

Groupe de travail sur les politiques
contre les violences à caractère sexuel

Recension des politiques des établissements d'enseignement supérieur au Canada et aux États-Unis en matière de prévention et de lutte contre les violences à caractère sexuel

Relevé 2 :

Mesures prévues à l'article 3 de la
*Loi visant à prévenir et à combattre les
violences à caractère sexuel dans les
établissements d'enseignement supérieur*

9 mai 2018

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PRÉSENTATION

Le présent relevé fait état des dispositions en vigueur dans divers établissements canadiens et américains qui, dans une certaine mesure, peuvent servir de modèle dans la rédaction de dispositions répondant aux exigences spécifiées aux 15 paragraphes et aux 4^e et 5^e alinéas *in fine* de l'article 3 de la *Loi visant à prévenir et à combattre les violences à caractère sexuel dans les établissements d'enseignement supérieur* (la Loi). Ce relevé contient donc les extraits de politiques recensés dans le « Relevé 1 », qui tenait seulement compte des mesures liées au code de conduite.

Chaque extrait est accompagné d'un hyperlien pour consulter le document d'où il est tiré. Les passages les plus pertinents par rapport aux exigences de la Loi sont reproduits. Pour certains extraits, des commentaires sont fournis pour cerner en quoi les dispositions de l'établissement se distinguent. Le groupe de travail n'a pas cherché à identifier les meilleures mesures parmi ses commentaires, mais à relever une variété d'approches afin d'alimenter les rédacteurs de politiques.

Ainsi, le texte de la Loi à propos de l'article 3 :

3. Tout établissement d'enseignement doit établir une politique qui a pour objectif de prévenir et de combattre les violences à caractère sexuel.

La politique doit tenir compte des personnes plus à risque de subir des violences à caractère sexuel, telles que les personnes issues des minorités sexuelles ou de genre, des communautés culturelles ou des communautés autochtones, les étudiants étrangers, ainsi que les personnes en situation de handicap.

Cette politique doit être distincte de toute autre politique de l'établissement. Elle doit notamment prévoir, en outre des éléments que le ministre peut prescrire :

- 1° les rôles et responsabilités des dirigeants, des membres du personnel, des représentants des associations étudiantes et des étudiants au regard des violences à caractère sexuel;
- 2° la mise en place de **mesures de prévention et de sensibilisation** visant à contrer les violences à caractère sexuel, y compris de l'information de nature juridique ainsi que des activités obligatoires de formation pour les étudiants;
- 3° des **activités de formation annuelles obligatoires** pour les dirigeants, les membres du personnel, les représentants de leurs associations et syndicats respectifs et les représentants des associations étudiantes;
- 4° des **mesures de sécurité** qui visent à contrer les violences à caractère sexuel, y compris des ajustements aux infrastructures pour rendre les lieux sécuritaires;

- 5° des **règles qui encadrent les activités sociales ou d'accueil** organisées par l'établissement d'enseignement, un membre de son personnel, un dirigeant, une organisation sportive ou une association étudiante;
- 6° les **mesures que l'établissement imposera aux tiers** dans le cadre de ses relations contractuelles;
- 7° les **modalités applicables pour formuler une plainte, pour effectuer un signalement ou pour fournir des renseignements** à l'établissement d'enseignement concernant toutes violences à caractère sexuel, incluant la possibilité de le faire en tout temps;
- 8° le **suivi qui doit être donné aux plaintes, aux signalements et aux renseignements reçus** ainsi que les **mesures d'accommodement** visant à protéger les personnes concernées et à limiter les impacts sur leurs études, le cas échéant;
- 9° l'offre de **services d'accueil, de référence, de soutien psychosocial et d'accompagnement** des personnes par des ressources spécialisées et formées en matière de violences à caractère sexuel;
- 10° les **actions qui doivent être prises** par l'établissement d'enseignement, les dirigeants, les membres du personnel, les représentants des associations étudiantes et les étudiants lorsque des violences à caractère sexuel sont portées à leur connaissance;
- 11° les **délais d'intervention applicables** aux mesures d'accommodement prévues au paragraphe 8°, à l'offre de service prévue au paragraphe 9° et aux actions prévues au paragraphe 10°, qui ne peuvent excéder 7 jours, ainsi que le délai de traitement des plaintes, qui ne peut excéder 90 jours;
- 12° des **mesures visant à assurer la confidentialité des plaintes, des signalements et des renseignements reçus** concernant toutes violences à caractère sexuel;
- 13° des mesures encadrant la **communication de renseignements nécessaires à toute personne en vue d'assurer sa sécurité**, mais ne pouvant comprendre des moyens pour obliger une personne à garder le silence dans le seul but de ne pas porter atteinte à la réputation de l'établissement d'enseignement;
- 14° des mesures visant à **protéger contre les représailles la personne ayant déposé une plainte, fait un signalement ou fourni des renseignements**;
- 15° des **sanctions applicables en cas de manquements à la politique**, qui tiennent compte de leur nature, de leur gravité et de leur caractère répétitif.

La politique doit également inclure un **code de conduite** prévoyant les règles qu'une personne, ayant une relation pédagogique ou d'autorité avec un étudiant, doit respecter si elle entretient des liens intimes tels qu'amoureux ou sexuels avec celui-ci.

Ce code de conduite doit comprendre un encadrement ayant pour objectif d'éviter toute situation où pourraient coexister ces liens et relations lorsqu'une telle situation risque de nuire à l'objectivité et à l'impartialité requises dans la relation ou de favoriser l'abus de pouvoir ou la violence à caractère sexuel.

Considérant le caractère controversé des enjeux soulevés par le code de conduite, celui-ci est abordé en priorité dans les pages qui suivent. Les politiques recensées concernant exigences des paragraphes 1° à 15° sont ensuite présentées dans l'ordre.

Malgré cette recension, il est possible que d'autres dispositions puissent se retrouver dans d'autres documents de ces établissements et qu'ils ne soient pas intégrés aux politiques répertoriées.

Élément de la politique :	Code de conduite	Paragraphe(s) de l'article 3 de la Loi :	4 ^e et 5 ^e alinéas (<i>in fine</i>)
Description de l'élément dans la Loi	Code de conduite prévoyant les règles qu’une personne, ayant une relation pédagogique ou d’autorité avec un étudiant, doit respecter si elle entretient des liens intimes tels qu’amoureux ou sexuels avec celui-ci. Ce code de conduite doit comprendre un encadrement ayant pour objectif d’éviter toute situation où pourraient coexister ces liens et relations lorsqu’une telle situation risque de nuire à l’objectivité et à l’impartialité requises dans la relation ou de favoriser l’abus de pouvoir ou la violence à caractère sexuel.		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
University of California, Berkeley http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf	THE FACULTY <u>CODE OF CONDUCT</u> The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member who, in turn, bears authority and accountability as mentor, educator, and evaluator. <u>The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning</u> consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, <u>a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.</u>	Il s’agit d’un code de conduite à proprement parler. Très succinct : il tient en deux paragraphes. <u>Les principes invoqués justifiant les dispositions :</u> - La relation pédagogique accroît la vulnérabilité de l’étudiant et le potentiel de coercition; - La relation pédagogique doit être protégée des influences et activités qui interfèrent avec les études <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - La relation intime est jugée inappropriée, même si elle est consensuelle, et menace l’intégrité de l’enseignement. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Il n’y a pas d’interdiction formelle, mais la relation est jugée « inappropriée ». <u>Les obligations pour le personnel en cause et les facultés :</u> Non spécifié
Boston College https://www.bc.edu/content/dam/files/offices/avp/pdf/Consensual%20Relationships%2007_14.pdf	<u>POLICY PROHIBITING CONSENSUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS</u> The relationship between faculty and students is central to the academic mission of Boston College. The academic, mentoring, and socialization experiences fostered by University programs of study should be characterized by mutual respect and courtesy and operate in a manner that facilitates the education of students. Inappropriate non-academic or personal ties can damage the integrity of academic relationships, distorting judgments or appearing to do so in the minds of others. For these reasons and the potential for abuse, <u>the University prohibits any faculty member or graduate student instructor from engaging in a consensual romantic or sexual relationship with a student over whom he or she exercises academic or professional authority.</u>	Les liens intimes consensuels entre membres du personnel enseignant et étudiants sont prohibés. Il est précisé que cela inclut les étudiants de 3^e cycle qui supervisent étudiants de 1^{er} cycle. Les liens intimes sont interdits tant que la relation d'autorité perdure. Les relations intimes passées sont incluses. <u>Les principes invoqués justifiant les dispositions :</u>

	Any romantic or sexual relationship between a faculty member and a student is <u>prohibited as long as the supervisory relationship continues</u>. Further, a faculty member is prohibited from exercising academic or professional authority over any student with whom he or she has previously had a consensual romantic or sexual relationship. This prohibition <u>encompasses consensual romantic or sexual relations between a graduate student and an undergraduate when the graduate student has teaching or supervisory responsibility</u> for the undergraduate, and those between department chairs and students in their departments, graduate program directors and graduate students in their departments, and all academic advisors and supervisors and their students. <u>If a faculty member or academic supervisor violates this policy by engaging in consensual romantic or sexual relations with a student, he or she must immediately recuse himself or herself from any evaluative or supervisory activities affecting the student, extending until such time as the student ceases to be in an academic program in the University</u>. The faculty member is also <u>obligated promptly to alert his or her chair, dean or department head as to the existence of the relationship</u> so that alternate instructional and supervisory arrangements can be made to protect the student from potential abuse. <u>The Provost, Deans, Department Chairs, and other administrators should respond to reports of prohibited romantic or sexual relations by inquiring further and initiating appropriate measures</u>, taking care to protect the rights to privacy and due process of all parties. <u>This policy is intended to supplement the University policy on sexual harassment</u>. In addition, although this policy prohibits consensual sexual relations only between a teacher/supervisor and that individual's student, the <u>University strongly discourages any sexual relations between members of the faculty or administration and undergraduates</u>.	- Les liens intimes nuisent à l'intégrité des relations académiques : ils influencent le jugement (impartialité) ou peuvent en donner l'impression chez les autres; - Abus de confiance potentiel <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La politique interdit d'emblée les relations romantiques ou sexuelles consensuelles. Le consentement ne peut pas être invoqué par les individus en cause. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Interdiction formelle dans les deux sens : - o Les relations intimes sont formellement interdites s'il y a relation académique; - o Les relations académiques sont formellement interdites s'il y a relation intime. <u>Les obligations pour le personnel en cause et les facultés :</u> - Le membre de la faculté doit : - o se récuser de toute évaluation ou de rôle de supervision de l'étudiant(e) avec qui il a eu une relation intime, et ce jusqu'à ce que ce dernier cesse d'étudier à cette université (peu importe la faculté). - o aviser ses supérieurs rapidement de l'existence de cette relation. - Les responsables facultaires doivent : - o répondre aux récusations ou dénonciations en se renseignant sur la situation, en établissant les faits - o mettre en place les mesures appropriées pour protéger l'étudiant(e) tout en respectant le droit à la vie privée des individus
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University of British Columbia Sexual Assault and Other Sexual Misconduct https://universitycounsel.ubc.ca/files/2017/02/Proposed-Policy-131-Feb-2017.pdf Conflict of Interest and Conflict of Commitment https://www.universitycounsel.ubc.ca/files/2012/02/policy97.pdf	SEXUAL ASSAULT AND OTHER SEXUAL MISCONDUCT 1. Principles and Commitments 1.1 UBC will not tolerate sexual assault or any other Sexual Misconduct. 1.2 UBC recognizes that people’s experiences will be affected by factors such as their access to power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socioeconomic status, class, and language. These factors impact individuals’ experience of Sexual Misconduct, their ability to access supports, and their choices with regard to recourse. UBC will take these factors into account when carrying out any of its responsibilities under this Policy. CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT 4.3. Prior to <u>undertaking any activity that may give rise to a Conflict of Interest or a perceived Conflict of Interest</u>, whether or not that activity is within the scope of the UBC Person’s work at the University, a UBC Person must disclose that activity. Where prior disclosure is impossible, disclosure must be made as soon as possible after commencement of the activity. [...] 6. Role of Initial Reviewer in Assessing and Managing Conflicts of Interest and Perceived Conflicts of Interest 6.1. When an Initial Reviewer becomes aware of a Conflict of Interest or a perceived Conflict of Interest, he or she will assess the situation to determine what action, if any, is appropriate. [...] Therefore, the purpose of this Policy is to: (a) identify conflicts of commitment, actual and potential conflicts of interest, and situations that may give rise to the perception of a conflict of interest; and (b) to provide procedures whereby such situations are disclosed and either avoided or appropriately managed. Management, in some circumstances, may mean avoiding the activity; and in others it may mean implementing a management protocol. 8.5. “Conflict of Interest” means a situation in which a UBC Person, or his or her <u>Related Party(ies)</u>, has a personal interest that conflicts or could conflict with the UBC Person’s obligations to the University. Please note: 8.5.1. The existence of a Conflict of Interest involves two elements: the UBC Person’s or a Related Party’s personal interest(s), and the UBC Person’s obligations to the University. <u>Personal interests may include business, commercial or financial interests, as well as personal matters and career interests.</u> A UBC Person’s obligation to the University is to act in the University’s interests, which includes acting in support of the University’s integrity and fundamental mission and avoiding circumstances that may undermine public	Il n’y a aucun code de conduite spécifique, cependant les dispositions concernant la conduite des employés se retrouvent dans différents extraits. <u>Les principes invoqués justifiant les dispositions :</u> - Les intérêts de l’université doivent prévaloir. - Les plus hauts standards éthiques sont visés. <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - Il s’agit de dispositions générales applicables à toutes sortes de situations de conflits d’intérêts, réels ou apparents. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Aucune interdiction. <u>Les obligations pour le personnel en cause et les facultés :</u> - La définition de « Related Party » est restrictive, cependant.
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	confidence and trust. The University has many diverse objectives, which include many supporting commitments, goals and actions. From time to time these objectives, commitments, goals and actions may appear to be, or may actually be in conflict with one another. <u>In such cases, the University’s overriding interest is that its activities are undertaken with integrity and in accordance with the highest ethical standards.</u> 8.5.2. Conflicts of Interest may be <u>actual or potential</u>. 8.5.2.1. An actual Conflict of Interest is a situation where the personal interest actually conflicts with the UBC Person’s obligations to the University. 8.5.2.2. A potential Conflict of Interest is a situation where the personal interest has not yet conflicted with the UBC Person’s obligations to the University, but might be expected to. 8.12. <u>“Related Party”</u> means a UBC Person’s immediate family member (e.g. spouse, <u>partner</u>, child, parent or sibling), or other person living in the same household, any other person with whom the UBC Person shares a Financial Interest, either directly or indirectly, or any entity in which the UBC Person has an ownership interest of more than 5%. PROCEDURE 3. Recognizing Conflicts of Interest and Perceived Conflicts of Interest 3.1. As each situation depends upon its specific facts, the University has not attempted to develop an exhaustive list of Conflicts of Interest. Rather, UBC Persons must conduct themselves at all times with the highest ethical standards in a manner that will bear the closest scrutiny. The following are examples of situations where a Conflict of Interest exists: 3.1.1. Where a UBC Person’s responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or could be impeded or compromised. <u>The inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit.</u>	
Carleton University https://carleton.ca/equity/human-rights/policy/human-rights-policies-and-procedures-part-2/	HUMAN RIGHTS - PART IV - DISCRIMINATION AND HARRASSMENT POLICIES - PREVENTION - REQUIRED DISCLOSURE OF CERTAIN SEXUAL RELATIONSHIPS IV.4 SEXUAL HARASSMENT PREVENTION POLICY Preamble:	Les dispositions concernant le problème de coexistence de relations pédagogiques et de liens intimes sont abordées ici sous l’angle des relations sexuelles. L’article 3 précise notamment que les relations consensuelles ne constituent pas des exemples de harcèlement sexuel, mais qu’elles sont tout de même traitées dans cette politique.

