

**POLICY AGAINST SEXUAL VIOLENCE  
AT INSTITUT NATIONAL DE LA RECHERCHE SCIENTIFIQUE**

<b>ADOPTION</b>		
<b>AUTHORITY</b>	<b>DATE</b>	<b>DECISION</b>
Board of Directors	December 4, 2018	449A-2018-3878

<b>AMENDMENT(S)</b>			
<b>AUTHORITY</b>	<b>DATE</b>	<b>DECISION</b>	<b>COMMENTS</b>
Board of Directors	June 12, 2019	453A-2019-3916*	Articles 5.3, 9, 11.11, 15.2 and 15.3

<b>REVISION</b>	As required or at least every three years
<b>IN CHARGE</b>	Office of the Director General
<b>CODE</b>	P-28-2019.2

\*The French version alone of this Normative Document has been officially adopted by INRS's authorities. In case of differences, the French version prevails.



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## PREAMBLE

Institut national de la recherche scientifique (**INRS**) recognizes the fundamental right of all members of the University Community to respect and to the protection of their integrity. INRS also recognizes that each person is unique, demonstrates respect for individual and cultural differences, and is aware of the impact that any form of Sexual Violence (**SV**) may have on someone's health and well-being. Therefore, INRS takes steps to ensure each member of the University Community, and more specifically those who are most at risk, is able to work or study in a safe and healthy environment. To this end, INRS aims to prevent or, where necessary, end and penalize all SV situations.

The *Policy against Sexual Violence (Policy)* is not intended to limit the management rights of INRS; it is intended to complement the mechanisms provided for in the *Charter of Human Rights and Freedoms*, the *Act Respecting Labour Standards*, the *Civil Code of Québec*, and the *Criminal Code* as well as the provisions and proceedings provided for in the collective labour agreements in effect, in particular with regard to the right to file a grievance, the right to arbitration, and the right to union representation.

## 1. OBJECTIVES

By adopting the Policy, INRS aims to achieve the following objectives:

- reinforce action to prevent and combat SV;
- help foster and maintain a safe and healthy work and study environment for the University Community;
- implement means of prevention, awareness, accountability, support and assistance for the University Community;
- tell the University Community about the mechanisms available to report and stop, as applicable, all SV situations.

## 2. DEFINITIONS

For the purposes of enforcing the Policy, defined terms shall have the meanings assigned to them below section.

**Complainant:** Any person who files an SV complaint.

**Consent:** Agreement given by one person to another in relation to actions, words, behaviours, or attitudes with a sexual connotation. It must be given freely, voluntarily and on an informed basis, and can be withdrawn at any time. Sexual consent is deemed invalid if:

- the person is unconscious or unable to communicate;
- the person is under the influence of a drug or alcohol;
- the person is in a situation of power, trust or authority;
- the person changes their mind;
- the person says nothing or does not refuse;
- consent is obtained by way of threats and coercion.

**Executive:** A person hired to occupy an executive position provided for in INRS's organizational structure.

**Officer:** The Chief Executive Officer, director of research and academic affairs, director of human, administrative and financial resources and the INRS general secretary.

**Report:** The disclosure of information that is not an administrative complaint but is intended to identify or report a situation INRS is likely to have to do something about.

**Respondent:** An individual who is the subject of an SV complaint.

**Sexual Harassment:** Behaviour in the form of repeated and unwanted verbal comments, conduct, actions, or gestures of a sexual nature that adversely affect an individual's dignity or psychological or physical integrity, and that result in a harmful work or study environment. A single serious incident may also constitute sexual harassment if it has the same consequences and produces a lasting harmful effect on the individual.

**Sexual Violence (SV):** Any form of violence committed by way of sexual activity or targeting sexuality, including any misconduct that is apparent in action, words, behaviours, or attitudes with an unwanted sexual connotation, expressed directly or indirectly, including through the use of technology.

