)
- Montreal Sexual Assault Centre (CVASM)  
Helpline for victims of sexual assault: 514-933-9007    Email : [info@cvasm.ca](mailto:info@cvasm.ca)
- Centre for male victims of sexual abuse in childhood (Groupe PHASE)  
Phone number: 514 529-5567    Email : [info@criphase.org](mailto:info@criphase.org)

A resource list is also available in the TAV College agenda.

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<sup>7</sup> Department of Justice (Government of Canada), "Privacy Act", R.S.C. 1985, c. P-21.

## **F. CODE OF CONDUCT (TEACHER-STUDENT RELATIONSHIP)**

First and foremost, the College considers that intimate relationships between a staff member and a student over 18 goes against the institution's pedagogical mission. Therefore, all staff members must abstain from engaging in such relationships.

However, if relationships do take place, they must be respectful to promote a healthy and safe college environment. As soon as a staff member from the College (support staff, administrative, teacher) can influence the student's academic path, they are in a position of authority. Intimate relations between personnel members and a student can harm the professional dynamic between these people. To prevent any misuse of power in interpersonal relations, the College forbids anyone in a position of authority to have a romantic, sexual or intimate relationship with a student, as long as one has authority over the other. If there is a consensual romantic, sexual or intimate relationship with a student, the staff member will not be allowed to be in a position of authority, even if the relationship has ended.

## **G. IMPLEMENTING AND EVALUATING THE POLICY**

- The policy adopted by the board of governors is distributed to all teachers, staff members and students. The full text is available at the front desk and on the College website.
- The dean of studies is responsible for implementing this policy to all parties concerned.
- This policy must be updated every 5 years. The dean of studies will undertake an evaluation on the implementation of this policy in 2023. This evaluation will address the policy's objectives, the parties' responsibilities, its implementation and any other element deemed relevant.
- Any request for amendments must be done through a formal request to the dean of studies.
- Once approved by the board of governors, the amendment is included in the policy and all concerned parties are informed.

## **H. ACCOUNTABILITY**

- The College accounts for the policy's implementation in an annual report that includes the following :
  - Prevention and awareness measures implemented and training activities offered to the students;
  - Mandatory training activities: management, personnel members and students;
  - Security measures set up;
  - Number of complaints and reported situations received;
  - Carried out interventions / nature of penalties imposed;
  - Consultation process used for the policy's elaboration or amendment.



**Situation evaluation :**

How often has this happened (dates, circumstances)? Please try to be as precise as you can.

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How does the complainant feel? Why do you feel this way?

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Were there any witnesses for this incident or any other similar incident? If so, please state their names.

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Has the complainant informed anyone or taken any action before officially filing this report? If so, when?

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Has the complainant told the targeted person that this was unacceptable behaviour (for this incident or any other in the past)?

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Should the complainant seek professional support outside the College (community organization, CLSC, psychologist, etc.)? If so, where was the referral made?

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Set-up next appointment for follow-up if necessary:

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Are there any protective measures taken?

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Did you know the Policy against Sexual Violence before filing this report?

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**Comments:**

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Signature (designated person): \_\_\_\_\_

Signature (complainant) : \_\_\_\_\_

Date : \_\_\_\_\_

## APPENDIX II

### DECLARATION OF THE TARGETED PERSON<sup>9</sup>

Please print clearly the following answers and submit this form to the Dean of studies.

**Targeted person (name):** \_\_\_\_\_

**Complainant (name)→:**\_\_\_\_\_

**Semester / YEAR (ex. : Winter/2010) :** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Timeline and incident description** → Who; Where; When; What – harassment, aggression, cyberharassment, etc., inflicted in writing or in any other way.)

[illegible]

## Why was my behaviour unacceptable?

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## What should I have done?

[illegible]

<sup>9</sup> This form must be completed with the complainant's consent when a mediation process has been undertaken.

Consequence or penalty for targeted person (permanent note in College file; mandatory meetings with specialist– social worker, psychologist, etc.).

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Next appointment for follow-up:

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**Declaration of the person:**

I have been reminded of the College Code of conduct and the Policy against Sexual Violence.

Initials:

Date:

I understand that this behaviour is completely unacceptable and I accept the consequences decided. I know that if a similar incident happens in the future and I am involved, this will lead to my immediate expulsion.

Initials:

Date:

**Comments:**

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Signature (designated person): \_\_\_\_\_

Signature (targeted person) : \_\_\_\_\_

Date : \_\_\_\_\_