	This Policy supports Carleton University’s commitment to sections 15 and 28 of the Canadian Charter of Rights and Freedoms, section 7 of the Ontario Human Rights Code, and the University’s Statement on Conduct and Human Rights. Principles 1. In Canada, sexual harassment is recognized in both federal and provincial human rights legislation as a form of discrimination. Some forms of sexual harassment (e.g., sexual assault) are also criminal offences. Sexual harassment violates personal integrity, the dignity of individuals and groups, and fundamental rights. 2. Carleton University is committed to maintaining a study, work and living environment that is free from sexual harassment and inappropriate sexual conduct. 3. <u>This Policy is not intended to interfere with ordinary social or personal relationships among members of the University community or impinge upon normal expectations of privacy. Consensual relationships are not examples of sexual harassment but disclosure may be required as specified below.</u> Required Disclosure of Certain Sexual Relationships 8. The University recognizes that, within its community, power differences exist between and among faculty, staff, students and associated professionals. The <u>University strongly discourages sexual relationships between individuals in positions of authority (such as faculty, instructional staff, managers or supervisors, and athletic staff), and the students or employees whose performance they are responsible for grading, supervising or evaluating. These relationships may lead to significant problems including allegations or charges of sexual harassment, conflict of interest, or questions regarding the validity of consent.</u> 9. Accordingly, the <u>University requires timely disclosure of such relationships by the individual in the position of authority to his or her Dean (in the case of academic units) or his or her Director (in the case of administrative or technical units).</u> 10. <u>No individual in a position of authority is permitted to grade or supervise the performance of any student, or evaluate an employee or a colleague, with whom they are sexually involved or have been within the past five years. Where an individual has been involved in such a relationship, he or she must remove themselves from the grading or supervising role and request the assistance of his or her Dean (in the case of academic units) or his or her Director (in the case of administrative or technical units) to make appropriate, alternative arrangements.</u>	<u>Les principes invoqués justifiant les dispositions :</u> - Les relations sexuelles entre des étudiants (ou des employés) et des personnes en position d’autorité peuvent mener à des problèmes importants, incluant des allégations ou des plaintes de harcèlement sexuel, des conflits d’intérêt ou des remises en question de la validité du consentement. <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - La validité du consentement peut être contestée en contexte de relation d’autorité. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Il n’y a pas d’interdiction formelle, mais l’université « décourage fortement » les relations sexuelles entre les personnes en position d’autorité et les étudiants ou les employés qu’ils évaluent ou supervisent. <u>Les obligations pour le personnel en cause et les facultés :</u> - L’employé en position d’autorité doit divulguer rapidement la relation à ses supérieurs facultaires ou administratifs. - Il est interdit à toute personne en position d’autorité d’évaluer ou de superviser un étudiant ou un employé avec qui il a eu une relation sexuelle depuis cinq ans. - Les responsables facultaires ou administratifs doivent prendre des mesures alternatives appropriées pour l’évaluation ou la supervision des étudiants ou employés concernés.
Université Concordia	POLITIQUE VIOLENCES À CARACTÈRE SEXUEL	Il n'y a pas de code de conduite, cependant la notion de consentement est définie et prévoit qu'il n'y a pas de

Politique sur les violences à caractère sexuel : https://www.concordia.ca/content/dam/common/docs/politiques/PRVPAA-3.pdf Code d'éthique et politique de divulgation protégée applicables aux employés : http://www.concordia.ca/content/dam/common/docs/politiques/BD-4.pdf	Le «consentement» est l'accord volontaire d'une personne de se livrer à une activité sexuelle; cette définition du Code criminel du Canada lie et guide l'Université et ses membres. Toute conduite autre qu'un accord volontaire et continu de se livrer à une activité sexuelle ne constitue pas un consentement. Par exemple, <u>il n'y a pas consentement lorsque:</u> - l'accord est manifesté par les paroles ou par le comportement d'un tiers; - le plaignant est incapable de le formuler; - <u>l'accusé incite le plaignant à l'activité par abus de confiance ou de pouvoir;</u> - le plaignant manifeste, par ses paroles ou son comportement, son désaccord avec l'activité; - après avoir consenti à l'activité, le plaignant manifeste, par ses paroles ou son comportement, son désaccord avec la poursuite de celle-ci. CODE D'ÉTHIQUE ET POLITIQUE DE DIVULGATION PROTÉGÉE APPLICABLES AUX EMPLOYÉS DÉFINITIONS Dans le cadre du présent code, les définitions suivantes s'appliquent : « Conflit d'intérêts » : situation dans laquelle un employé a un intérêt personnel direct ou indirect dont il a conscience, et qui <u>remet en question l'indépendance, l'impartialité et l'objectivité</u> qu'il se doit d'exercer dans l'exécution de ses tâches et responsabilités en tant qu'employé. Normes de conduite : Tout employé doit se conduire de manière éthique et professionnelle, et prendre ses décisions dans l'intérêt de l'Université. Il doit honorer les <u>principes de collégialité et d'impartialité, et s'acquitter de ses tâches et responsabilités avec objectivité</u>, soin, intégrité, loyauté, prudence et diligence afin de faciliter et de favoriser l'accomplissement de la mission de l'Université. Situations de conflits d'intérêts ou de conflits d'intérêts perçus : Les employés doivent s'acquitter de leurs tâches et responsabilités, et agir de manière à éviter tout conflit d'intérêts ou conflit d'intérêts perçu. En cas de conflit d'intérêts ou de conflit d'intérêts perçu, ou lorsque l'intérêt personnel d'une partie apparentée les met en conflit d'intérêts ou en conflit d'intérêts perçu, l'intérêt de l'Université prévaut toujours. Les cas suivants constituent, sans s'y limiter, des exemples de conflit d'intérêts ou de conflit d'intérêts perçu:	consentement en cas d'incitation à une relation intime par une personne qui abuserait de sa position de confiance, de pouvoir ou d'autorité. De plus, Concordia possède un <u>code d'éthique</u> pour les employés qui prévoit l'obligation de déclarer tout conflit d'intérêts, défini dans le code comme étant notamment un intérêt « ... qui remet en question l'indépendance, l'impartialité et l'objectivité qu'il se doit d'exercer... » comprenant la situation où un professeur veut embaucher un membre de sa famille. Il n'est pas explicite que le code couvre la relation professeur étudiant, mais la liste non limitative d'exemples de conflit d'intérêts concerne essentiellement des intérêts pécuniaires. <u>Les principes invoqués justifiant les dispositions :</u> - Les principes évoqués ne sont pas liés à la question de la coexistence de relations intimes et de relations pédagogiques ou d'autorité <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La notion de consentement est définie et prévoit qu'il n'y a pas de consentement en cas d'abus d'une position de confiance, de pouvoir ou d'autorité. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Il n'y a pas d'interdiction formelle. <u>Les obligations pour le personnel en cause et les facultés :</u> - Obligation de déclarer tout conflit d'intérêts (la définition est large , mais les exemples ne couvrent que les situations où il y a un intérêt pécuniaire).
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	1. tout employé ou partie apparentée ayant, directement ou indirectement, un intérêt personnel dans un contrat ou une proposition de contrat dont l'Université ou une entité liée à l'Université est signataire; ou encore tout employé ou partie apparentée retirant ou étant susceptible de retirer des avantages ou des bénéfices personnels à la suite d'une décision prise par l'Université ou par une entité liée à l'Université; 2. tout employé acceptant des cadeaux, gratifications ou faveurs d'une personne, d'un organisme, d'une entreprise ou d'une association qui effectue ou souhaite effectuer des transactions avec l'Université, sauf dans le cas de cadeaux, gratifications ou faveurs d'usage d'une valeur insignifiante ou purement symbolique; 3. tout employé profitant de sa situation pour aider une personne, un organisme, une entreprise ou une association dans le cadre de transactions avec l'Université pouvant donner lieu à un traitement de faveur réel ou perçu; 4. tout employé utilisant de l'information obtenue dans l'exécution de ses tâches et responsabilités, généralement non communiquée au public, dans son propre intérêt, ou au profit d'une partie apparentée; 5. tout employé utilisant ou permettant d'utiliser, directement ou indirectement, les biens ou services de l'Université pour des activités autres que celles ayant reçu l'approbation de l'Université, dans son propre intérêt ou au profit d'une partie apparentée.	
Dalhousie University https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/ConflictInterestPolicy.pdf	<u>POLICY ON CONFLICT OF INTEREST</u> 2. Definition of Conflict of Interest A conflict of interest exists where there is a potential or actual divergence between the personal interests of a university member and that member's obligation to uphold the interests and mission of the university. In a conflict of interest situation, an impartial observer might reasonably question whether actions or decisions taken by the university member on behalf of the university are influenced by consideration of personal interests. Conflict of interest situations take many forms. <u>Examples include, but are not limited to, cases in which a university member:</u> - conducts a review, assessment or evaluation of a project or colleague, the outcome of which may affect the university member's personal interests. - conducts or participates in a research project which may affect his or her financial interests or those of a related business. - is party to a decision on the part of the university to enter into a contract that may affect a family member's financial interests.	<u>Les principes invoqués justifiant les dispositions :</u> - La relation intime entre professeurs et étudiants est considérée comme un conflit d'intérêts, et est traitée par la politique sur les conflits d'intérêts. - Une relation intime avec un étudiant expose le professeur au risque que cette relation soit considérée comme du harcèlement sexuel. <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La politique n'évoque pas la notion de consentement. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Pas d'interdiction formelle, mais un encadrement strict est prévu. <u>Les obligations pour le personnel en cause et les facultés :</u> - Le professeur doit déclarer l'existence de la relation. - Le personnel est également visé.

	- supervises a graduate or undergraduate student employed by a business in which the university member has a financial interest. - grades work done by a student to whom the university member is related or with whom he or she has an intimate personal relationship. - participates in a university recommendation or decision that affects the employment of a partner, spouse or other family member. - uses university resources for private business purposes. - uses information acquired in the course of university activities, which is not in the public domain, to advance their personal or financial interests or those of a related business. In these examples, the personal interests of the university member may diverge or may reasonably be perceived to diverge from his or her obligations to uphold the university’s mission and interests. 4 <u>“closely associated person”</u> means a person related by blood, adoption, marriage, or common law marriage (with a person of the same or the opposite sex) to the university member or <u>a person (of the same or the opposite sex) with whom a university member has an intimate personal relationship; [...]</u> 5.3 Procedures for Handling Particular Types of Conflicts of Interest In addition to the general policy set out in section 4 above, the following additional guidelines and procedures shall apply to these particular types of conflict of interest: 1. Personal interest in contracts 2. Personal interest in outcome of assessment <u>3. Teacher-student relationships involving family, business or intimate personal relationships</u> 4. Personal interest in research project 5. Student involvement in research involving a personal interest <u>6. Employment decisions concerning family members or intimates</u> 5.3.3 <u>Teacher-Student Relationships Involving Family, Business or Intimate Personal Relationships</u> <u>A family, business or intimate personal relationship between a teacher and a student may compromise or be perceived to compromise the teacher’s responsibility to instruct, supervise, evaluate and advise students in a fair and effective manner. A teacher must therefore disclose such a relationship to his or her administrative head. (For purposes of this policy, a teacher is any one who is involved in the instruction, supervision or evaluation of students,</u>	- L’administration doit pourvoir des moyens alternatifs en ce qui concerne les cours, la supervision et l’évaluation des étudiants.
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	including, but not limited to, professors, lecturers, instructors, teaching assistants, and supervisors.) For examples, disclosure is required before a university member: (a) teaches, supervises or evaluates a student who is a closely associated person; (b) shares a financial interest with one of his or her students (i.e., a student whom he or she is teaching, supervising or evaluating); (c) acts as a researcher, employee, consultant or advisor for one of his or her students in connection with activities unrelated to the student’s academic programme. <u>Teachers in these situations shall not participate in instruction, supervision, evaluation or advice of the student, unless such participation has been approved in advance by the university member’s administrative head. Any such participation shall be subject to any conditions set by the administrative head. Normally in such situations, alternative instruction, supervision, evaluation or advice is expected to be arranged by the administrative head.</u> <u>Teachers should recognize that an intimate personal relationship with one of their students may constitute, or give rise to a subsequent claim that the relationship constituted sexual harassment. Such relationships are therefore discouraged.</u>	
Lakehead University https://www.lakeheadu.ca/faculty-and-staff/policies/general/conflict-of-interest	CONFLICT OF INTEREST An actual or potential <u>conflict of interest arises when</u> financial or other <u>personal interest of a Faculty or Staff Member</u> ("Member"), or that of any person with whom the Member has a relationship, <u>conflicts or appears to conflict with the Member's responsibility to the University.</u> The existence of an actual or potential conflict of interest does not necessarily preclude involvement in the interest which has given rise to the actual or potential conflict; however, <u>the Member must disclose such actual or potential conflict of interest as soon as possible after becoming aware of it.</u> Case law suggests that, even in the absence of a clear policy on conflict of interest, the University has the right (and perhaps responsibility) following receipt of disclosure of a potential or actual conflict, to determine whether an actual or potential conflict exists and, if so, decide how it is to be resolved. The following activities give rise to potential conflicts: - <u>No Member shall knowingly participate in any decision that directly and preferentially benefits the Member, or a person with whom the Member has a relationship,</u> except as expressly allowed by the University. - <u>No Member shall knowingly participate in any academic decision directly affecting a person</u> from whom the Member stands to derive a financial benefit or <u>with whom the Member has a relationship.</u>	Il n’y a aucun code de conduite spécifique. Les dispositions concernant la conduite des employés se retrouvent dans les extraits qui précèdent. Les relations intimes consensuelles entre les membres du personnel et les étudiants ne sont pas abordées, mais la définition de conflit d’intérêts peut inclure ce type de relation, sans toutefois le préciser clairement. <u>Les principes invoqués justifiant les dispositions :</u> - La question de la coexistence de relations pédagogiques ou d’autorité et de liens intimes repose sur le principe d’éviter les conflits d’intérêts. - Il appartient à l’université de déterminer, au cas par cas, les situations qui impliquent un conflit d’intérêts. L’université a le pouvoir (sinon le devoir) de gérer ces situations.

	A Member who has any interest, directly or indirectly, in any commercial contract, transaction, proposed contract or proposed transaction under consideration by the Employer and participates in any decision related to these matters must: a) declare the nature and extent of the interest as soon as possible and no later than the meeting(s) at which the matter is to be considered; b) withdraw from the meeting where the matter is being discussed; c) refrain from taking part in any other discussion of the matter; and d) refrain from voting on the matter. In particular, unless, after full disclosure of the conflict of interest, the Member is specifically authorized by the University to do so, the Member shall not: a) knowingly authorize the purchase of equipment, supplies, services or real property using University funds or funds administered by the Employer, from a source in which the Member, or any person with whom the Member has a relationship, has a material financial interest; b) engage any individual with whom the Member has a relationship in any capacity paid for by University funds or by funds administered by the Employer; c) supervise students, staff, or other Members who the Member has the potential to gain from financially. It should also be noted that conflicts could arise in situations where a Member no longer has a relationship with or to someone, but has in the past.	<u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La politique sur les conflits d'intérêts n'aborde pas la notion de consentement. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Il est interdit de participer à des « décisions académiques » visant une personne avec laquelle un membre du personnel a une relation. <u>Les obligations pour le personnel en cause et les facultés :</u> - Des règles de divulgation de la relation sont prévues, mais elles concernent spécifiquement des conflits d'intérêts financiers ou contractuels là où elles sont énoncées.
University of Manitoba Policy on Conflict of interest http://umanitoba.ca/admin/governance/governing_documents/students/277.html Sexual Assault Policy https://umanitoba.ca/admin/governance/media/Sexual_Assault_Policy_-_2016_09_01.pdf	SEXUAL ASSAULT (2016): <u>"Consent" : No consent is obtained where:</u> - <u>the person submits or does not resist by reason of the exercise of authority.[...]</u> - <u>the accused induces the person to engage in the activity by abusing a position of trust, power or authority.</u> <u>"Sexual assault" : Means the intentional sexual touching of another person with any object or body part without Consent or by force.</u> CONFLICT OF INTEREST BETWEEN EVALUATORS AND STUDENTS DUE TO CLOSE PERSONAL RELATIONSHIPS (1991): The purpose of this policy is to ensure that the relationship between an evaluator and the person being evaluated is and is seen to be impartial.	Cette politique définit très étroitement "sexual assault" (doit y avoir un toucher physique). Ne mentionne pas spécifiquement les relations intimes entre professeurs et étudiants. <u>Les principes invoqués justifiant les dispositions :</u> - L'abus d'une position d'autorité et la crainte de s'opposer aux avances d'une personne en position d'autorité nient la condition de consentement. - L'impartialité de l'évaluateur est invoquée sous l'angle du conflit d'intérêt, mais il n'est pas spécifié qu'une relation

	A conflict of interest means a close personal relationship between an evaluator and a student or applicant, or between evaluators, that gives rise to a reasonable apprehension of bias and, in any event, such relationships shall include that of: a) parent/child; b) spouses; c) grandparent/grandchild; d) siblings; e) in-laws; or f) persons living in the same dwelling unit. <u>Procedures:</u> Responsibility for avoiding the conflict of interest rests with the evaluator. In cases of uncertainty, the evaluator shall and the student may refer the matter for determination to the department head (or dean/director, as appropriate). The decision of the department head is subject to review by the dean/director of the academic unit. <u>Where there is a conflict of interest, the evaluator shall immediately withdraw from participation and shall inform the student concerned and the head or dean/director, as appropriate</u>	intime entre l’évaluateur et l’évalué constitue un conflit d’intérêts. <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> La définition du consentement est le principal intérêt des politiques de cet établissement. Deux situations peuvent contester le caractère consentant d’une relation intime entre un membre du personnel et un étudiant : - L’étudiant se soumet aux avances ou n’y résiste pas à cause du rapport d’autorité; - Le professeur incite l’étudiant à des rapports intimes en se servant de sa position de confiance, de pouvoir ou d’autorité. Ces balises peuvent contribuer à interdire plusieurs relations intimes entre professeurs et étudiants. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Il n’y a pas d’interdiction formelle de liens intimes entre professeurs et étudiants. - La politique sur les conflits d’intérêts prévoit qu’un évaluateur doit se récuser si celui-ci doit évaluer les personnes énumérées à la définition de conflit d’intérêts. Cependant, la définition n’aborde pas spécifiquement les relations intimes entre professeurs et étudiants. <u>Les obligations pour le personnel en cause et les facultés :</u> - Un évaluateur doit rapporter l’existence d’un conflit d’intérêt aux responsables facultaires et se récuser s’il doit évaluer les personnes énumérées à la définition de conflit d’intérêts.
University McGill	REGULATION ON CONFLICT OF INTEREST (2011):	<u>REGULATION ON CONFLICT OF INTEREST:</u>