Sexual Violence includes:

- Cybersexual violence;
- Repeated behaviour that is sexist, heterosexist, homophobic, biphobic, transphobic, or misogynistic, etc.;
- Creating or distributing sexual images of a person without Consent;
- Forced sexual intimacy without Consent;
- Undue and unwanted expression of interest;
- Sexual Harassment;
- Acts of voyeurism or exhibitionism;
- Sexual assault;
- Any act of power, promise of a reward, or threat of retaliation, implicit or explicit, for complying with or rejecting a request of a sexual nature;
- Unwanted comments, allusions, jokes, or insults of a sexual nature;
- Unwanted physical advances.

**Specialized Resource:** Independent, external person trained to provide a rapid response and offer comfort, psychosocial support, guidance and information about SV. This person is available either by phone at 1-888-401-VACS (8227) or in person by appointment.

**University Activity:** A training, research, teaching, intervention, internship, reception, integration, social activity or any meeting related to the university mission.

**University Community:** Officers, Executives, professors, staff, students and interns, including INRS postdoctoral fellows.

### **3. SCOPE**

The Policy applies to all members of the University Community as well as to third parties that have dealings with INRS, such as suppliers, subcontractors, clients, visitors and volunteers. The Policy also applies to any University Activity associated with the INRS mission carried out on or off campus or on INRS social networks.

### **4. ENFORCEMENT AUTHORITY**

The Chief Executive Officer is responsible for enforcing the Policy, with the support of the director of human resources or the director of graduate and postdoctoral studies when a student is involved.

### **5. ACADEMIC OR AUTHORITY RELATIONSHIPS AND INTIMATE RELATIONSHIPS**

#### **5.1 ACADEMIC OR AUTHORITY RELATIONSHIPS**

A member of the University Community has an academic or authority relationship if they determine the other person's study or work plan, have decision-making authority over the other person's actions in the course of their work or studies, supervise the other person's work or studies or help evaluate of the other person's performance or studies. The following have an academic or authority relationship:

- a professor with a student (under their supervision or joint supervision or if the student takes their class);
- a professor with a member of their research group;
- a member of a research group supervising a student in the same group;
- an Officer, Executive or member of staff in a management position with a member of the University Community working under their supervision.

#### **5.2 INTIMATE RELATIONSHIPS**

INRS considers academic or authority relationships to be incompatible with any intimate relationships between two members of the University Community involved in such a relationship.

When a person in an academic or authority relationship enters into an intimate relationship, such as a romantic or sexual relationship, with a member of the University Community, INRS considers that this situation could affect the required objectivity and impartiality in the academic or authority relationship, prevent free Consent, encourage the abuse of power, or even lead to SV.

### 5.3 REPORTING AN INTIMATE RELATIONSHIP AS PART OF AN ACADEMIC OR AUTHORITY RELATIONSHIP

#### 5.3.1 Form for reporting an intimate relationship

If such an intimate relationship were to occur, anyone involved in the relationship may report the situation by sending the form in **APPENDIX A** to [secretariatgeneral@inrs.ca](mailto:secretariatgeneral@inrs.ca). However, it is the responsibility of the professor or the person in a position of authority to report the situation.

#### 5.3.2 Handling of reports of intimate relationships

The General Secretariat will review the situation, hear the persons involved and recommend to the Chief Executive Officer the appropriate supervisory measures to be put in place while keeping information about the case confidential to prevent any bias or harm to the reputation of the parties involved. Such reports are received and handled in the strictest confidence.

When a report of an intimate relationship concerns an Officer or a member of the General Secretariat, it is handled by the Governance and Ethics Committee.

The Chief Executive Officer will determine the appropriate supervisory measures, if any. In addition, reports are communicated only to those who must monitor the appropriate measures to be put in place and who must do so in the performance of their duties.

The members of the University Community concerned will be informed by the General Secretariat of the supervisory measures to be put in place.

The director of human resources or the director of graduate and postdoctoral studies and the union representative, as the case may be, must be informed of any measure likely to have an impact on the working or study conditions of the persons concerned.

#### 5.3.3 Failure to report

A member of the University Community who fails to report such a relationship is subject to a penalty, as specified in Section 13.

## 6. PREVENTION AND AWARENESS MEASURES

Prevention and awareness are important drivers for change and an essential tool in the fight against SV. To this end, INRS has put the following measures in place:

### 6.1 TRAINING AND AWARENESS ACTIVITIES

Training and awareness activities, the nature of which will be determined on an annual basis, are offered to the University Community as well as to the representatives of university associations and unions. These activities include:



- training on the Policy;
- annual awareness week;
- information booth and video;
- distribution of legal information;
- targeted poster or document;
- overview of the resources available.

## **6.2 SAFETY**

INRS is committed to providing a safe work and study environment free of SV. As such, members of the University Community can send any requests for changes to make facilities safer to [comitevacs@inrs.ca](mailto:comitevacs@inrs.ca).

## **6.3 RULES FOR SOCIAL OR WELCOME ACTIVITIES**

Social or welcome activities organized by INRS, an Officer, an INRS staff member or a student association can create conditions where SV might occur. Those in charge of such activities are required to:

- comply with and enforce the Policy;
- take mandatory SV training.

## **7. CONFIDENTIALITY**

The actions of a victim, confidant or witness of an SV situation must remain strictly confidential when requesting a consultation, making a Report and filing a complaint. The alleged perpetrator is also entitled to confidentiality.

However, depending on the severity or frequency of the actions reported against a person, even if no complaint has been filed, confidential and anonymous information can be sent to the appropriate authorities so that action can be taken against the individual in question.

Moreover, in accordance with the *Act respecting Access to documents held by public bodies and the Protection of personal information*, if someone's safety is deemed compromised, there are grounds for reporting to the situation to the police and to the Specialized Resource.

## **8. REPRISALS**

INRS will not tolerate any type of threat or retaliation against anyone who wishes to report an SV situation, provide information, file a complaint or take action to end such a situation. Persuading a person to remain silent in order to uphold someone's reputation is also forbidden. A penalty provided for in Section 13 may be applied in the event of reprisal.

## **9. ACCOMMODATIONS**

Measures may be put in place at any time to protect and accommodate an alleged SV victim

and mitigate the impact on their academic, professional or personal life. These measures may include postponement of an exam or work or a change in schedule, work team or course. Measures should be oriented to the alleged SV victim and their wishes, if possible.

INRS will provide support to restore a healthy and safe work or study environment. The Specialized Resource can also be consulted at any time.

### **10. INFORMAL PROCEDURE**

There are various ways to informally resolve a problem associated with an SV situation:

#### **10.1 ACTION BY AN INDIVIDUAL**

When a situation is caused by a communication problem or is related to differences in perception or culture, clarifications can help resolve disagreements quickly and to everyone's satisfaction. Non-consent to inappropriate conduct should also be reported in these situations.

#### **10.2 ASSISTANCE FROM AN IMMEDIATE SUPERVISOR, THE HUMAN RESOURCES DEPARTMENT OR THE GRADUATE AND POSTDOCTORAL STUDIES DEPARTMENT**

When it is inappropriate for an individual to take action or if such action is unsuccessful, the person concerned can request the assistance of their immediate supervisor, the Human Resources Department (when a staff member is involved) or the Graduate and Postdoctoral Studies Department (when a student is involved) to facilitate communication between them and, where necessary, implement appropriate measures to resolve the situation.

#### **10.3 RESPONSE SERVICES**

Response services are available toll free at 1-888-401-VACS (8227) or via the website [inrs.ca/harassment](https://inrs.ca/harassment). At any time, anyone affected by an SV situation can receive the following confidential services from a Specialized Resource within a maximum of seven calendar days:

- a place to go and someone to talk to;
- assessment of the situation and options for what happens next;
- overview of internal and external resources available;
- support to help resolve the situation informally;
- information on how to file an administrative or police complaint;
- accommodations to protect a victim, a confidant or a witness in order to limit the impact on their work or studies.

In addition, in cooperation with the Human Resources Department or the Graduate and Postdoctoral Studies Department, the Specialized Resource may arrange the following:

- intervention to raise awareness and to support the community where SV issues have been reported;

- facilitation process allowing those involved to resolve the situation with the help of a third party.