Regulation on Conflict of Interest https://www.mcgill.ca/secretariat/files/secretariat/conflict-of-interest-regulation-on_0.pdf Policy Against Sexual Violence https://www.mcgill.ca/secretariat/files/secretariat/policy_against_sexual_violence_fr.pdf	<u>[All] members of the University will conduct themselves with integrity in accordance with the trust and confidence that is reposed in them.</u> Conflicts of interest may take various forms and may arise in various contexts. In essence a potential conflict of interest will exist whenever a member of the University community is in a position to influence the conduct of research, academic, human resource, business, financial, governance or other matters in ways that could lead to personal gain for the member or a related party, or give improper advantage to others, to the detriment of the University or other members of the University community. “Conflict of Interest” means any situation in which: (i) a Member or a Related Party has a personal interest, whether direct or indirect, of which the Member is, or should be, aware, and that in the opinion of a reasonably informed and well advised Person is sufficient to put into question either the independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of his or her duties or the ability of the Member to act in the best interests of the University (actual Conflict of Interest); or (ii) a Member or a Related Party appears, in the opinion of a reasonably informed and well advised Person, to have a personal interest, whether direct or indirect, that is sufficient to put into question the independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of his or her duties or the ability of the Member to act in the best interests of the University (apparent Conflict of Interest); 1.5 “Member,” subject to section 8, means any member of the McGill University community: (i) who is an employee of the University; (ii) who holds office under the University Charter or Statutes or who serves on any body or committee of the University; (iii) who holds office on the board of an institution affiliated with McGill University or who serves on a committee established by such board; or (iv) who is an appointee (including a volunteer) of the University. “Related Party” includes a Person with whom a Member has, or had, a close or intimate personal relationship; <u>A Member, immediately upon becoming aware of a Conflict of Interest, shall make written disclosure of the facts material to the Conflict of Interest.</u>	Les relations intimes entre professeurs et leurs étudiants ne sont pas mentionnées spécifiquement dans la définition de conflit d'intérêt, mais celle-ci ne l'exclut pas. <u>POLITIQUE CONTRE LA VIOLENCE SEXUELLE:</u> La définition de "consentement" mentionne qu'une relation consensuelle intime entre un professeur et son étudiant n'est pas consentante. <u>Les principes invoqués justifiant les dispositions :</u> - Intégrité : Éviter les conflits d'intérêts <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - Une relation sexuelle entre un professeur et son étudiant n'est pas consensuelle puisqu'elle résulte d'un abus d'une relation de confiance, de pouvoir ou d'autorité. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Il n'y a pas d'interdiction formelle de liens intimes entre étudiants et personnes en position d'autorité ou ayant un rôle pédagogique sur ces étudiants. Par contre, on déduit qu'il ne peut y avoir de consentement aux rapports sexuels dans le contexte d'une « relation de confiance, de pouvoir ou d'autorité <u>telles que la relation entre un professeur et son étudiant</u> », ce qui tend à proscrire les relations sexuelles entre un professeur et son étudiant. - Il n'y a pas d'interdiction formelle de superviser ou d'évaluer un étudiant avec lequel un membre du personnel a une position d'autorité ou un rôle pédagogique.
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	POLITIQUE CONTRE LA VIOLENCE SEXUELLE (2016): "Consentement" : "une personne est incapable de consentir si l'activité sexuelle résulte d'un abus d'une relation de confiance, de pouvoir ou d'autorité telle que la relation entre un professeur et son étudiant."	<u>Les obligations pour le personnel en cause et les facultés :</u> - Le membre du personnel doit faire une déclaration écrite des faits en lien avec le conflit d'intérêt.
Université du Québec à Montréal https://instances.uqam.ca/wp-content/uploads/sites/47/2017/08/Politique_no_18.pdf	POLITIQUE N° 18 - POLITIQUE SUR LES CONFLITS D'INTÉRÊTS ET SUR L'INTÉGRITÉ ACADÉMIQUE : 6.5 Non discrimination dans <u>l'embauche</u> et <u>l'évaluation</u> 6.5.1 Chaque personne à l'emploi de l'Université, qui désire embaucher à même des fonds internes ou externes une personne qui, théoriquement, pourrait la placer en <u>situation de conflit d'intérêts</u>, notamment à cause de liens de parenté, de liens conjugaux, de leur union de fait ou de leurs <u>relations interpersonnelles</u>, doit démontrer, à la satisfaction de l'Université, qu'un tel conflit n'existe pas. Dans ce cas, la demande d'embauche devra être soumise à l'approbation de sa supérieure, son supérieur qui s'assure : - que la personne à embaucher détient les qualifications nécessaires et l'expérience requise et est la mieux placée pour satisfaire aux exigences de la fonction; - qu'il n'y a pas de discrimination dans l'embauche; - que la personne qui a initié le processus de l'embauche ne participe pas directement audit processus (par exemple, au sein du comité de sélection). 6.6 Impartialité lors de <u>l'évaluation</u> des étudiantes et des étudiants 6.6.1 Les membres du <u>personnel enseignant</u>, <u>les correctrices</u> et <u>les correcteurs</u> doivent s'abstenir d'être directrice de recherche, directeur de recherche ou d'évaluer la performance et les travaux des étudiantes, étudiants avec qui leur lien de parenté ou leurs <u>relations interpersonnelles</u> seraient susceptibles de les placer en situation de conflit d'intérêts, soit réelle, soit apparente	Il n'y a aucun code de conduite spécifique. Certaines dispositions concernant la conduite des employés se retrouvent dans des extraits de la Politique sur les conflits d'intérêts. <u>Les principes invoqués justifiant les dispositions :</u> - Les relations interpersonnelles entre le personnel enseignant et les étudiants sont susceptibles de les placer en situation de conflit d'intérêt, ce qui va à l'encontre du principe d'impartialité. <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La dimension du consentement n'est pas abordée dans cette politique. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Le personnel en situation de conflit d'intérêt avec des étudiants doit s'abstenir d'évaluer la performance et les travaux de ces derniers. <u>Les obligations pour le personnel en cause et les facultés :</u> - Outre l'abstention d'évaluer les étudiants concernés, il n'y a pas d'autres précisions.
Université d'Ottawa https://www.uottawa.ca/administration-and-governance/policy-67b-prevention-sexual-violence	<u>Policy 67B - Prevention of sexual violence (2016):</u> Consent cannot be given if the person who is said to have engaged in sexual violence has abused a position of trust, power or authority.	Cette politique n'aborde pas la question des liens intimes en contexte de relations pédagogiques ou d'autorité avec des étudiants. Par contre, l'abus d'une position de confiance, de pouvoir ou d'autorité fait en sorte que le consentement de l'étudiant ne peut être évoqué.

Ryerson University https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/	<u>3. Parameters of Consent</u> The university through the efforts of the Office of Sexual Violence Support and Education and its partners will work to promote a consent culture on campus based on the following principles: a. Consent is active, not passive or silent; it must be affirmative and ongoing. b. <u>Consent cannot be coerced through</u> harassment, manipulation, threats or <u>abuse of power</u>. c. It is the responsibility of the person who wants to engage in physical contact or sexual activity to make sure that they have consent from the other person(s) involved. d. Consent to one sexual act does not constitute or imply consent to a different sexual act. e. Consent is required regardless of the parties' relationship status or sexual history together. f. Consent cannot be given by a person who is incapacitated by alcohol or drugs or who is unconscious or otherwise lacks the capacity to give consent. g. Impaired judgment on the part of the person accused that leads them to think or believe there was consent is not an excuse for an act of sexual violence."	Le contenu de cette politique se rapproche beaucoup des autres exigences de la Loi visant à prévenir et à combattre les violences à caractère sexuel dans les établissements d'enseignement supérieur pour la rédaction d'une politique, bien qu'il n'y ait pas de Code de conduite pour les personnes en relation d'autorité. <u>Les principes invoqués justifiant les dispositions :</u> - L'université fait la promotion de la culture du consentement. - Il n'y a pas d'encadrement à propos des liens intimes entre les personnes en position d'autorité et leurs étudiants. <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - La notion de consentement est définie et prévoit notamment qu'il ne peut pas être obtenu par l'abus de pouvoir, la manipulation, le chantage, le harcèlement. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Il n'y a pas d'interdiction formelle <u>Les obligations pour le personnel en cause et les facultés :</u> - Non spécifié
University of Saskatchewan http://policies.usask.ca/documents/GuidelinesForAcademicConduct.php	MANAGING INTERACTIONS AND RELATIONSHIPS Establishing a good rapport with students can be pedagogically productive, but in rare circumstances <u>the development of a close personal contact can lead to the misuse of the power differential between teachers and students</u>. At the extreme there are <u>serious risks of exploitation, compromise of academic standards, harm to student development, and damage to reputations</u>. While a teacher bears most of the responsibility for managing student-teacher interactions, and for <u>avoiding any actual or perceived conflicts of interest</u> that relationships can produce, <u>students are also expected to behave in such a manner as to maintain an appropriate relationship</u>. It is acknowledged that non-exploitative dual relationships can evolve, however, and thus there is need to specify <u>guidelines for the practical management of such relationships to avoid even the perception of a conflict of interest</u>.	L'Université de Saskatchewan a adopté un code de conduite : Guidelines for Academic Conduct. Il a été approuvé en 1999. On y explique clairement le contexte et le raisonnement guidant la rédaction de ce Code qui recommande au professeur d'éviter d'établir une relation personnelle avec un étudiant. Si la relation ne peut être évitée, le professeur doit déclarer ce conflit d'intérêts qui sera géré par la direction. Ce code de conduite est inusité en ce qu'il édicte aussi des responsabilités de la part des étudiants. <u>Les principes invoqués justifiant les dispositions :</u>

	Managing interactions and relationships: the teacher's role A teacher should respect students, treat them with dignity, and recognize the power differential between students and teachers. <u>A teacher should always avoid the perception of favouritism or nepotism regarding matters such as grading or employing research assistants. Teachers must not</u> exploit students, discriminate unfairly between students, or <u>allow conflicts of interest with students to arise.</u> The teacher is responsible for keeping relationships with students focused on academic matters, and for creating an appropriate social environment that fosters the educational objectives of the program or course. The teacher must ensure that faculty-student personal relationships do not detract from student development. A teacher may encounter several types of dual relationships. Accepting an instructional role (e.g. grading) over a member of one's immediate family, or over a close friend, client, patient or business partner will place the teacher in a conflict of interest. A teacher who cannot avoid such relationships should disclose them to a supervisor, and arrange to adopt a method of assessment (e.g. anonymous grading, use of an independent assessor) that precludes actual or perceived nepotism. <u>Teachers must recognize that any form of sexual or close personal relationship with a current student will not only produce a conflict of interest, but may also expose the teacher or the student to accusations of sexual harassment, exploitation and manipulation if the relationship deteriorates. If a close personal relationship does develop, then for the protection of all parties the teacher is advised to report the relationship to a supervisor as soon as possible. The supervisor should then make alternative arrangements for the supervision or evaluation of the student.</u> There are a variety of interactions with students that risk producing accusations of favouritism or exploitation. These include excessive socializing with students outside class, either individually, or as a group; lending money to or borrowing from students; giving or receiving non-trivial gifts (i.e. valued in excess of \$10); or requiring students to participate in a political or social movement advocated by the teacher. Such behaviour is best avoided. A simple sign that a particular form of relationship is unacceptable is any effort by the teacher to conceal it. Collective responsibilities for managing interactions and relationships Organizational units are responsible for ensuring a fair and equitable environment for students and faculty, and for managing matters such as hiring practices, equity, harassment, grading and dual-relationships. <u>Units should have policies that thwart the abuse of the power differential between teachers and students.</u> Units should create an environment in which concerns may be raised without fear of retribution, in which the power differential between teachers and students is recognized, and in which complaints are dealt with promptly and with due process.	- La relation d'autorité entre le professeur et l'étudiant expose les personnes impliquées à un risque sérieux d'exploitation, compromet les standards académiques, peut être dommageable au développement de l'étudiant et à la réputation; - Une relation intime qui s'envenime peut mener à des accusations de harcèlement sexuel; - Bien que le professeur assume une grande part de responsabilité pour la gestion de la relation professeur / étudiant, on s'attend de l'étudiant qu'il se comporte de façon approprié, afin de maintenir une bonne relation; - L'impartialité (conflit d'intérêts et perception de conflit d'intérêts). <u>L'impact de la relation pédagogique ou d'autorité sur la notion de consentement :</u> - Le consentement n'est pas abordé dans ce Code. <u>L'interdiction formelle (ou l'absence d'interdiction formelle) :</u> - Le code de conduite vise à sensibiliser contre le développement de relations intimes entre professeurs et étudiants plutôt qu'à les interdire formellement. - Si une telle relation se développe, le maintien de la relation pédagogique n'est pas formellement interdit, mais il est fortement recommandé au professeur de révéler la situation à son superviseur. <u>Les obligations pour le personnel en cause et les facultés :</u> - Le personnel enseignant doit déclarer le conflit d'intérêt; - L'étudiant est avisé d'en parler afin d'éviter une situation problématique; - La faculté devrait ensuite accommoder l'étudiant avec des moyens d'évaluation et de supervision alternatifs.
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	Managing interactions and relationships: <u>the student's role</u> A student should keep relationships with teachers focused on academic matters, and adopt social behaviours that are appropriate to academic relationships. <u>If a student becomes personally involved with a teacher, the student is advised to seek independent advice. Because of the power differential the student is advised to disclose the existence of the relationship to a student counselor,</u> so as to ensure the student can be advised of the best means of managing the various consequences of the relationship, including the possibility of actual or perceived favouritism or malice by the teacher. When a student assumes any or all of the duties of a teacher (either as an employee or as a volunteer) he or she has a duty to adhere to the same ethical standards concerning relationships with other students as identified for teachers in the section above.	
University of Toronto Sexual Violence and Harassment Policy : http://www.ombudsperson.utoronto.ca/resources/sexualviolenceandharassmentpolicy2017.pdf Policy on conflict of interest : http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/pjun221994.pdf	<u>Policy on sexual violence and sexual harassment (2016):</u> "Consent" : <u>Consent is NOT obtained</u> where a person is incapable of consenting -for example due to intoxication, or <u>where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.</u> <u>Policy on conflict of interest - Academic Staff (1994)</u> The following activities require the prior written approval of the person to whom the faculty member reports: Where the funds involved are administered by the University, the hiring, supervising, or evaluating of, purchasing from, selling to, engaging in any commercial transaction with, or conferring or denying any financial or commercial benefit on any member of the faculty member's immediate family or a person with whom there exists, or has recently existed, an intimate personal relationship; and, <u>the academic evaluation of,</u> or the conferring or denying of any academic or administrative benefit on any member of the faculty member's immediate family or <u>a person with whom there exists, or has recently existed, an intimate personal relationship;</u>	<u>Policy on sexual violence and sexual harassment:</u> Relations intimes entre prof-étudiants ne sont pas mentionnées spécifiquement. <u>Policy on conflict of interest - Academic staff:</u> Aucune sanction en cas de non-conformité n'est prévue à cette politique. Le passage ci-dessous est mentionné sur le site web de l'université : <u>If you are in a conflict of interest you must disclose this to the Chair of your department immediately.</u> You are not required to provide any details of the personal relation that gives rise to the conflict of interest; you need not answer questions about it, and you are entitled to confidentiality. <u>It is the responsibility of your Chair to take appropriate steps to "separate the interests": to relieve you of your professional duties in respect of a person in relation to whom you have a conflict of interest,</u> for example, or to ensure third-party oversight of any decisions you make. <u>These steps are taken in order</u>