#### **10.4 ANONYMOUS REPORTING**

Any confidant or witness can report any SV situation via [www.clearviewconnects.com](http://www.clearviewconnects.com). The site is managed by an independent external company that sends information to INRS anonymously.

Information provided via the website must be specific enough to allow INRS to take action.

### **11. ADMINISTRATIVE COMPLAINT**

If the informal procedure set out in Section 10 is not conclusive or if someone believes they have a valid reason not to use the informal procedure, they may file an administrative complaint at any time.

#### **11.1 FILING A COMPLAINT**

The Complainant must fill in the form in **APPENDIX B** and send it to the General Secretariat either by email to [bureaudesplaintes@inrs.ca](mailto:bureaudesplaintes@inrs.ca) or by mail marked “Confidential” to the attention of Bureau des plaintes (Complaints Office) at the following address:

490 rue de la Couronne  
Quebec City, Quebec  
G1K 9A9

##### **11.1.1 Respondent**

When the Respondent is a staff member, Bureau des plaintes receives the complaint, assigns an external investigator and notifies the director of human resources that a complaint has been filed.

When the Respondent is a student, Bureau des plaintes receives the complaint, assigns an external investigator and notifies the director of graduate and postdoctoral studies that a complaint has been filed.

When the Respondent is an Officer or a member of the General Secretariat, the Governance and Ethics Committee receives the complaint, assigns an external investigator and makes recommendations to the Board of Directors regarding any applicable penalties.

### **11.2 EXTERNAL INVESTIGATOR**

For the handling of a complaint, the General Secretariat assigns an independent, impartial external investigator who is free of any conflict of interest and has no employment relationship with INRS.

### **11.3 ADMISSIBILITY OF THE COMPLAINT**

The complaint is admissible if the form is properly completed and the situation described is within the scope of the Policy. The external investigator hears the Complainant and determines whether the complaint is admissible. If it is, the investigation is conducted in accordance with Section 11.5.

If it is not, the Complainant is notified and told why the complaint was rejected. If, in the investigator's opinion, the alleged facts in the case indicate a different type of misconduct, the Complainant is told about other resources they can use to resolve the situation.

### **11.4 RIGHT TO BE ACCOMPANIED**

The Complainant and Respondent may be accompanied throughout the process by a person of their choosing. However, this person may not intervene and does not have the right to speak.

### **11.5 INVESTIGATION**

If the complaint is deemed admissible, the investigator has authority to:

- recommend the implementation of measures to protect the Complainant, as necessary;
- ensure the Respondent is notified of the allegations against them;
- ensure that the rules of natural justice are followed during the investigation;
- conduct the investigation;
- interview any person they want to hear from;
- access all documents relevant to the investigation;
- make recommendations;
- produce a written report.

#### **11.5.1 Summons**

Five business days before the meeting, the investigator sends a summons to the individuals involved as well as to anyone they wish to hear from. However, where circumstances warrant, the timeline may be shorter.

#### **11.5.2 Obligation to cooperate**

The Complainant and Respondent, as well as the people called to appear, are required to cooperate in the investigation process.

### **11.5.3 Right to be heard**

The investigator meets with and notifies the Respondent of the subject of the complaint. The Respondent must be given the opportunity to respond to the allegations against them. At any time, the investigator may meet with anyone else who could provide additional information or support the parties involved.

### **11.5.4 Confidentiality of the process**

Information relating to the complaint and the identity of the individuals involved or interviewed remains confidential. The Complainant, the Respondent and the individuals who are interviewed must respect the confidentiality of the process and sign the confidentiality agreement in **APPENDIX C**.

### **11.5.5 Investigation report**

Within 90 days of a complaint being filed, the investigator produces a written report, which includes the Complainant's allegations and the investigator's findings. If necessary, the investigator recommends measures to protect the Complainant as well as corrective measures and adjustments required to avoid a recurrence. The investigator may also issue any other recommendations they deem appropriate.

### **11.5.6 Confidentiality of the investigation report**

The investigation report is confidential and must be released only to the General Secretariat and the following people, depending on the case:

- the director of human resources, if an employee is involved;
- the director of graduate and postdoctoral studies, if a student is involved;
- the Governance and Ethics Committee, if an Officer is involved.