		<u>to safeguard the interests of your student or colleague, but also to protect you from unfair imputations about your professional judgment.</u> <u>Les principes invoqués justifiant les dispositions :</u> - L’impartialité (conflit d’intérêts et perception de conflit d’intérêts). <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - Il n’y a pas consentement lorsqu’une personne a été incité à entreprendre une relation intime par une personne qui aurait fait usage abusif de sa position d’autorité. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Il n’y a pas d’interdiction formelle de relations intimes entre professeurs et étudiants; - Il n’y a pas d’interdiction formelle pour un professeur de superviser ou d’évaluer un étudiant avec qui il a ou a déjà eu une relation intime. <u>Les obligations pour le personnel en cause et les facultés :</u> - Le professeur doit révéler l’existence d’une relation intime avec un de ses étudiants à son supérieur facultaire. - Il appartient entièrement à la faculté de déterminer s’il y a lieu de « séparer les intérêts » et, le cas échéant, de prendre les mesures appropriées.
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Yale University http://catalog.yale.edu/handbook-instructors-undergraduates-yale-college/policy-statements/teacher-student-consensual-relations/	<u>Teacher-Student Consensual Relations</u> The integrity of the teacher-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development. <u>Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, or directly supervising a student, a sexual relationship between them is inappropriate and must be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sexual harassment and sex discrimination.</u> Therefore, <u>teachers</u> (see below) <u>must avoid sexual relationships with students over whom they have or might reasonably expect to have direct pedagogical or supervisory responsibilities, regardless of whether the relationship is consensual. Conversely, teachers must not directly supervise any student with whom they have a sexual relationship. Undergraduate students are particularly vulnerable to the unequal institutional power inherent in the teacher-student relationship and the potential for coercion, because of their age and relative lack of maturity. Therefore, no teacher shall have a sexual or amorous relationship with any undergraduate student, regardless of whether the teacher currently exercises or expects to have any pedagogical or supervisory responsibilities over that student.</u> Teachers or students with questions about this policy are advised to consult with the University’s Title IX Coordinator, the Title IX coordinator of their school, the department chair, the appropriate dean, the Provost, or one of their designees. Students or other members of the community may lodge a formal or informal complaint regarding an alleged violation of this policy with the University’s Title IX Coordinator, with the Title IX coordinator of their school, or with the University-wide Committee on Sexual Misconduct. <u>Violations of the above policies by a teacher will normally lead to disciplinary action.</u> For purposes of this policy, “direct supervision” includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, serving in such a capacity as Director of Undergraduate or Graduate Studies, and recommending in an institutional capacity for admissions, employment, fellowships or awards. “Teachers” includes, but is not limited to, all ladder and non-ladder faculty of the University.	Cette politique est inusitée à certains égards : - Il s’agit de la seule politique répertoriée qui stipule clairement que des sanctions disciplinaires seront appliquées aux professeurs contrevenant à la politique. - Elle interdit également les relations sexuelles entre un professeur et un étudiant bachelier (undergraduate), peu importe s’il existe une relation pédagogique entre les deux. - La relation intime est presque uniquement confinée à la relation sexuelle dans cette politique. - Les types de personnes en position d’autorité sont spécifiés : l’entraîneur sportif, un superviseur, un directeur, un conseiller. - Les interdictions sont formelles. <u>Les principes invoqués justifiant les dispositions :</u> - La relation pédagogique entre le professeur et l’étudiant doit être protégée contre des influences ou des activités qui pourraient interférer avec l’apprentissage et le développement personnel. - L’intégrité de la relation professeur étudiant est la base de la mission éducative de l’université - Le document vise la relation d’autorité entre le professeur et l’étudiant et aussi de celle existant entre d’autres membres de la communauté universitaire et un étudiant comme avec l’entraîneur sportif, un superviseur, un directeur, un conseiller. <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - La politique n’aborde pas l’angle du consentement. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Interdiction formelle d’une relation intime entre un professeur et étudiant lorsque le professeur en question
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	It also includes graduate and professional students and postdoctoral fellows and associates only when they are serving as part-time acting instructors, teaching fellows or in similar institutional roles, with respect to the students they are currently teaching or supervising. “Students” refers to those enrolled in any and all educational and training programs of the University. Additionally, this policy applies to members of the Yale community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, Residential College Fellows, as well as others who advise, mentor, or evaluate students.	enseigne, conseille ou supervise directement cet étudiant. La situation est considérée comme un conflit d'intérêt. Les relations sexuelles avec un étudiant sont même interdites si le professeur n’a pas de responsabilités de supervision ou d’évaluation de cet étudiant mais qu’il peut s’attendre à en avoir dans le futur; - De façon réciproque, il est formellement interdit à tout professeur de superviser ou d’évaluer un étudiant avec qui il a une relation sexuelle. - Il est interdit à un professeur d’avoir des rapports sexuels avec un étudiant bachelier (<i>undergraduate</i>), peu importe s’il a un rôle de supervision ou d’évaluation envers lui. <u>Les obligations pour le personnel en cause et les facultés :</u> - Non spécifié
York University http://secretariat-policies.info.yorku.ca/policies/conflicts-of-interest-policy-and-guidelines-for-faculty-and-librarians/ http://secretariat-policies.info.yorku.ca/policies/personal-relationships-between-instructors-and-students-policy/ http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	<u>Conflict of Interest</u> The following examples, while not comprehensive, are illustrative of situations which may lead to a conflict of interest and which should be disclosed. The situations pertain to a faculty member and all of his or her non arm’s length relationships, including but not limited to that of a spouse or spousal equivalent, parent, child or sibling, or a person with whom there exists, or has existed, a close personal relationship" <u>Personal Relationship between Instructors and Students</u> It is the policy of York University to endeavour to create and maintain a learning environment characterized by equitable conditions for all students. In order to further that goal and to ensure the continuing integrity of academic standards, <u>it is expected that instructors who have a close personal relationship with a student who desires to enrol in their course will, in consultation with their Chair and/or Dean (or designate), make appropriate alternative arrangements for the evaluation of that student. If no appropriate alternative arrangements for evaluation can be agreed upon, the student may not enrol in the course.</u> Without limiting the generality of the relationships in question; these include the following: a) where the instructor is the parent (or child) of the student b) where the instructor is the spouse or spousal equivalent of the student	<u>Les principes invoqués justifiant les dispositions :</u> - La politique a pour but de créer et maintenir un environnement d’apprentissage offrant des conditions équitables pour tous les étudiants et pour assurer l’intégrité des standards académiques <u>L’impact de la relation pédagogique ou d’autorité sur la notion de consentement :</u> - La définition prévoit qu'il n'y a pas de consentement en cas d'abus de la position de confiance, de pouvoir ou d'autorité. <u>L’interdiction formelle (ou l’absence d’interdiction formelle) :</u> - Il n’y a pas d’interdiction formelle <u>Les obligations pour le personnel en cause et les facultés :</u> - Le professeur doit déclarer le conflit d’intérêt

	Should a relationship such as the one described in (b) above arise during the course and before completion of evaluation of the student, the instructor shall consult with the Chair and/or Dean (or designate) as to an appropriate evaluation procedure. It is incumbent upon the instructor to exercise professional responsibility and to declare a potential or apparent conflict of interest where it exists. If the instructor fails to do so, the Chair and/or Dean (or designate) shall make the appropriate alternative arrangements for the evaluation of the student. POLITIQUE SUR LA VIOLENCE À CARACTÈRE SEXUEL "Consentement: a. Le consentement signifie l’accord actif, continu, informé et volontaire de prendre part à une activité sexuelle; il ne peut être tacite ou présumé. b. Le consentement ne peut être donné par une personne en état d’incapacité, inconsciente, en état d’ébriété, ou incapable de consentement pour une autre raison ; une personne peut retirer son consentement à tout moment ; c. On ne peut obtenir le consentement d’une personne en usant de menaces, de coercition ou d’autres formes de contrôle et d’intimidation, ce qui comprend notamment la <u>coercition au moyen de l’abus d’une position de confiance, de pouvoir ou d’autorité</u> et ; d. Il est du ressort de la responsabilité de la personne souhaitant initier l’activité sexuelle d’obtenir le consentement de la ou des autres personnes impliquées. e. La définition du consentement ne varie pas en fonction du sexe d’une personne, de son orientation sexuelle, de son identité sexuelle ou de son expression sexuelle."	
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Élément de la politique :	Rôles et responsabilités	Paragraphe(s) de l'article 3 de la Loi :	1°
Description de l'élément dans la Loi	les rôles et responsabilités des dirigeants, des membres du personnel, des représentants des associations étudiantes et des étudiants au regard des violences à caractère sexuel		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Université d’Ottawa https://www.uottawa.ca/administration-and-governance/policy-67b-prevention-sexual-violence	2. APPLICATION AND RELATED POLICIES 2.1 This Policy applies to all members of the University community, whether they are in the University’s learning or work environment, on or off campus, or interacting through social or other electronic media. The learning and work environment encompasses any setting where University learning, work or other activities take place, whether in the classroom, lab, in other teaching, research, study or office settings, in a University student residence or in connection with clubs or sport teams.	L’Université d’Ottawa définit brièvement les rôles et responsabilités en une formule générale. La majorité des établissements recensés dont la politique comporte un passage sur cette dimension sont aussi brefs sur le sujet que l’Université d’Ottawa. Les rôles et les responsabilités spécifiques des intervenants sont, en général, expliqués plus en détail lorsqu’une politique aborde des dimensions concrètes, comme les responsabilités d’un bureau d’accueil, de référence, de soutien psychosocial et d’accompagnement des personnes, ou encore celles des facultés lorsqu’une plainte ou un signalement est déposé.
Ryerson University https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/	<u>VI. ROLES AND RESPONSIBILITIES</u> All members of the Ryerson community: • Will make themselves aware of the policy and their responsibilities under the policy. • Will participate in the wide variety of education and training programs made available on campus. • Respect an individual’s right to confidentiality if an incident of sexual violence is disclosed to them by a survivor; refer them to the Office of Sexual Violence Support and Education where the survivor can seek support, accommodations if needed, and advice about reporting options. • Will make themselves aware of the services listed in Schedule 1 of this policy so that they might refer individuals looking for specific types of assistance and support. • Report to Ryerson Security and Emergency Services if they witness sexual violence and do not know the survivor, or become aware of an incident that promotes rape culture. University Executive: • Maintain and communicate an ongoing commitment to combat the issue of sexual violence at Ryerson University.	L’Université Ryerson fournit une description très exhaustive des rôles et des responsabilités de plusieurs catégories de parties prenantes, incluant des dirigeants bien identifiés par leurs titres. Parmi les politiques des autres établissements recensés, on ne retrouve pas de descriptions des rôles et des responsabilités se rapprochant du niveau de précision de celle de l’Université Ryerson. Toute la communauté a un rôle à jouer, notamment: - le bureau de l' "Office of Sexual Violence Education and Support" qui, entre autres, reçoit les plaintes et divulgations, et est en charge de la formation et de la prévention. - le bureau du Human Rights Services, qui traite les plaintes, désigne un enquêteur interne ou externe, rend une décision et impose, le cas échéant, une sanction ou une mesure correctrice.

	• Foster a consent culture on campus. Vice Provost, Students: • Provide an organizational home for the Office of Sexual Violence Support and Education. • Oversee the operation of the Student Conduct Office and Student Code of Non-Academic Conduct (Policy 61). • Work in close partnership with the Vice Provost/Assistant Vice President, Equity, Diversity and Inclusion; the Vice Provost, Faculty Affairs; and the Assistant Vice President, Human Resources on the interpretation and application of this policy. • Ensure that the appropriate supports and services are put in place in the many units reporting to the Office of Vice Provost Students. Vice Provost/Assistant Vice President, Equity, Diversity and Inclusion: • Work in close partnership with the Vice Provost, Students; the Vice Provost, Faculty Affairs; and the Assistant Vice President, Human Resources on the interpretation and application of this policy. • Oversee the Human Rights Services Office and the adjudication of complaints process. Assistant Vice President, Human Resources: • Work in close partnership with the Vice Provost/Assistant Vice President, Equity Diversity and Inclusion; the Vice Provost, Faculty Affairs; and the Vice Provost, Students on the interpretation and application of this policy. • Ensure that appropriate supports are in place for survivors who are employees of the institution through human resources benefits, programs and employee assistance program (EAP). • Collaborate with the Vice Provost, Faculty Affairs, to ensure that training opportunities are made available for all faculty, staff and other employees and contractors related to sexual violence and the processes for handling incidents and complaints. • Work with human resources consultants; the Vice Provost, Faculty Affairs (where applicable); and managers and supervisors to support workplace accommodations required in response to incidents of sexual violence at Ryerson. Vice Provost, Faculty Affairs: • Work in close partnership with the Vice Provost/Assistant Vice President, Equity Diversity and Inclusion; the Vice Provost, Students; and the Assistant Vice President, Human Resources on the interpretation and application of this policy.	
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	• Ensure appropriate supports are in place for survivors who are academic staff of the institution, liaising with Human Resources regarding available programs or offerings that will assist survivors. • Work with Deans, Chairs and Directors and Human Resources to support workplace accommodations required in response to incidents of sexual violence at Ryerson. Office of Sexual Violence Education and Support: • Oversee the day-to-day implementation and operation of this policy as outlined in the office’s mandate and job descriptions. • Develop and implement with on- and off-campus partners the awareness, prevention, education and training strategy. • Work with Student Affairs in the development and delivery of training opportunities available for students and appropriate student staff. Director, Integrated Risk Management: • Provide appropriate services and supports through Security and Emergency Services such as safety planning, assisting survivors who chose to report to police, referral of community members to the Office of Sexual Violence Education and Support, assisting Human Rights Services with investigations and application of sanctions where appropriate. • Ensure that all Security and Emergency Services staff are trained in working with survivors of sexual violence, trauma-informed services and processes, and the impact of identities on how an individual experiences sexual violence. Faculty and Academic Departments: • Provide reasonable academic accommodation to students impacted by sexual violence. Student-Led Governing Bodies: • Maintain an ongoing commitment to peer-to-peer sexual violence education, training and support, and promotion of a consent culture at all events. • Work in collaboration with university administration including but not limited to the Vice Provost/Assistant Vice President, Equity, Diversity and Inclusion; Integrated Risk Management; Vice Provost, Students; and the Office of Sexual Violence Support and Education to communicate student concerns in regards to sexual violence and rectifying them.	
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	• Develop campaigns and initiatives about sexual violence and consent culture that are student-led and that centre voices and experiences, including but by no means limited to those of students.	
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Élément de la politique :	Prévention et sensibilisation	Paragraphe(s) de l'article 3 de la Loi :	2°
Description de l'élément dans la Loi	la mise en place de mesures de prévention et de sensibilisation visant à contrer les violences à caractère sexuel, y compris de l’information de nature juridique ainsi que des activités obligatoires de formation pour les étudiants		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Carleton University https://carleton.ca/secretariat/wp-content/uploads/Sexual-Violence-Policy-December-1-2016.pdf	5. EDUCATION, PREVENTION AND AWARENESS 5.1. The University will build the capacity of the Carleton community to address sexual violence and play a role in ending sexual violence in our community. As such, the University and our campus partners, will: a) Engage in public education and prevention activities; b) Provide the University community with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence; c) Contribute to a campus atmosphere in which sexual violence is not tolerated while recognizing academic freedom (as outlined in the applicable collective agreement and in the Carleton University Statement of Conduct and Human Rights) for students, faculty and staff to explore controversial topics related to this issue; and, d) Monitor and update University policies to ensure that they remain effective and in line with other existing policies and best practices. 5.2. The University will establish the Sexual Violence Prevention and Education Committee (SVPEC) with representation from students, staff, faculty and senior administrators. This committee will be chaired by the Director of Equity Services and report to the President. Individuals will be invited to self-nominate/apply for the SVPEC. Equity Services and the Office of the Vice-President (Students and Enrolment) will collaborate to choose an appropriate number of members from across the university to serve on the committee. Generally speaking the purposes of the SVPEC will be to: a) Encourage the University community to work together to promote a safe learning, living and work environment for the members of the University community; b) Contribute to a campus atmosphere in which sexual violence is not tolerated; c) Make recommendations to the Office of the President on this Policy with regard to sexual violence prevention and awareness; d) Make recommendations to the Office of the President on resources required or other measures related to addressing sexual violence and support services; and,	

	e) Consider and recommend proposals for new training programs brought forward by Equity Services and monitor the coordination, implementation and success of training programs related to sexual violence. 5.3. The Board of Governors shall receive and consider annual reports from Equity Services in respect of sexual violence, including the following: a) The number of times supports, services and accommodation relating to sexual violence are requested and obtained and information about the supports, services and accommodation; b) Initiatives and programs established to promote awareness of the supports and services available; c) The number of incidents and complaints of sexual violence, and information about the incidents and complaints; and d) The implementation and effectiveness of this Policy.	
Université McGill https://www.mcgill.ca/secretariat/files/secretariat/policy_against_sexual_violence_fr.pdf	8. L’Université doit prendre des mesures proactives et visibles pour fournir éducation, lignes directrices et information sur la violence sexuelle et ses diverses répercussions par divers moyens, dont : a. des campagnes d’information partout sur ses campus; b. des séances de formation et d’information à divers endroits où le personnel enseignant, les employés et les étudiants travaillent, vivent et apprennent, en collaboration avec les divers services des campus; c. un site Web consacré à la violence sexuelle, qui comprend de l’information sur la nature de la violence sexuelle, les ressources offertes à l’Université et ailleurs qui peuvent intéresser les survivants et ceux qui leur viennent en aide ainsi que sur les modalités de divulgation et de signalement; d. des séances d’orientation et de formation destinées à tous les étudiants et membres du personnel enseignant, administratif et de soutien en vue d’accroître la sensibilisation à la violence sexuelle et au rôle assumé conjointement par tous les membres de la communauté universitaire en matière de prévention de la violence sexuelle; e. une formation obligatoire sur la prise en charge d’une divulgation ou d’un signalement par des méthodes axées sur le survivant pour tous les membres du personnel enseignant, administratif et de soutien qui fournissent des services de santé et de counseling de première ligne aux étudiants, et tous ceux qui sont affectés aux enquêtes et qui disposent de l’autorité pour imposer des mesures disciplinaires en vertu des politiques et des règlements de l’Université; et f. des initiatives en matière d’éducation qui permettent d’accroître la sensibilisation aux répercussions que peuvent avoir des facteurs intersectionnels tels que la race, la religion, le sexe et l’identité sexuelle sur les incidents de violence sexuelle.	Formation obligatoire seulement pour les gens de première ligne vis-à-vis les étudiants, ceux affectés aux enquêtes, et ceux qui ont l'autorité pour imposer des mesures disciplinaires (ne rencontre pas les obligations en vertu de la Loi).