Only information required to apply the penalties specified in the investigation report are shared with the person responsible for implementing them, and the manager must agree to keep that information confidential.

The Complainant and Respondent are notified only of the investigation report findings that concern them. The content of the investigation report is protected by the provisions of the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

## **11.6 PENALTIES**

It is the responsibility of the investigator and General Secretariat to determine the appropriate penalties, in cooperation with the following people:

- the director of human resources, if the Respondent is an employee;
- the director of graduate and postdoctoral studies and the director of the centre in question, if the Respondent is a student;
- the Board of Directors upon recommendation of the Governance and Ethics Committee, if the Respondent is an Officer or a member of the General Secretariat.

### **12. COMPLAINT TO THE POLICE**

An SV victim may, at any time, resort to legal remedies and the process for handling an administrative complaint provided for in the Policy. In both cases, the Specialized Resource can accompany the alleged victim throughout the process but cannot express an option about the nature of the allegations.

### **13. PENALTIES AND LEGAL ACTION IN THE EVENT OF SV**

#### **13.1 PENALTIES**

In the event of non-compliance with the Policy, administrative and disciplinary measures can be applied according to nature and severity of the offence(s). These measures range from a notice in the file or mandatory additional training to dismissal or, in the case of a student, expulsion. Decisions regarding the dismissal of a professor, the expulsion of a student and all penalties for Officers are handed down by the Board of Directors.

The imposition of penalties is subject to the provisions in the INRS normative documents and collective agreements in effect.

#### **13.2 LEGAL ACTION**

INRS can also take legal action and any other relevant action against a Respondent who is responsible for SV.

### **14. UNSUBSTANTIATED COMPLAINT**

#### **14.1 COMPLAINT MADE IN GOOD FAITH**

If a member of the University Community acting in good faith files a complaint that is found to be without merit in the course of the subsequent investigation, the complaint is rejected without being mentioned in the files of either the Complainant or Respondent.

#### **14.2 TESTIMONY OR COMPLAINT MADE IN BAD FAITH**

Any member of the University Community who files a complaint deemed to be frivolous, vexatious or in bad faith or provides testimony with malicious intent is subject to administrative or disciplinary action as well as prosecution. In addition, expenses incurred by INRS for handling the aforementioned complaint may be claimed from the Complainant.

## **15. RESPONSIBILITIES**

### **15.1 GOVERNANCE AND ETHICS COMMITTEE**

The INRS Governance and Ethics Committee receives any complaints filed against an Officer or a member of the General Secretariat and assigns an external investigator to carry out an investigation. In addition, once an investigation is completed and the external investigator has produced a report, the Committee will make recommendations to the Board of Directors regarding disciplinary action to be taken, if necessary.

### **15.2 CHIEF EXECUTIVE OFFICER**

The Chief Executive Officer endorses, promotes and encourages members of the University Community to cooperate fully in implementation of the Policy. The Chief Executive Officer will determine and ensure application of appropriate supervisory measures concerning an intimate relationship occurring in the context of an academic or authority relationship, in collaboration with the General Secretariat

### **15.3 GENERAL SECRETARIAT**

The General Secretariat appoints an independent external investigator, receives the investigation report, gives its opinion on applicable penalties and follows up in cooperation with the director of human resources or with the director of graduate and postdoctoral studies if a student is involved. The General Secretariat reports to the Officers Committee on Policy enforcement. It receives reports of intimate relationships occurring in the context of an academic or authority relationship, makes recommendations to the Chief Executive Officer and applies appropriate supervisory measures, in collaboration with the Chief Executive Officer.

### **15.4 OFFICERS, EXECUTIVES, AND STAFF IN A POSITION OF AUTHORITY**

All Officers, Executives and staff in a position of authority must complete annual training. They must also make ensure that staff under their authority comply with the Policy and complete the required training. They support anyone who confides in them, act quickly and take the necessary preventive and corrective measures to end any type of SV.