York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	16. Formation et éducation 16.1 L’Université proposera de former et d’éduquer la communauté universitaire en vue de prévenir la violence sexuelle et d’améliorer les services de soutien aux survivants. Notamment grâce à : a. Une formation sur le contenu de la Politique sur la violence sexuelle, y compris les processus pour intervenir et traiter les cas de violence sexuelle, pour les membres du conseil d’administration et les gestionnaires supérieurs ; les membres de la Faculté, du personnel et les autres employés et personnes employées sous contrat ; et pour les étudiants. b. Des initiatives en faveur de l’éducation de la communauté de l’Université pour promouvoir et changer les attitudes et les comportements qui perpétuent la violence sexuelle et pour créer un environnement de plus grand soutien pour les survivants. Ces initiatives prendront une approche intersectionnelle et contre l’oppression pour traiter de la question de la violence sexuelle et reconnaître les différentes expériences de violence. La programmation aura pour objectif de traiter des problèmes systémiques contribuant à la violence sexuelle et visera la mise au défi de la culture du viol et d’autres formes de discrimination et de haine.	
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Élément de la politique :	Activités de formation obligatoires	Paragraphe(s) de l'article 3 de la Loi :	3°
Description de l'élément dans la Loi	des activités de formation annuelles obligatoires pour les dirigeants, les membres du personnel, les représentants de leurs associations et syndicats respectifs et les représentants des associations étudiantes;		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
University of British Columbia https://universitycounsel.ubc.ca/files/2017/02/Proposed-Policy-131-Feb-2017.pdf	1.3 UBC is committed to providing comprehensive and inclusive Sexual Misconduct education, prevention, and response initiatives. Through these initiatives, UBC is committed to countering rape culture, a term that describes broader social attitudes about gender, sex and sexuality that normalize Sexual Misconduct and undermine equality. [...] 2.3 The Sexual Violence Prevention and Response Office will also: 2.3.1 serve all Members of the UBC Community, including those who have received a Disclosure, those who are supporting someone who has experienced Sexual Misconduct, or those who may have witnessed Sexual Misconduct; 2.3.2 establish, oversee, and coordinate sexual misconduct prevention and response protocols and processes, communications, resource materials, and training; and 2.3.3 lead the education program to countering broader social attitudes regarding gender, sex and sexuality that normalize Sexual Misconduct and undermine equality.	
Université McGill https://www.mcgill.ca/secretariat/files/secretariat/policy_against_sexual_violence_fr.pdf	8. L'Université doit prendre des mesures proactives et visibles pour fournir éducation, lignes directrices et information sur la violence sexuelle et ses diverses répercussions par divers moyens, dont : a. des campagnes d'information partout sur ses campus; b. des séances de formation et d'information à divers endroits où le personnel enseignant, les employés et les étudiants travaillent, vivent et apprennent, en collaboration avec les divers services des campus; c. un site Web consacré à la violence sexuelle, qui comprend de l'information sur la nature de la violence sexuelle, les ressources offertes à l'Université et ailleurs qui peuvent intéresser les survivants et ceux qui leur viennent en aide ainsi que sur les modalités de divulgation et de signalement; d. des séances d'orientation et de formation destinées à tous les étudiants et membres du personnel enseignant, administratif et de soutien en vue d'accroître la sensibilisation à la violence sexuelle et au rôle assumé conjointement par tous les membres de la communauté universitaire en matière de prévention de la violence sexuelle; e. une formation obligatoire sur la prise en charge d'une divulgation ou d'un signalement par des méthodes axées sur le survivant pour tous les membres du personnel enseignant, administratif et de soutien qui fournissent	

	des services de santé et de counseling de première ligne aux étudiants, et tous ceux qui sont affectés aux enquêtes et qui disposent de l’autorité pour imposer des mesures disciplinaires en vertu des politiques et des règlements de l’Université; et f. des initiatives en matière d’éducation qui permettent d’accroître la sensibilisation aux répercussions que peuvent avoir des facteurs intersectionnels tels que la race, la religion, le sexe et l’identité sexuelle sur les incidents de violence sexuelle.	
Ryerson University https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/	PART ONE – EDUCATION AND SUPPORT 2. AWARENESS, PREVENTION, EDUCATION AND TRAINING The Office of Sexual Violence Support and Education will work with on- and off-campus partners including, but not limited to, student organizations and unions, Student Affairs staff, academic departments, Human Resources, the Office of Vice Provost Faculty Affairs, the Learning and Teaching Office, Human Rights Services, and Security and Emergency Services to develop an annual education strategy that includes campaigns, training sessions, workshops, print and online resources, programs and events on a breadth of topics related to sexual violence on campus. These campaigns will explore topics such as rape culture, consent culture, sexual assault awareness, how to seek support, resources for survivors, advice and resources for first responders, etc. The audience for these efforts would include employees, students and visitors to our campus. Education will include training on this policy, the prevention of sexual violence and responding to sexual violence, with content tailored to the audience and relevant to their roles and responsibilities in relation to this policy. A particular emphasis will be placed on educating new members of the Ryerson community about this issue through student and employee orientation activities. Faculties and departments are encouraged to include education related to rape culture and sexual violence in course materials and program curriculum where appropriate. They are also encouraged to use trained facilitators who understand the sensitivity with which these topics must be raised, who have the skills to respond appropriately to disclosures and those who may be triggered by the content of the material or resulting discussions.	

Élément de la politique :	Mesures de sécurité	Paragraphe(s) de l'article 3 de la Loi :	4°
Description de l'élément dans la Loi	des mesures de sécurité qui visent à contrer les violences à caractère sexuel, y compris des ajustements aux infrastructures pour rendre les lieux sécuritaires		

Jusqu’à maintenant, aucune disposition pertinente sur cette dimension n’a été identifiée dans les politiques relatives aux violences à caractère sexuel des 14 établissements recensés.

Élément de la politique :	Règles sur les activités sociales ou d'accueil	Paragraphe(s) de l'article 3 de la Loi :	5°
Description de l'élément dans la Loi	des règles qui encadrent les activités sociales ou d'accueil organisées par l'établissement d'enseignement, un membre de son personnel, un dirigeant, une organisation sportive ou une association étudiante		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Dalhousie University https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/SexualHarassmentPolicy.pdf	PART III: APPLICATION OF THE POLICY 4) This policy applies to incidents of sexual harassment that occur in the course of work or study or participation in university-sponsored organizations, activities and programs, whether they occur on-campus or off-campus. Examples of off-campus settings include, but are not limited to, field trips, athletic team road trips, conferences or training events, and university-sponsored social functions.	Cet extrait stipule que la politique s'applique aux activités sociales ou d'accueil, mais n'édicte pas de règles spécifiques pour ces situations.

Élément de la politique :	Mesures imposées aux tiers	Paragraphe(s) de l'article 3 de la Loi :	6°
Description de l'élément dans la Loi	les mesures que l'établissement imposera aux tiers dans le cadre de ses relations contractuelles		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Dalhousie University https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/SexualHarassmentPolicy.pdf	PART III: APPLICATION OF THE POLICY 5) Persons who are not employees or students of the University (hereafter called “Third Parties”) may have concerns about sexual harassment and are encouraged to express their concerns to the Advisor, Harassment Prevention/Conflict Management. The Advisor, Harassment Prevention/Conflict Management will advise the person raising the concern and, where appropriate, refer the matter to the appropriate individual or unit within the University. In appropriate circumstances, these procedures may be used where a Third Party makes a complaint against a student or employee who was involved in the course of her/ his work or study or participation in University-sponsored organizations, activities and programs. Third Parties include, but are not limited to, contractors, their employees and agents; vendors of goods and services to the University, their employees and agents; visitors to the University; volunteers; grant-paid employees; post-doctoral fellows; chaplains; persons in the community guiding practicum and internship placements, and others with similar connections to the University. 6) The procedures referred to in sections 15 and 17-40, inclusive, of this policy do not apply to Third Parties against whom a complaint is made. However, such persons are expected to conduct themselves in any University-related activity in a manner consistent with this policy. Allegations of sexual harassment against a Third Party will be dealt with by the University as unacceptable behaviour that may result in suspension of University privileges, such as access to campus, or other appropriate action. Such allegations should be reported to the Advisor, Harassment Prevention/Conflict Management.	Section 5: Définition de “tiers” Section 6: Mesures applicables aux tiers, mais excluant l’encadrement des plaintes (« sections 15 and 17-40, inclusive »)
Collège Rosemont http://www.crosemont.qc.ca/public/bd6fad11-ee4c-4d0c-a5d7-c094a8a27d06/1241_crosemont_pol-drh-04_civilite-harcelement_2017-11-20.pdf	11. PLAINTES 11.4. DÉCISION: Les mesures de correction peuvent être, entre autres : • pour un membre du personnel : un avertissement, une demande de produire des excuses écrites, la suspension ou le congédiement; • pour une personne étudiant au Collège : un avertissement, une demande de produire des excuses orales ou écrites, la suspension, l’annulation d'inscription pour le trimestre ou le renvoi;	

	• <u>pour un tiers : un avertissement, une demande de produire des excuses écrites, un rapport à l'employeur ou la perte d'accès ou de privilèges.</u>	
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Élément de la politique :	Plaintes, signalements et renseignements : Modalités, suivi à donner et mesures d’accommodement des personnes ayant formulé une plainte, un signalement, ou ayant fourni des renseignements, et délai d’intervention applicable à ces mesures.	Paragraphe(s) de l'article 3 de la Loi :	7°, 8° et 11° (en partie)
Descriptions de ces éléments dans la Loi	7° les modalités applicables pour formuler une plainte, pour effectuer un signalement ou pour fournir des renseignements à l’établissement d’enseignement concernant toutes violences à caractère sexuel, incluant la possibilité de le faire en tout temps; 8° le suivi qui doit être donné aux plaintes, aux signalements et aux renseignements reçus ainsi que les mesures d’accommodement visant à protéger les personnes concernées et à limiter les impacts sur leurs études, le cas échéant; 11° les délais d’intervention applicables aux mesures d’accommodement prévues au paragraphe 8°, (...) ainsi que le délai de traitement des plaintes, qui ne peut excéder 90 jours; <i>Ces mesures étant généralement présentées conjointement, les extraits retenus combinent les exigences des paragraphes 7° et 8° de la Loi, ainsi qu’une partie du paragraphe 11°, et sont donc recensés dans une seule section.</i> <i>Compte tenu de l’ampleur des textes liés à ces mesures, les extraits sont subdivisés par mesure (signalement, plainte, accommodement) pour chacun des deux établissements (universités Carleton et Lakehead) dont la politique a été recensée à ce sujet.</i> <i>Soulignons que les politiques d’autres universités présentant des règles similaires sur ces dispositions ont été recensées :</i> - Université de Hearst (politique en français) : http://www.uhearst.ca/docs/politique-en-matiere-de-harcelement-et-de-violence-a-caractere-sexuel.pdf - Université du Manitoba (plus succincte) : https://umanitoba.ca/admin/governance/media/Sexual_Assault_Policy_-_2016_09_01.pdf - Université de Toronto : http://www.ombudsperson.utoronto.ca/resources/sexualviolenceandharassmentpolicy2017.pdf		

Établissement :	Carleton University https://carleton.ca/secretariat/wp-content/uploads/Sexual-Violence-Policy-December-1-2016.pdf	
Mesure	Extraits pertinents	Commentaires du GT-PVCS
Modalités pour formuler un signalement ou pour fournir des renseignements	6. SUPPORT SERVICES AND DISCLOSURE 6.1. General provisions about reporting and disclosure a) <u>At any time</u>, a person who has experienced sexual violence may consult with or seek advice and support from the relevant student association, union or other employee group.	Le bureau responsable de la réception des signalements est le « Sexual Assault Support Centre », une unité des « Equity Services ».

	b) If an incident of sexual violence is disclosed to a member of the University community, the person to whom it is reported has a duty to refer the person to this Policy and inform the person that the Sexual Assault Support Centre within Equity Services (hereafter “Equity Services”) is the office to contact in order to get information about the availability of supports and services. 6.2. Support and Services a) Individuals who disclose that they have experienced sexual violence will be provided support services and will be treated with dignity and respect at all times by the University and its representatives. <u>A person affected by sexual violence is not required to report an incident of or make a complaint about sexual violence under the formal complaint process of this Policy in order to obtain support and services, or in order to receive appropriate accommodation for their needs.</u> 6.4 Disclosure in a non-emergency – Equity Services Equity Services is responsible for handling all disclosures of sexual violence involving a member of the University community in a non-emergency situation, whether the sexual violence has occurred on or off campus. An Equity Services staff member will provide information about available support and services, including information about interim measures that may be available to address the immediate needs (see examples in paragraph 6.5 (a) of this Policy). Equity Services is the point of contact for a person affected by sexual violence to request academic, employment or other accommodations.	
Suivis à donner aux signalements	6.5 Follow-up on disclosure a) When a person reports sexual violence to University Safety and/or Equity Services, an Equity Services Advisor will contact the person to learn more about the circumstances, the person’s needs and expectations, and the outcome sought. The Equity Services staff member will make every effort to assist the person and will discuss options to address or resolve the matter in a timely and supportive way. The appropriateness of these options will depend on the person’s needs and on the circumstances. The following list of examples (which is not exhaustive) includes: - Providing referrals to contacts for suitable supports, services or resources available at the University and in the city, including the Sexual Assault Services Coordinator; - Sharing information on what the person can do or what the Equity Services Officer or other person may do to intervene in the situation; - Discussing the availability of interim academic or employment accommodation or other measures to stabilize a situation, to protect the person from retaliation or the threat of retaliation, to address safety or other concerns, and/or to otherwise support the person. Examples of measures for students include exam or assignment deferral, class and/or schedule changes, housing changes, and no-contact orders. Examples for employees include making changes that are not disciplinary but precautionary to avoid contact between parties or placing the Respondent on a temporary non-disciplinary leave with pay; - Providing information on methods available to facilitate a resolution; - Describing the process of filing a formal complaint under Section 9 of this Policy; and,	Mesures de suivi suite à un signalement: - Conseils immédiats - Protection et prise en charge, avec l’appui du Sexual Violence Review Committee - Mesures d’accommodement, si requis - Évaluation de la menace - Consultation auprès d’autres services à l’interne ou à l’externe, si requis.

	- Information about any other available options to address or resolve the matter. b) Where appropriate the Director of Equity Services will engage the Sexual Violence Review Committee to ensure the safety, follow-up and support for those involved in a report of sexual violence. c) The Sexual Violence Review Committee (SVRC) is composed of: - Vice-President Students and Enrolment or designate (Chair) - Director of Equity Services - Director of Health and Counselling Services Director of University Safety - Director of Student Affairs (when the Complainant or Respondent is a student) - Director of Employee and Labour Relations (when the Complainant or Respondent is an Employee) All members of the SVRC will receive sexual violence and procedural fairness training. d) Equity Services must ensure that the following steps occur: - The person who has experienced sexual violence is given information regarding internal and external personal support and advocacy services, and internal (non-criminal) and external (criminal and other legal proceedings) complaint processes; - Appropriate academic, employment or other accommodation and interim measures are made available and implemented to stabilize the situation and/or separate the parties and to address any safety or security concerns; and, - A threat assessment is conducted as required. e) Equity Services and the Sexual Violence Review Committee can, on a confidential basis, consult or seek the assistance of other internal authorities (such as Health and Counselling Services, Human Resources or the Sexual Assault Services Coordinator) or resources. They can also consult or seek the assistance of external parties relevant to the particular incident, such as rape crisis centers and counselling services.	
Modalités pour formuler une plainte, et mesures provisoires d’accommodement (8.8)	8.2 Choice not to file a formal complaint or not to investigate a) A person may choose not to file a formal complaint under Section 9 of this Policy. If a person decides not to file a formal complaint or requests that the University not investigate, the full range of supports and services outlined in this Policy remain available to that person. To the greatest extent possible, the University will respect the person’s choice not to proceed with a formal complaint or request that the University not investigate. b) A Complainant who has filed a formal complaint may withdraw the complaint in writing at any time. However, the Sexual Violence Review Committee (SVRC) may still initiate an investigation if it has reason to believe that a member of the University community or broader community may be at risk of harm, or if the Sexual Violence Review Committee determines that the University has a legal obligation to investigate. In such cases, subject to legal requirements, the person has the right not to participate in such an	

	investigation. The SVRC will appoint an Investigator who will investigate the matter and provide the SVRC with a written confidential report containing the facts and information gathered during the investigation. The Sexual Violence Review Committee will consult with internal authorities on the investigation report and on the appropriate means for further addressing the matter. (...) 8.8 Interim measures Interim measures may be implemented during the formal complaint process and pending a final decision. The Sexual Violence Review Committee can review the implementation of interim measures to ensure the measures are appropriate in the circumstances. A nonexhaustive list of examples of such interim measures is outlined in paragraph 6.5 (a) of this Policy. 9. FORMAL COMPLAINTS PROCESS 9.1. Filing and initiating a formal complaint a) The Director of Student Affairs (or designate) is responsible for receiving (in writing) formal complaints of sexual violence related to students. The Director of Employee and Labour Relations (or designate) is responsible for receiving formal complaints related to all other groups. In the case where the Respondent is both a student and an employee, the complaint may be submitted to either of these two parties but will be jointly received. Only a person who reports experiencing sexual violence (the “Complainant”) can choose to file a formal complaint under this Policy. b) A formal complaint can be filed if the Respondent is a member of the University community and was a member of the University community at the time of the incidents alleged in the formal complaint. c) Jurisdictional or other legal considerations may arise (such as an active police investigation) where the formal complaint process in this Policy may be suspended. d) A formal complaint must set out in writing the name of the Respondent, the nature and the details of the circumstances, including detailed facts, specific dates and names of potential witnesses. The person receiving the formal complaint will acknowledge receipt, review it and if necessary, seek clarification from the Complainant on the information it contains.	
Suivi : Processus de traitement des plaintes formelles	9.2. Sexual Violence Review Committee (SVRC) Initial assessment a) The complaint will be provided to the Sexual Violence Review Committee. The SVRC will assess the formal complaint and determine whether the conduct forming the basis of the complaint appears to fall within the definition of sexual violence as set out in this Policy.	