### **15.5 HUMAN RESOURCES DEPARTMENT AND GRADUATE AND POSTDOCTORAL STUDIES DEPARTMENT**

The Human Resources Department and Graduate and Postdoctoral Studies Department, in cooperation with the General Secretariat, are responsible for disseminating and implementing the Policy. They determine the applicable disciplinary measures in cooperation with the General Secretariat and assign the person responsible for enforcing the penalties. They support the University Community in applying the Policy.

### 15.6 UNIVERSITY COMMUNITY

Each member of the University Community has a responsibility to ensure INRS is and remains a safe place to work and study, in accordance with the Policy. They must read the Policy and understand the content, comply with the requirements and complete the required training. They must also immediately report inappropriate situations or behaviour and help anyone who confides in them.

### 15.7 STUDENT ASSOCIATION REPRESENTATIVES

All student association representatives have a responsibility to comply with the rules governing welcome or social activities, to help select and publicize training and awareness activities and to take part in annual mandatory training. They support anyone who confides in them, act quickly and take the necessary preventive and corrective measures to end all types of SV.

### 15.8 SPECIALIZED RESOURCE

The Specialized Resource is responsible for providing a rapid response to SV and offering a place to go, psychosocial support, assistance and information. They may also take part in training and awareness activities and help draw up the annual action plan and the annual report.

### 15.9 PERMANENT COMMITTEE

The Permanent Committee, made up of an Officer, an Executive, a professor, union and non-union employees, and students, is responsible for drawing up, revising and monitoring the Policy. When the Policy is drawn up or revised, it is also responsible for implementing a process for consultation with the University Community as well as university unions and associations.

### 15.10 INSTITUTIONAL COMMITTEE

The Institutional Committee is made up of representatives of the University Community in each centre. In cooperation with the Permanent Committee and the Human Resources Department, it is responsible for implementing prevention measures that will ensure a healthy work and study environment free of SV. It is also responsible for drawing up an annual action plan that takes each centre's needs into account and includes an awareness week, training sessions, workshops or conferences and any other event on the topic of SV.

## 16. ANNUAL REPORT

An annual report must be approved by the Board of Directors and then sent to the minister responsible for administering the *Act to prevent and fight sexual violence in higher education institutions*. The annual report must document how the Policy is enforced, specifying:

- the prevention and awareness measures put in place, including training activities offered to students;



- training activities completed by Officers, Executives, members of staff and student association representatives;
- safety measures put in place;
- the number of complaints and reports received and their processing time;
- what was done and what penalties were applied;
- the consultation process used in drawing up or amending the Policy;
- any other aspect determined by the minister in charge.

### **17. UPDATES**

The Policy is updated at least every three years.

### **18. FINAL PROVISIONS**

The Policy enters into force on August 30, 2019. After adoption and at each revision, it must be sent to the minister in charge.



**Form for Reporting  
an Intimate Relationship in the Context of  
an Academic or Authority Relationship**

<b>Identity of the person involved</b>		
Name	Position	Centre/department
<b>Identity of the person in an academic or authority relationship</b>		
Name	Position	Centre/department
<b>Description of the situation and supervisory measures</b>		
<b>Situation</b>		
<b>Proposed supervisory measures</b>		
<b>General Secretariat recommendation</b>		
_____ Signature of the person involved		_____ Date
_____ Signature of the person in an academic or authority relationship		_____ Date



**Complaint Form**

<b>Identity of complainant</b>		
Name	Position	Centre/department
<b>Identity of respondent(s)</b>		
Name	Position	Centre/department
<b>Description of alleged facts likely to constitute sexual violence (chronology of the facts, names of witnesses, etc.)</b>		
Date	Time	Location
<b>Description</b>		
<b>Witnesses</b>		
<b>Relevant documents</b>		
Signature _____		Date _____



**Confidentiality Agreement**

I, the undersigned \_\_\_\_\_, undertake to keep confidential the fact that I was met with under the *Policy against Sexual Violence* and the content of discussions during the meeting. This confidentiality agreement in no way constitutes a waiver of my right to consult a lawyer regarding the investigation process.

Signed at \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_.

Signature \_\_\_\_\_

Name, printed \_\_\_\_\_





Intervention Diagram