	b) If the SVRC considers that the conduct in question appears to fall within the definition of sexual violence as set out in Section 4 of this Policy, they will appoint an Investigator pursuant to paragraph 9.4(a) of this Policy and inform the Complainant and Respondent in writing. c) If the SVRC considers that the conduct does not fall within the definition of sexual violence as set out in this Policy, they will convey this assessment in writing to the Complainant and inform the Complainant of their right to request a review under 9.3 of this Policy, and will provide the applicable timelines and procedures for requesting this review. In these cases the SVRC may also refer the Complainant to another University policy or office as may be applicable or legally required. 9.3. Review of the initial assessment A request to review the Sexual Violence Review Committee’s initial assessment of the complaint can be made only if it has determined that the complaint falls outside the definition of sexual violence as set out in this Policy. If the Complainant disagrees with the determination that the complaint is outside the definition of sexual violence as set out in this Policy, then the Complainant may ask the University Secretary to review the assessment, if the Complainant submits the request in writing within 10 business days after the date of determination. Upon review, the University Secretary’s decision is final and will be communicated to the Complainant in writing. 9.4. Investigation a) Where the complaint is within the definition of sexual violence as set out in this Policy, the Sexual Violence Review Committee will appoint an Investigator who has competence in conducting investigations related to allegations of sexual violence, to investigate the complaint. b) Where the Respondent is a unionized employee, the employee shall have all applicable rights to union representation during any investigatory meetings with the Employer. As per the relevant collective agreement the Director of Employee/Labour Relations will also inform the Manager/Supervisor of the Respondent of the investigation. c) Once an Investigator has been appointed, either the Director of Employee and Labour Relations or the Director of Student Affairs will send a written notice to the Respondent and the Complainant informing both of the formal complaint, enclosing a copy of the complaint and informing them of the name of the Investigator. This notice will indicate that the Respondent will have an opportunity to provide the Investigator with a written response to the complaint. Both the Complainant and the Respondent will be provided with a copy of the formal complaint process under this Policy. d) The investigation will be done in a timely fashion. The Investigator will ask the Respondent to respond in writing to the formal complaint. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a response.	
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	e) The Investigator will then send the Respondent's response to the Complainant, who can submit a written reply within the time requested by the Investigator. If no written reply is provided within the time requested, the Investigator will proceed in the absence of such reply. The Respondent will receive a copy of the reply, if any. f) The Investigator will examine all of the information submitted by the parties as well as any other information gathered during the investigation and conduct all interviews in a fair, impartial and professional manner. The Investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation. g) The Investigator will keep the Sexual Violence Review Committee informed on the status of the investigation at regular intervals or at the request of the Review Committee. The officers charged with receiving the complaint will keep the Complainant and the Respondent informed on the status of the complaint and of the investigation. 9.5. Investigation report Upon completion of the investigation, the Investigator will send a written confidential report containing the facts and information gathered during the investigation to the Sexual Violence Review Committee. The investigation report will be provided to the Complainant and to the Respondent with a reminder of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal. The university considers reprisal at any stage to be a serious offence. A breach of confidentiality by any person with respect to a complaint may also constitute reprisal. 9.6. Review of report and committee meeting a) After the report and replies are provided to the Sexual Violence Review Committee (SVRC), the Chair will convene meeting(s) and send a written notice of the meeting(s) to the Complainant and the Respondent. The notice will indicate the time, place and purpose of the meeting(s) as well as include a statement that if the Complainant or the Respondent does not attend or participate, the SVRC may proceed in their absence. b) The Sexual Violence Review Committee meeting(s) will be conducted in person and in camera. However, the support person(s) referred to in paragraph 8.4 of this Policy can attend as an observer(s) only and may not speak on behalf of or represent the Complainant or the Respondent. c) The Complainant and the Respondent will be afforded the opportunity to make written and oral representations to the SVRC, including representations on the investigation report and on any potential consequences or measures. The Complainant and the Respondent are expected to speak for themselves. Members of the SVRC may ask questions of the Complainant and the Respondent and may invite witnesses as they deem necessary. d) The Review Committee will ensure that the Complainant and the Respondent are given an opportunity to know and respond to information that it intends to rely upon in making the decisions and recommendations. 9.7. Decision of the Sexual Violence Review Committee (SVRC)	
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	a) Upon reviewing and considering the final investigation report and any representations made by the Complainant and the Respondent or other person at its meeting with them, the Sexual Violence Review Committee will: - Decide whether the investigation was fair and conducted properly; - Decide whether the complaint is founded and the role of the Respondent; - Recommend consequences or measures it considers appropriate to remedy or mitigate any academic or employment harm or disadvantage arising from the complaint, to prevent its reoccurrence and to ensure the safety of all individuals. b) The decisions of the Sexual Violence Review Committee and the reasons in support of it must be in writing and be delivered to the Complainant and Respondent. The Freedom of Information and Protection of Privacy Act (FIPPA), prohibits the disclosure of the details of any disciplinary actions or consequences taken against the Respondent. The Complainant has a right to know the outcome of the investigation but not the details of the discipline unless sharing that information is permitted by FIPPA for health and safety reasons. In the case of a unionized employee, the decision of the SVRC will also be communicated to the appropriate Manager/Supervisor who will make a recommendation on any consequences, measures, and/or disciplinary action to the appropriate Vice-President. If the Committee decides that the complaint is founded and the Respondent involved was a unionized employee, the SVRC will also provide the appropriate Manager/Supervisor with a copy of the investigation report. c) Consequences or measures in response to sexual violence will depend on the circumstances, on the severity of the conduct, on any mitigating factors and on applicable collective agreements or other University policies. If a complaint of sexual violence is substantiated, consideration will be given to preventing its reoccurrence in the future, to correcting the negative impact of the incident on the Complainant and to ensuring or enhancing the safety of all individuals. The following list provides examples of consequences and measures and is not meant to be exhaustive nor necessarily represent a progression of consequences or measures: - A letter of apology; - Attendance at educational sessions on the impact of sexual violence; - Attendance at coaching sessions to improve communication or conflict resolution skills; - Restricted or prohibited access to the University campus and/or services; - For employees discipline up to and including termination; - For students discipline up to and including suspension or ban from the University, and - In circumstances where the Respondent is a unionized employee, the appropriate Manager/Supervisor under the applicable collective agreement will decide on consequences or measures and on the imposition of any disciplinary measures. Disciplinary processes and measures shall be in accordance with the collective agreement applicable to the Respondent employee.	
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Établissement : Lakehead University https://www.lakeheadu.ca/sites/default/files/uploads/106/policies/SVP%20v6%20December%2021th%20final%20APPROVED.pdf		
Mesure	Extraits pertinents	Commentaires du GT-PVCS
Modalités pour formuler un signalement ou pour fournir des renseignements	7. SUPPORTS, SERVICES AND ACCOMMODATIONS (ACADEMIC AND OTHERWISE) AVAILABLE FOR THOSE WHO EXPERIENCE SEXUAL VIOLENCE 7.3. University Community Members who are affected by sexual violence and require accommodations (academic and otherwise) will be appropriately accommodated and should seek accommodations through the Office of Human Rights and Equity. Appropriate accommodations may include, but are not limited to: supports for mental and physical well-being, supports to promote feelings of safety, supports to continue with their education or employment and supports to reduce contact with the Respondent. 7.4. It is not necessary to Report an incident of sexual violence or to make a Complaint under this Policy to obtain the supports and services outlined in Appendix “B” to this Policy or to obtain appropriate accommodations (academic or otherwise). 7.5. There is no time limit that applies to making a request for supports, services or accommodations under this Policy. 8. DISCLOSURE 8.1. A University Community Member who experiences sexual violence, or a Bystander, may choose to make a Disclosure of sexual violence. Disclosure, in these circumstances, is about sharing an account of what happened. University Community Members who make a Disclosure or who receive a Disclosure are fully entitled to seek supports, services and accommodations irrespective of whether they Report or file a Complaint about the sexual violence. 8.2. While Disclosure may be made to any University Community Member, those who experience sexual violence are encouraged to contact the Office of Human Rights and Equity directly. The Office will provide, on a confidential basis, assistance in obtaining supports and services as well as information regarding options for reporting the incident. 8.3. Typically, a Complaint under this Policy will only be initiated if the individual making the Disclosure wishes to pursue a Complaint. However, the University reserves the right to initiate a Complaint where there are reasonable grounds to believe that there is a safety risk or the University has a legal duty to investigate the matter. 8.4. There is no time limit for making a Disclosure under this Policy. 8.5. What to do If you receive a Disclosure 8.5.1. A University Community Member who receives a Disclosure should be respectful and supportive, provide assistance as appropriate, and encourage the individual to visit the Office of Human Rights and Equity to explore possible supports, services and accommodations as well as complaint options. The University Community Member who receives the Disclosure should maintain strict confidentiality with respect to that Disclosure unless there are reasonable grounds to believe that there is a safety risk, or the University has a legal duty to investigate the matter.	

	8.5.2. A University Community Member who receives a Disclosure and has reasonable grounds to believe that an individual is at imminent risk of self-harm is encouraged to seek assistance from one or more of the emergency services outlined in Appendix B and stay with the individual until emergency assistance is provided to the individual. 8.5.3. A University Community Member who receives a Disclosure and has reasonable grounds to believe that one or more individuals at the University or within the wider community may be at risk of harm is encouraged to seek assistance from one or more of the emergency services outlined in Appendix B. 8.5.4. A University Community Member who receives a Disclosure and contacts emergency services as outlined above in section 8.5.2 or 8.5.3, is encouraged to Report the situation to the Office of Human Rights and Equity. 8.5.5. A University Community Member who is an Employee should keep track of all Disclosures, in an anonymous way, and report these to the Office of Human Rights and Equity for aggregate data reporting (see section 12.3.1). 8.5.6. A University Community Member who receives a Disclosure and requires support, services or accommodations as a consequence of the Disclosure, should report to the Office of Human Rights and Equity to request same. 9. REPORTING 9.1. An individual who experiences sexual violence may choose to Report sexual violence to the Office of Human Rights and Equity, regardless of whether they choose to file a Complaint. 9.2. An individual who experiences sexual violence may also choose to make a report to the police and will be supported by the Office of Human Rights and Equity in so doing. 9.3. The record of the Report will be used for aggregate data reporting (more particularly described in paragraph 12.3.1 herein). 9.4. In certain situations a survivor of sexual violence who makes a Report may wish to pursue an informal resolution process that could include mediation. This option will be assessed by the Office of Human Rights and Equity after consideration of the severity of the act, and any safety or risk factors. The Office of Human Rights and Equity will facilitate informal resolution if it determines that informal resolution is safe and it is the expressed wish of both the survivor and Respondent. 9.5. A Report may cause an investigation or Complaint to be initiated; however, typically this will only happen if the person who made the Report wishes to initiate an investigation or a Complaint. The University reserves the right to initiate a Complaint, even if the person who made the Report does not wish to make Complaint, if there are reasonable grounds to believe that there is a safety risk or the University has a legal duty to investigate the matter.	
Mesures préventives ou d’accommodement	10.INTERIM MEASURES	

	10.1. The University may implement Interim Measures when the University concludes that such measures are necessary to protect the safety and security of another University Community Member regardless of whether a formal Report or Complaint has been made under this Policy. 10.2. The decision to implement Interim Measures will be made after balancing the safety and security of the University Community Member deemed to be at risk, with the rights of the Respondent. Where Interim Measures are necessary the University will seek to implement the least disruptive measures that still achieve the University's goal of promoting safety and security. 10.3. Decisions with respect to Interim Measures affecting Students will be made by the Office of Human Rights and Equity in consultation with the Sexual Violence Assessment Committee as necessary. Decisions with respect to Interim Measures affecting University Community Members who are not Students, will be made by the Appropriate Manager/Supervisor if the individual is an Employee and by the VicePresident of Administration and Finance or a designate if the University Community Member is neither a Student nor an Employee. 10.4. Any of the Respondent, the individual who experienced sexual violence, and the Complainant may request modifications to Interim Measures and may make a written submission in support of their request. Requests for modifications shall be submitted to the Office of Human Rights and Equity. Requests for modifications involving Students shall be considered by the Office of Human Rights and Equity which may bring the request to the Sexual Violence Assessment Committee for consideration. Requests involving Employees shall be considered by the Appropriate Manager/Supervisor. Requests involving non-Students and non-Employees shall be considered by the VicePresident Administration and Finance or a designate. 10.5. A non-exhaustive list of possible Interim Measures includes: - A no contact requirement; - A requirement to sign in and out of the University with security; - Suspension from the Library or athletic facilities; - Suspension from University extra-curricular activities - Suspension from class attendance; - Trespassed from Campus; - Suspension from email access; - A curfew for those who reside on Campus; and - A relocation in residence for those who reside on Campus. 10.6. Interim Measures implemented in respect of Students will end the earlier of when: (a) The Office of Human Rights and Equity, the Assessment Committee, the Appropriate Manager/Supervisor, or the Vice-President Administration and Finance, as the case may be, determines they should end; (b) There is a finding that no investigation is warranted;	
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	(c) There is a finding that no meeting of the Sexual Violence Adjudication Panel is warranted; (d) When a Complaint is withdrawn by a Complainant and the Complaint is not taken up by the University; or (e) At the conclusion of a meeting of the Sexual Violence Adjudication Panel if the decision of the Panel directs that the Interim Measure(s) end. 10.7. Accommodations and Interim Measures implemented in accordance with this Policy are not intended to be punitive or disciplinary within the meaning of any relevant collective agreement or university policy.	
Modalités pour formuler une plainte	11. COMPLAINT PROCESS, INVESTIGATION, ADJUDICATION 11.1. Complaint Process 11.1.1. Filing and initiating a Complaint (a) Complaints must be submitted, in writing, to the Office of Human Rights and Equity. Complaints may be submitted by regular mail to the Office of Human Rights and Equity at 955 Oliver Road, Thunder Bay, ON P7B 5E1, in person, or by confidential email to humanrights@lakeheadu.ca. (b) A Complaint may be filed with the Office of Human Rights and Equity if the Respondent is a University Community Member. 11.1.2. A Complaint must be in writing and must set out: the name of the Respondent, the nature and details of the sexual violence alleged, including detailed facts, specific dates and names of potential witnesses. The Office of Human Rights and Equity will acknowledge receipt of the Complaint, review it and, if necessary, seek clarification. 11.1.3. Complaints that are malicious, retaliatory, vexatious, or made in bad faith do not fall under this Policy, and may be dealt with under other applicable University Policies. 11.1.4. Normally, an individual who has experienced sexual violence will retain control over whether a Complaint will be initiated under this Policy. To the greatest extent possible, the University will respect the person’s choice not to proceed with a formal Complaint or request that the University not investigate. However, the University reserves the right to investigate and initiate a Complaint if it has reason to believe that there is a safety risk or if the University has a legal obligation to investigate. 11.1.5. A Complainant may withdraw their Complaint at any time during the Complaint process. Normally, the Complainant will retain control over their Complaint; however, the University reserves the right to take up the Complaint if it has reason to believe that there is a safety risk or if the University has a legal obligation to investigate. 11.1.6. The Office of Human Rights and Equity will send a written notice to the Respondent and the Complainant informing both of the Complaint, enclosing a copy of the Complaint and informing them that the Assessment Committee will assess the Complaint. The Complainant and the Respondent will be directed to maintain strict confidentiality with respect to the Complaint.	

Suivi : Processus de traitement des plaintes formelles	11.2. Sexual Violence Assessment Committee (Assessment Committee) 11.2.1. The Sexual Violence Assessment Committee is comprised of: (a) Director of the Office of Human Rights and Equity (Chair); and (b) Two Employees of the University chosen by the Director of the Office of Human Rights and Equity. 11.2.2. Upon receipt of a Complaint, the Office of Human Rights and Equity will convene the Sexual Violence Assessment Committee. The Assessment Committee will assess the Complaint and determine whether: (a) the Respondent is a University Community member; (b) the conduct set out in the Complaint falls within the definition of sexual violence as set out in this Policy; (c) the matter falls more appropriately under another University Policy; and (d) there is a need for Interim Measures arising from immediate risks to safety. 11.2.3. If the Assessment Committee considers that the conduct in question falls within the definition of sexual violence as set out in this Policy, that the Complaint be investigated, the Respondent is a University Community Member and this Policy is the appropriate forum for the Complaint, it will appoint an Investigator. 11.2.4. If no Investigator is appointed the decision of the Assessment Committee will be provided to the Complainant and Respondent by the Office of Human Rights and Equity, in writing with brief reasons. 11.3. Investigation 11.3.1. When the Assessment Committee appoints an investigator to investigate a Complaint, the investigator will not have a conflict of interest in relation to either the Complainant or the Respondent and will be competent to conduct investigations related to allegations of sexual violence. 11.3.2. When an investigator is appointed, the Office of Human Rights and Equity will send a written notice to the Respondent and the Complainant informing both of the name of the Investigator. This notice will indicate that the Respondent will have an opportunity to respond to the written Complaint in writing and that the investigator will arrange interviews as the investigator deems appropriate. The Complainant and the Respondent will be directed to maintain strict confidentiality with respect to the investigation. 11.3.3. The Complainant, the Respondent and any witnesses interviewed by the investigator have the right to have a Support Person present during their interview(s) with the investigator. 11.3.4. The Complainant, the Respondent and any witness interviewed by the investigator also have the right to be represented by legal counsel during the interview(s) with the investigator. 11.3.5. If the Respondent is an Employee and is represented by a trade union the Respondent shall have the right to union representation during any investigatory meeting with the appointed investigator.	
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	11.3.6. If the Respondent is an Employee, the Office of Human Rights and Equity will advise the Appropriate Manager/Supervisor, in writing, of the Complaint, the nature of the Complaint, and the investigation. The Appropriate Manager/Supervisor must maintain confidentiality, to the greatest extent possible with respect to the Complaint and the investigation. 11.3.7. The investigation will be done in a timely fashion. 11.3.8. If the Respondent provides a written response to the Complaint, the investigator will send a copy of the Respondent’s response to the Complainant, who may submit a written reply within the time requested by the investigator. If no written reply is provided within the time requested, the investigator will proceed in the absence of such a reply. The Respondent will receive a copy of the reply, if any. 11.3.9. All interviews conducted by the investigator will be conducted in a fair, impartial and professional manner. The investigator will remind any persons engaged in an investigation of the requirement to protect and keep confidential the personal information of the parties involved in the investigation, including the fact that an investigation is proceeding. 11.3.10. Those who require supports, services or accommodations to participate in the investigation process are encouraged to approach the Office of Human Rights and Equity to obtain same. 11.3.11. Either or both of the Complainant and Respondent may choose not to participate in the investigation. If this choice is made, the investigation report will reflect such choice, if it is relevant. 11.3.12. The investigator will compile all of the information submitted by the Complainant and Respondent, as well as any other information gathered during the investigation and will complete an investigation report setting out the facts the investigator has adduced during the course of the investigation. 11.3.13. Updates on the Complaint process may be sought from the Office of Human Rights and Equity by the Complainant and Respondent . 11.4. Investigation report 11.4.1. Upon completion of the investigation, the investigator will send a written confidential report together with any documents and any other forms of evidence submitted to the investigator during the investigation, to the Office of Human Rights and Equity. 11.4.2. The Office of Human Rights and Equity will send the investigation report to the Respondent (and the Complainant if the Complainant wishes and if it is appropriate in the circumstances) with the explicit instruction to protect and keep confidential the personal information of those involved in the investigation and avoid acts of reprisal. The Respondent and the Complainant will be provided with an opportunity to make written submission with respect to the investigation report. Any submissions received will be shared with the other party if appropriate in the circumstances. All of this information will then be provided to the Office of Human Rights and Equity. 11.4.3. The Office of Human Rights and Equity will then forward the investigation report and any submissions provided by the Respondent or the Complainant in response to the investigation report, to the Assessment Committee. The Assessment	
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	Committee, after a review of the investigation report and any submissions filed by the Respondent or Complainant, will determine whether the matter will be referred to a Sexual Violence Adjudication Panel. If, in the view of the Assessment Committee, the file indicates that there are no reasonable prospects of a finding that sexual violence occurred, the matter will not be referred to the Sexual Violence Adjudication Panel. 11.4.4. The finding of the Assessment Committee will be communicated by the Office of Human Rights and Equity to the Complainant and the Respondent in writing, with brief reasons. 11.5. Sexual Violence Adjudication Panel (Panel) Composition and Functions 11.5.1. Unless the Assessment Committee determines that the matter should not proceed to adjudication, the Office of Human Rights and Equity will assemble a three (3) person Panel and notify them of the Complaint. 11.5.2. The Panel will be selected from a pool of up to fifteen (15) people who are: tenured members of the faculty of the University, senior administrators of the University, other Employees of the University or individuals from the community with knowledge and training with respect to sexual violence. The members of the Panel shall be appointed in each year by the Board of Governors or its Executive Committee on the recommendation of the President of the University. 11.5.3. The Panel assembled by the Director of Human Rights and Equity shall have no conflict of interest with the Complainant or Respondent. All Panels must have University representation whereas Community representation is not mandatory. Expertise on sexual violence and procedure, as well as a legal advisor, will be available to the Panel and coordinated by the Office of Human Rights and Equity. 11.5.4. One Panelist will be appointed by the Panel as the Chair. 11.5.5. The Office of Human Rights and Equity will notify the Respondent and the Complainant, in writing, of the Panel composition and of the right to challenge this composition based on any conflict of interest. The Office of Human Rights and Equity will determine whether any adjustments to the Panel composition are required. 11.5.6. The Office of Human Rights and Equity will send a copy of the Complaint, the response and any written replies from either the Respondent or Complainant as well as the final investigation report and other documents submitted by the Complainant or the Respondent that were provided to the Assessment Committee following the investigation (all such information is collectively referred to as the “Evidence Dossier”) to the members of the Panel for their review. 11.5.7. Normally, within ten (10) business days after the Evidence Dossier is provided to the Panel, the Office of Human Rights and Equity will convene meetings of the Panel and the Complainant and Respondent. The notice will indicate the date, time, place and purpose of the meeting as well as include a statement that if the Complainant or the Respondent does not attend or participate in the meeting, the Panel may proceed in their absence, subject to any applicable accommodations. 11.5.8. The Chair of the Panel shall regulate the conduct of the meeting.	
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	11.5.9. In conducting a meeting, the Panel may proceed by way of a statement of facts agreed to by the parties, thus avoiding the need for other evidence. 11.5.10. Each of the parties to the meeting may be accompanied by a Support Person. Each party may also be represented by legal counsel. A party who is an Employee may have union representation if they are represented by a trade union. 11.5.11. The Panel meetings will be arranged so that the Complainant and the Respondent do not meet face-to-face unless all parties agree to do so. 11.5.12. The Panel meetings will be conducted in person or via video technology and the meetings will be closed, that is they will be private. 11.5.13. In the case of a meeting that does not proceed by way of an agreed statement of facts, either party before the Panel may call witnesses who may be questioned by the Panel. Parties may request that specific questions be asked of any witness. The Panel may limit the number of witnesses, amount or manner of questioning where further evidence or questioning will be repetitive or irrelevant. 11.5.14. The Panel shall ensure that the Complainant and the Respondent are given an opportunity to know and respond to information that it intends to rely upon in making its Decision. 11.5.15. The Panel shall have control over its own procedures. 11.5.16. The Panel shall decide, based on the balance of probabilities whether the alleged act(s) occurred on a balance of probabilities. That is, whether it is more likely than not that the alleged sexual violence occurred. 11.6. Decision of the Panel 11.6.1 Upon reviewing and considering the final investigation report and any representations made by the Complainant and the Respondent or other person at its meeting(s) with them, the Panel will: (a) Decide whether the Complaint is founded; (b) If the Respondent is a Student, determine what consequences or measures, if any, shall be imposed; (c) If the Respondent is an Employee, the Panel shall make no determination regarding consequences or measures; (d) If the Respondent is a University Community Member other than a Student or an Employee, the Panel shall make no determination regarding consequences or measures. 11.6.2 The decision(s) of the Panel and the reasons in support of it (the "Decision") shall be in writing and delivered to the Office of Human Rights and Equity who will in turn deliver copies the Respondent. In the case of a Respondent who is a Student, the Decision will also be delivered to the Vice-Provost of Student Affairs and others necessary to implement the Decision. In the case of a Respondent who is an Employee, the Decision will also be delivered to the Appropriate Manager/Supervisor. In the case of a Respondent who is a University Community Member but neither a Student nor an Employee, the Decision will also be delivered to the Vice-President of Administration and Finance. The ViceProvost of Student Affairs, the Appropriate Manager/Supervisor and	
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	the VicePresident of Administration and Finance will maintain confidentiality with respect to the Panel’s decision, to the greatest extent possible in the circumstances. 11.6.3 The Complainant has the right to know the outcome of the meeting but not the details of the disciplinary actions or consequences if any, taken against the Respondent unless the University deems sharing the information permitted by law and necessary for protection of the Complainant’s health and safety. 11.7. Consequences 11.7.1 Consequences or measures in response to sexual violence will depend on the circumstances, on the severity of the conduct and on any mitigating factors. If a Complaint is upheld, consideration should be given to preventing its reoccurrence in the future, to correcting the negative impact of the incident on the Complainant, and to ensuring or enhancing the safety of University Community Members. The following list provides examples of possible consequences and measures for Student Respondents and is not meant to be exhaustive nor necessarily does it represent a progression of consequences or measures: - Mandatory attendance at educational sessions on the impact of sexual violence; - Mandatory attendance at coaching sessions to improve communication and/or conflict resolution skills; - Restricted or prohibited access to University Campuses and/or services; and - For Students – discipline up to and including suspension or expulsion* from the University. *Note that expulsion from the University requires the approval of the President. 11.7.2 The Panel does not have the authority to award damages, aggravated damages, special damages or costs. 11.8. General Provisions on the Formal Complaint Process 11.8.1 External reporting and recourse – This Policy and the Complaint process do not prevent, and are not intended to discourage, an individual from also reporting sexual violence to the police, pursuing a complaint of sexual violence through the criminal justice system, pursuing a complaint of sexual harassment with the Ontario Human Rights Tribunal pursuant to the Ontario Human Rights Code, or the Occupational Health and Safety Act or availing themselves of other civil processes and remedies. 11.8.2 Choice not to file a Complaint or not to investigate – An individual may choose not to file a Complaint under this Policy or request that the University not investigate, and the full range of supports and services outlined in this Policy remain available to that individual. 11.8.3 Withdrawal of a Complaint – A Complainant who has filed a Complaint may withdraw the Complaint at any time by providing such notification in writing to the Office of Human Rights and Equity. Withdrawal of a Complaint by an individual Complainant does not necessarily mean that the University will not pursue its own Complaint or take up the existing Complaint. 11.8.4 Harassment and/or discrimination – Complaints of harassment and/or discrimination that do not involve sexual violence will be addressed through the University’s Harassment and Discrimination Policy, Workplace Violence Policy, the Code of Student Behaviour and Disciplinary Procedures, or other applicable University policies and not through this Policy.	
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	11.8.5 Support Person – The Complainant or the Respondent can be accompanied by a Support Person of their choice at any time during the Complaint process as outlined in this Policy. 11.8.6 Confidentiality – Documents and information related to a Complaint, including the written Complaint, written responses, witness statements, investigation notes and reports, and documents related to the Complaint and its investigation, will be securely maintained by the Office of Human Rights and Equity. 11.8.7 Timelines – The timelines mentioned in this Policy are meant to ensure that the matters are dealt with in a timely fashion. However, in the administration of this Policy, strict compliance with time requirements may be dispensed with, as necessary, in the interests of fairness and justice. 11.8.8 Applicable collective agreements – This Policy does not replace or supersede applicable collective agreements.	
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Élément de la politique :	Plaintes, signalements et renseignements : Confidentialité des plaintes, des signalements et des renseignements reçus	Paragraphe(s) de l'article 3 de la Loi :	12°
Description de l'élément dans la Loi	des mesures visant à assurer la confidentialité des plaintes, des signalements et des renseignements reçus concernant toutes violences à caractère sexuel;		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
University of British Columbia https://universitycounsel.ubc.ca/files/2017/04/policy131.pdf	6. CONFIDENTIALITY AND PRIVACY 6.1 In order to protect the integrity, fairness, and effectiveness of Investigations and to ensure compliance with the Freedom of Information and Protection of Privacy Act (FIPPA), all participants in an Investigation must act in accordance with the requirements set out below. 6.2 Individuals, including the Complainant and the Respondent, who have obtained information about an identifiable individual (“Personal Information”) through their participation in an Investigation must not disclose this information to anybody except their own personal advisors or representatives, or as required by law. However, this section does not prevent: 6.2.1 any participants in the Investigation from disclosing information about themselves, or information that they have obtained outside the Investigation; 6.2.2 UBC representatives from disclosing Investigation-related information as authorized under section 6.3; or 6.2.3 Complainants and Respondents from disclosing the information that they have received under sections 6.4 and 6.5. 6.3 UBC will not disclose any Personal Information related to an Investigation except to the extent such disclosure is: 6.3.1 expressly authorized by the affected individual; 6.3.2 to a UBC representative, if necessary for the performance of that individual’s duties; 6.3.3 to a Complainant, Respondent, witness, or other participant in the Investigation, if necessary for the conduct of the Investigation; 6.3.4 to a Complainant or Respondent in accordance with sections 6.4 and 6.5; 6.3.5 authorized by the University Counsel for compelling health or safety reasons; 6.3.6 authorized by the University Counsel to correct misleading or inaccurate information if necessary to protect the integrity of the Investigation or UBC’s investigatory processes; or	

	6.3.7 authorized or required under law. 6.4 To maintain the integrity of the Investigation process, UBC must ensure that both Complainants and Respondents know the Investigation findings and the evidence upon which these findings are based. For this reason, Complainants and Respondents will be provided with a copy of the Investigation Report. The FIPPA may require UBC to remove Personal Information that is irrelevant to the Investigation findings, or that identifies third parties. If there are multiple Complainants or multiple Respondents, they will only receive the portions of the Investigative Report that are relevant to them. 6.5 Under the FIPPA, UBC is only authorized to disclose disciplinary actions it has taken against the Respondent if the disclosure is authorized by the University Counsel for compelling health or safety reasons. For example, UBC will normally inform Complainants of any restrictions that may have been imposed upon the Respondent’s movements or activities. 6.6 Section 6.2 does not prevent Complainants and Respondents from disclosing the information they received under sections 6.4 and 6.5. However, Complainants or Respondents who choose to disclose such information should keep in mind that the disclosure of such information may result in a legal claim being made against them by the other party or other individuals (including, for example, a defamation or breach of privacy claim), and may wish to seek advice before doing so.	
Carleton University https://carleton.ca/secretariat/wp-content/uploads/Sexual-Violence-Policy-December-1-2016.pdf	7. CONFIDENTIALITY 7.1. All reports and disclosures of sexual violence to the University will be treated in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) and with the provisions of applicable collective agreements. 7.2. All members of the University community who receive a report or disclosure of sexual violence or who are involved in addressing or investigating it must keep the matter confidential. This is in order to protect the rights of those involved in the allegations; to prevent an unjustified invasion of their personal privacy; to preserve the integrity of the investigation, and to safeguard individuals against unsubstantiated allegations. See paragraph 8.5 of this Policy for more details on confidentiality related to the formal complaint process. 7.3. The University will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence and will limit disclosure of information about individuals to those within the University who need to know for the purposes of, or those consistent with, addressing the situation, investigating or taking corrective action. Under the following circumstances, however, the University might face additional legal obligations and may not be able to guarantee complete confidentiality if: a) An individual is at risk of self-harm;	

	b) An individual is at risk of harming others; c) Members of the University community or the broader community may be at risk of harm; and/or d) Investigation or reporting to authorities where required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation and/or community safety). 7.4. If a person requests that the University not act on a report of sexual violence, the University must weigh that person's request against the University's legal obligation to take action and provide a learning, living and work environment that is safe and free from sexual violence for all members of the University community.	
Lakehead University https://www.lakeheadu.ca/sites/default/files/uploads/106/policies/SVP%20v6%20December%2021th%20final%20APPROVED.pdf	6. CONFIDENTIALITY 6.1. The confidentiality of those who have made a Disclosure, a Report or a Complaint of sexual violence shall be safeguarded, to the greatest extent possible. 6.2. If an investigation or other proceeding is carried out pursuant to this Policy, the names of those involved will not be released except as required pursuant to this Policy or as required by law. 6.3. Confidentiality may be limited where: (a) There are reasonable grounds to believe that an individual is at imminent risk of self-harm; (b) There are reasonable grounds to believe that one or more persons in the University or wider community may be at risk of harm; (c) Reporting is required by law; (d) A Complaint has been filed; and (e) An accommodation, support or service may place limits on the level of confidentiality.	
York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	5. CONFIDENTIALITÉ 5.3 Les divulgations et les rapports de violence sexuelle faits à l'Université sont considérés comme confidentiels et sont traités conformément à la Loi sur l'accès à l'information et la protection de la vie privée et aux conventions collectives qui s'appliquent. Les renseignements concernant les divulgations et rapports seront uniquement partagés avec les personnes ayant un besoin impérieux d'être informées afin de pouvoir mener à bien les fonctions appropriées à la responsabilité d'une personne ou d'une unité de traiter convenablement un cas de violence sexuelle ou tel que requis par la loi. Dans la mesure du possible, l'identité du survivant et celle du défendeur resteront anonymes. 5.4 L'Université peut être dans l'incapacité de garantir une confidentialité totale si : a) une personne est jugée comme étant exposée à un risque imminent de se faire du mal ;	

	b) une personne est jugée comme étant exposée à un risque imminent de faire du mal à une autre personne en particulier ; c) il existe une raison de croire que les membres de la communauté de l’Université ou de la communauté plus large puissent être exposés au risque imminent de dommage ; et/ou d) l’Université est obligée de procéder à une enquête ou d’effectuer une sorte de rapport/action requise par la loi (ex. : incidents impliquant un mineur ou exigences en vertu de la législation sur la santé et la sécurité au travail ou sur les droits de la personne). 5.5 Cette liste est l’exception à la règle fondamentale de confidentialité et elle est nécessaire pour garantir le fait que l’Université peut agir dans les intérêts de la sécurité de la communauté et remplir les obligations légales associées. 5.6 Dans les cas où une confidentialité totale ne peut être maintenue, le membre de la communauté à l’origine de la divulgation sera informé à la première occasion possible. En outre, des efforts seront faits pour limiter la quantité d’informations partagées et le nombre de personnes avec lesquelles elles sont partagées. 5.7 L’Université traitera les plaintes et leurs enquêtes comme étant confidentielles et elle ne publiera aucune information à moins d’y être contrainte par la loi ou tel qu’indiqué dans cette politique. Les informations fournies aux témoins pendant les enquêtes seront limitées à ce qui est raisonnablement nécessaire à la conduite d’une enquête juste et approfondie. Les participants à une enquête, y compris les témoins et les personnes de confiance, seront informés du besoin de maintenir la confidentialité afin de protéger l’intégrité de l’enquête, ainsi que de la nécessité qu’ils s’abstiennent de discuter du cas pendant l’enquête et le processus juridictionnel. L’obligation de garder les informations confidentielles n’empêche pas une personne de rechercher des services de counseling et/ou d’autres services de soutien, y compris à travers des réseaux de soutien personnels, soit pour le plaignant, soit pour le défendeur.	
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Élément de la politique :	Plaintes, signalements et renseignements : Protection contre les représailles	Paragraphe(s) de l'article 3 de la Loi :	14°
Description de l'élément dans la Loi	des mesures visant à protéger contre les représailles la personne ayant déposé une plainte, fait un signalement ou fourni des renseignements;		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Dalhousie University https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/SexualHarassmentPolicy.pdf	RETALIATION 48) There shall be no retaliation against any person on account of a complaint or an expressed intention to complain under this policy or on account of evidence or assistance given with respect to a complaint or a proposed complaint under this policy. Such retaliation shall be grounds for a complaint under this policy. The University considers retaliation or the threat of retaliation at any stage to be a serious offense because it prevents potential complainants, witnesses and administrators from acting on their concerns. Any person should report threats, acts of retaliation and other safety concerns to the Advisor, Harassment Prevention/Conflict Management and/ or the relevant administrators.	
University of Toronto http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf	IV. PRINCIPLES RESPECTING PROCESS 21. The University will not tolerate any retaliation, through any means including through social or other electronic media, against anyone who Discloses or Reports an Incident of Sexual Violence, or who participates in a University process that is addressing allegations of Sexual Violence against a Member of the University Community.	Tient compte des représailles par cyberintimidation.
York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	9. RAPPORT 9.2.4 Personne n'a le droit, que ce soit directement ou indirectement, d'intimider, de menacer, de contraindre, de discriminer, de harceler, de se venger, de se livrer à des représailles contre une personne qui : - rapporte un incident ou dépose une plainte contre un acte de violence sexuelle, ou - participe ou a coopéré à une enquête en vertu de cette Politique. 9.2.5 L'Université peut mettre en place des mesures qu'elle considère comme étant appropriées afin de prévenir les représailles telles que la séparation des parties dans le cadre d'une plainte dans l'environnement académique, professionnel ou de logement, ou encore interdire la communication entre les parties tout au long du processus de plainte. Toute personne se livrant à des représailles ou violant les directives de l'Université est	

	passible de sanctions notamment disciplinaires, y compris la mise à terme de ses études ou l’expulsion de l’Université.	
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Élément de la politique :	Services d’accueil, de référence, de soutien psychosocial et d’accompagnement, et délais d’intervention	Paragraphe(s) de l'article 3 de la Loi :	9° et 11° (en partie)
Description de l'élément dans la Loi	9° l’offre de services d’accueil, de référence, de soutien psychosocial et d’accompagnement des personnes par des ressources spécialisées et formées en matière de violences à caractère sexuel; 11° les délais d’intervention applicables (...) à l’offre de service prévue au paragraphe 9°(...) qui ne peuvent excéder 7 jours.		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Carleton University https://carleton.ca/secretariat/wp-content/uploads/Sexual-Violence-Policy-December-1-2016.pdf	6. SUPPORT SERVICES AND DISCLOSURE 6.1. General provisions about reporting and disclosure b) If an incident of sexual violence is disclosed to a member of the University community, the person to whom it is reported has a duty to refer the person to this Policy and inform the person that <u>the Sexual Assault Support Centre within Equity Services (hereafter “Equity Services”) is the office to contact in order to get information about the availability of supports and services.</u> 6.2. Support and Services a) Individuals who disclose that they have experienced sexual violence will be provided support services and will be treated with dignity and respect at all times by the University and its representatives. A person affected by sexual violence is not required to report an incident of or make a complaint about sexual violence under the formal complaint process of this Policy in order to obtain support and services, or in order to receive appropriate accommodation for their needs. b) The supports and services available at the University to obtain information about sexual violence and/or support are as follows: SUPPORT AND SERVICES AVAILABLE FROM THE UNIVERSITY: - Sexual Assault Support Centre 613-520-5622 www.carleton.ca/equity - Health and Counselling Services 613-520-6674 www.carleton.ca/health - University Safety General inquiries: 613-520-3612; Emergencies: 613-520-4444	Inclut les services hors établissement disponibles dans les environs. Les délais d’intervention ne sont pas inclus dans la politique. Le devoir de référer une victime à « cette politique » est une formule qu’on retrouve dans bon nombre d’autres politiques.

	www.carleton.ca/safety SUPPORT AND SERVICES AVAILABLE FROM OFF-CAMPUS PROVIDERS: - Ottawa Police Service General Inquiries: 613-236-1222 www.ottawapolice.ca - Ottawa Rape Crisis Centre 24 hour crisis line: 613-562-2333 General inquiries: 613-562-2334 www.orcc.net - Sexual Assault Support Centre of Ottawa 24 hour support line: 613-234-2266 General Inquiries: 613-725-9259 - Sexual Assault and Partner Abuse Program at the Civic Campus of the Ottawa Hospital 613-798-5555 x 13770 6.4 Disclosure in a non-emergency – Equity Services Equity Services is responsible for handling all disclosures of sexual violence involving a member of the University community in a non-emergency situation, whether the sexual violence has occurred on or off campus. An Equity Services staff member will provide information about available support and services, including information about interim measures that may be available to address the immediate needs (see examples in paragraph 6.5 (a) of this Policy). Equity Services is the point of contact for a person affected by sexual violence to request academic, employment or other accommodations.	
York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	6. SOUTIEN ET SERVICES 6.1 Pour ceux touchés par la violence sexuelle 6.1.1 Un certain nombre de services, notamment de soutien, sont disponibles pour les membres de la communauté touchés par la violence sexuelle, indépendamment du lieu ou du moment auquel les incidents ont eu lieu. Le Bureau d’intervention en matière de violence sexuelle tiendra à jour une liste de services de soutien et de services divers offerts par l’Université et dans la communauté. L’Université rendra largement publique la disponibilité de ces informations auprès des membres de la communauté universitaire à travers http://www.yorku.ca/sexual-violence-response 6.1.2 <u>Une liste des services, notamment de soutien, actuellement disponibles à l’Université et dans la communauté est consultable en Annexe A de cette politique.</u>	Les délais d’intervention ne sont pas inclus dans la politique. Un service de soutien existe aussi pour les défenseurs : "6.2 Pour les défenseurs 6.2.1 Des services, de soutien et autres, sont également disponibles pour les défenseurs par l’intermédiaire du Bureau des relations communautaires pour étudiants et du Bureau pour le bien-être des employés pour le personnel et les membres du corps enseignant. Les associations du personnel administratif ou enseignant

	6.1.3 Il n'est pas nécessaire de faire un rapport ou de déposer une plainte afin d'accéder aux services fournis par l'Université. De la même manière, l'accès à ces services ne représente pas un rapport ou une plainte auprès de l'Université.	sont également disponibles pour fournir des services de soutien respectifs."
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Élément de la politique :	Actions qui doivent être prises lorsque des violences à caractère sexuel sont rapportées	Paragraphe(s) de l'article 3 de la Loi :	10° et 11°
Description de l'élément dans la Loi	10° les actions qui doivent être prises par l’établissement d’enseignement, les dirigeants, les membres du personnel, les représentants des associations étudiantes et les étudiants lorsque des violences à caractère sexuel sont portées à leur connaissance; 11° les délais d’intervention applicables (...) aux actions prévues au paragraphe 10°, qui ne peuvent excéder 7 jours (...);		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Concordia University https://www.concordia.ca/content/dam/common/docs/policies/official-policies/PRVPAA-3.pdf	2. RESPONDING TO SEXUAL VIOLENCE Informing SARC (<i>Sexual Assault Resource Centre</i>) Any member of the University community could be the first person informed of an incidence of sexual violence. The first person aware of a non-immediate incident of sexual assault should encourage the survivor/victim to contact the SARC. Any member of the staff or faculty who is made aware of an incidence of sexual violence is encouraged to contact SARC in order to: - Consult with the SARC coordinator as to how to assist or where to refer the survivor/victim (on an anonymous basis or with the consent of the survivor/victim) - Debrief regarding the intervention or encounter with the survivor/victim. 3. SUPPORT The Sexual Assault Response Team The Sexual Assault Response Team (SART), chaired by the SARC coordinator, is called to meet on an urgent and priority basis in the event of a reported incidence of sexual violence and will act together to provide a coordinated and appropriate response. (...) The SARC coordinator, acting as chair of SART will: - Act as the lead responder in cases of reported sexual violence and, with the consent of the survivor/victim, shall act as their voice, where needed, in the community; - Provide and/or coordinate case management of the file including calling the SART together, as required, and coordinating the University’s response and the resources offered; - Contact and work with all relevant departments/units to address related internal issues for the survivor/victim (e.g.; class changes, work assignments);	Inclut les services hors établissement disponibles dans les environs. Les délais d’intervention ne sont pas inclus dans la politique.

	- Where appropriate, provide relevant departments with updates regarding court dates, courts conditions, restraining orders and decisions. If the SARC coordinator or any other member of the community is approached by the alleged perpetrator seeking support or assistance, such person shall be referred to the Dean of Students (in the case of a student) or Human Resources or a union representative (in the case of staff/faculty) who shall provide timely support and referrals to the appropriate resources. Internal Collaboration All relevant units contacted by the SARC coordinator in the application of this Policy are bound to collaborate with the SARC coordinator and identify all appropriate and reasonable accommodations and/or arrangements in support of the survivor/victim, the whole in accordance with existing policies and procedures.	
York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	8. DIVULGATION 8.5 Tous les membres de la communauté universitaire auxquels un acte de violence sexuelle est divulgué ont un devoir d’informer la personne divulguant l’acte sur cette Politique et sur l’existence du Bureau d’intervention en matière de violence sexuelle. Tout membre de la communauté autre qu’un conseiller professionnel auquel des informations sont divulguées devrait contacter le Bureau d’intervention en matière de violence sexuelle pour informer le bureau que des informations lui ont été divulguées ; pour ce faire, il peut partager l’identité de la personne divulguant ces informations s’il n’a pas le consentement du survivant. Le Bureau d’intervention en matière de violence sexuelle peut également apporter du soutien et des ressources aux membres de la communauté à qui les informations sont divulguées.	

Élément de la politique :	Communication de renseignements en vue d’assurer la sécurité des personnes	Paragraphe(s) de l'article 3 de la Loi :	13°
Description de l'élément dans la Loi	13° des mesures encadrant la communication de renseignements nécessaires à toute personne en vue d’assurer sa sécurité , mais ne pouvant comprendre des moyens pour obliger une personne à garder le silence dans le seul but de ne pas porter atteinte à la réputation de l’établissement d’enseignement;		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Concordia University https://www.concordia.ca/content/dam/common/docs/policies/official-policies/PRVPAA-3.pdf	2. SUPPORT Confidentiality Ensuring confidentiality is vital in creating an environment and culture where survivors/victims feel safe to disclose and seek support and accommodation. There are, however, limits to the confidentiality that can be assured under certain circumstances such as: - An individual is judged to be at imminent risk of self-harm or of harming another; - Evidence of sexual violence is available in the public realm (ex: video shared publicly on social media); - Reporting or action is required by law (ex: subpoena, a minor at risk of harm). The University reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the survivor/victim, if the University believes that the safety of the community is at risk. A decision by the University to initiate an internal investigation and/or pursue other recourses without the consent of the survivor/victim will only be taken in extraordinary circumstances following an assessment by the appropriate University administrators.	Inclut les services hors établissement disponibles dans les environs. Les délais d’intervention ne sont pas inclus dans la politique.
Ryerson University https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/	PART TWO – ADJUDICATION OF REPORTS OR COMPLAINTS 3. Important Aspects of the Adjudication Process g. Confidentiality (...) Notwithstanding the above, there are additional circumstances where a staff member may be required to disclose information within or outside the university in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances might include, for example: - An individual is at risk of life-threatening self-harm; - An individual is at risk of harming others; - There is risk to the safety of the university and/or broader community;	

	- Disclosure is required by law; for instance, under the Child and Family Services Act, reporting is legally required if an incident involves a child 16 or under; or, to comply with the Occupational Health and Safety Act or with human rights legislation; and/or - Evidence of the disclosed incident of sexual violence is available in the public realm (e.g. video shared publicly on social media). These above circumstances represent exceptions, not the rule, and are necessary to ensure the university is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported at every step of the process.	
York University http://secretariat-policies.info.yorku.ca/policies/politique-sur-la-violence-sexuelle/	5. CONFIDENTIALITÉ 5.4 L'Université peut être dans l'incapacité de garantir une confidentialité totale si : - une personne est jugée comme étant exposée à un risque imminent de se faire du mal ; - une personne est jugée comme étant exposée à un risque imminent de faire du mal à une autre personne en particulier ; - il existe une raison de croire que les membres de la communauté de l'Université ou de la communauté plus large puissent être exposés au risque imminent de dommage ; et/ou - l'Université est obligée de procéder à une enquête ou d'effectuer une sorte de rapport/action requise par la loi (ex. : incidents impliquant un mineur ou exigences en vertu de la législation sur la santé et la sécurité au travail ou sur les droits de la personne). 5.5 Cette liste est l'exception à la règle fondamentale de confidentialité et elle est nécessaire pour garantir le fait que l'Université peut agir dans les intérêts de la sécurité de la communauté et remplir les obligations légales associées. 5.6 Dans les cas où une confidentialité totale ne peut être maintenue, le membre de la communauté à l'origine de la divulgation sera informé à la première occasion possible. En outre, des efforts seront faits pour limiter la quantité d'informations partagées et le nombre de personnes avec lesquelles elles sont partagées.	

Élément de la politique :	Sanctions applicables	Paragraphe(s) de l'article 3 de la Loi :	15°
Description de l'élément dans la Loi	15° des sanctions applicables en cas de manquements à la politique, qui tiennent compte de leur nature, de leur gravité et de leur caractère répétitif.		

Établissement	Extraits pertinents	Commentaires du GT-PVCS
Collège Rosemont http://www.crosemont.qc.ca/public/bd6fad11-ee4c-4d0c-a5d7-c094a8a27d06/1241_crosemont_pol-drh-04_civilite-harcelement_2017-11-20.pdf	11. PROCESSUS FORMEL 11.4 Décision Plainte fondée Dans l'éventualité où le responsable de la politique estime que la plainte formelle est fondée, il s'assure de prendre les moyens raisonnables pour que la personne plaignante retrouve un climat de travail ou d'étude propice à assurer le respect de sa dignité et de son intégrité physique et psychologique. La personne reconnue coupable de harcèlement se voit imposer, selon les circonstances, toute mesure de correction ou de soutien jugée raisonnable en fonction de l'acte commis et du préjudice subi par la personne plaignante. Les mesures de correction peuvent être, entre autres : - -pour un membre du personnel : un avertissement, une demande de produire des excuses écrites, la suspension et le congédiement; - -pour une personne étudiant au Collège : un avertissement, une demande de produire des excuses orales ou écrites, la suspension, l'annulation d'inscription pour le trimestre ou le renvoi; - -pour un tiers : un avertissement, une demande de produire des excuses écrites, un rapport à l'employeur ou la perte d'accès ou de privilèges. Les mesures de soutien peuvent être, entre autres : formation sur les comportements appropriés en milieu de travail ou d'étude, consultation auprès de personnes ressources, assistance professionnelle, support à la réintégration professionnelle etc.	
Ryerson University https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/	VI. DEFINITIONS Progressive Discipline: Decision makers have a range of sanctions to determine how to appropriately address an incident. They will consider a respondent’s disciplinary history, the severity of the incident and the impact of the incident when determining sanctions." 5. DECISION MAKING PROCESS b. The Rendering of the Decision	Cette politique inclut des dispositions visant à tenir compte de la nature, de la gravité et du caractère répétitif des manquements à la politique.

	The final decision prepared by the decision maker will indicate whether there has been a breach of the policy or not. If there is a finding that the policy has been breached, the decision maker may consider the following in determining an appropriate sanction: i. The sanction or remedy sought by the complainant ii. The principle of progressive discipline and the university’s role as an educational institution iii. The requirements under any relevant collective agreement iv. The nature and severity of the incident v. Any other relevant factors c. Remedy/Sanction Options Remedies and sanction options could look different depending on the status of the respondent. Other university offices may become involved in monitoring compliance with sanctions imposed by the decision maker, e.g. Student Conduct Office, Human Resources, Office of Faculty Affairs. Examples of general remedies/sanctions - Letter of apology - Mandated educational workshops or counselling - No communication order between parties - Letter of behavioural expectations - Restrictions related to accessing buildings or parts of campus or certain activities Examples of additional remedies/sanctions applicable to student respondents - Community service activities - Removal from a course or section of a course - Relocation in or eviction from university owned and/or operated housing - Suspension from school for a defined period [*] - Expulsion from the university permanently [*] Additional sanctions/remedies applicable to employees - Change in work assignment - Suspension from work for a set time with or without pay - Dismissal from employment	
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