



**POLYTECHNIQUE
MONTREAL**

TECHNOLOGICAL
UNIVERSITY

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POLICY TO PREVENT AND COUNTER SEXUAL VIOLENCE

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HISTORY

DISCLAIMER: This document is an informative tool only. In the event of any discrepancy between this document and the French version of this Policy, the latter takes precedence.

The official version of this document is available here:

https://www.polymtl.ca/reenseignements-generaux/documents-officiels/Politique_violences_a_caractere_sexuel

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1 STATEMENT OF POLICY

This *Policy to Prevent and Counter Sexual Violence* (hereinafter the “**Policy**”) sets the conditions of offering a safe and secure life, study, and work environment for all Polytechnique Montréal community members, by establishing appropriate measures to prevent and counter sexual violence (hereinafter “**SV**”).

Polytechnique recognizes that SV can affect any member of society and, in particular, Minorities, who can be impacted by SV and disproportionately suffer consequences resulting therefrom. “Minorities” in this context includes sexual or gender-identity minorities, cultural or Indigenous communities, foreign students or those who are differently-abled. Polytechnique also acknowledges that SV can significantly impact individuals in vulnerable situations, such as where intoxication is present, or where there exist unequal power relationships.

The Policy implements a number of measures to protect Polytechnique’s community from SV, including but not limited to a prevention program, measures to support individuals and to safeguard their personal safety, a Code of Conduct governing the coexistence of authority and intimate relationships in the academic setting, as well as processes to receive and address reports, complaints and disclosed information. This Policy is supplementary to other Polytechnique Montréal rules and regulations concerning the protection of all individuals’ physical and psychological integrity.

2 SCOPE OF APPLICATION

The Policy applies to the academic setting, to all Polytechnique community members as well as to third parties who are present on campus, or during the conduct of their interactions with Polytechnique.

3 FRAME OF REFERENCE

- *Charter of Human Rights and Freedoms*, CLRQ, C-12;
- *Criminal Code*, LRC 1985, c. C-46;
- *Act respecting Access to documents held by public bodies and the Protection of personal information*, CLRQ, A-2.1;
- *Act respecting labour standards*, CLRQ, N-1.1;
- *Act to prevent and fight sexual violence in higher education institutions*, CLRQ, P-22.1;
- *Regulation for an Environment that Respects People and Property (Règlement pour un milieu de vie respectant l'intégrité des personnes et des biens)*, Polytechnique Montréal;
- *Standing Committee for Student Disciplinary Measures (Statuts du Comité de discipline étudiante)*, Polytechnique Montréal.

4 DEFINITIONS

For purposes of this Policy, unless the context indicates otherwise, the following definitions apply:

“**Academic setting**”: activity or act which takes place, or is, related to, or follows, a university activity.

“**Accused Individual**”: an individual who is the subject of allegations under the auspices of the present Policy.

“**Bureau d’intervention et de prévention de la violence**” (translation: **Conflict and Violence Prevention and Response Office - hereinafter “the Office”**): the unit in charge of coordinating prevention, protection and intervention activities in accordance with the present Policy.

“Community members”: all Polytechnique students and staff, as well as all members of the Board of Directors.

“Director”: members of the Polytechnique staff who is part of the managerial or executive staff, not including members of the *Association des cadres et professionnels de Polytechnique*.

“Divulgarion”: report that declares an intimate relationship between a student and an individual in a position of authority, or who has power over them, as described in the Code of Conduct (Appendix 1).

“Internal mechanisms”: internal mechanisms are namely filing a reporting, lodging a complaint or disclosing information as described in Section 9. A **report** is initiated by the impacted individual and can start an intervention to resolve the situation without the imposition of sanctions. A **complaint** leads to a disciplinary process and can be initiated by an impacted individual or by Polytechnique itself. Information received by any other individual is considered to be **disclosed information**.

“Impacted Individual”: individual who was or has been a victim of SV or another infraction as per the present Policy.

“Involved Individual”: any and all individuals involved in an occurrence of SV or any other infraction, with the exception of the impacted individual(s). Possible involved individuals include: accused individual(s), witnesses, and anyone to whom the situation was recounted.

“Consent”: an individual’s expressed, explicit and positive agreement manifested in a clear, free, informed and ongoing way, to take part in an act or activity, including activities of a sexual nature. Consent cannot be assumed, and can be revoked at any moment.

There is no consent if an individual is unable to consent, including if an individual is intoxicated by psychoactive substances or alcohol, or is unconscious. Consent can also be compromised if it is an abuse of trust, of power or authority. An individual cannot consent on behalf of another individual.

“Sexual harassment”: any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, acts or gestures of a sexual nature, that affect an individual’s dignity or psychological or physical integrity, and which results in a harmful work, living, or study environment.

A single serious incidence of the above-described behaviour that has a lasting harmful effect on an individual, may also constitute sexual harassment.

“Sexual violence” or SV: all forms of violence, with or without contact, committed through sexual practices or by targeting sexuality or gender identity, and including sexual assault or sexual harassment.

Any act of a sexual nature committed against an individual without their positive consent, through unwanted pressure, or towards an individual who is unable to provide consent, constitutes sexual violence.

Sexual violence also refers to any other misconduct, in such forms as unwanted gestures, comments, behaviours or attitudes which have sexual connotations, whether direct or indirect (including via technological means), and including misconduct that relates to sexual and gender diversity.

“Student”: any individual enrolled in or authorized to enroll in at least one credit-earning activity offered by Polytechnique, including credited internships.

“Third party”: anyone who is directly or indirectly related to Polytechnique, but is not a Polytechnique community member. This group includes anyone completing a contract, anyone rendering services, or any user of Polytechnique's services or facilities, as well as visitors, staff members of other entities located on campus, etc.

“Unit”: each of Polytechnique’s administrative, educational, and research units, as they appear on the official organizational chart.

“University activities”: any activity on or off campus, including in virtual spaces, related to teaching, research, university community services, or activities of a social, cultural, athletic or philanthropic nature, including those organized by Polytechnique or by a student or professional association, a union or any other committee or entity associated with Polytechnique, or using Polytechnique’s logo or name.

Credit-earning internships, student exchanges or trips, engineering competitions and conferences are considered university activities, among others.

5 EXPECTED BEHAVIOURS

Polytechnique expects all community members to behave with mutual respect towards each other, actively contributing to respectful relationships and situations in the academic setting, in accordance with this Policy. The latter includes refraining from committing SV, and standing in opposition to all forms of sexual violence. Although this responsibility is shared between all community members, standing in opposition against SV is not feasible without the systematic support of those with the authority to intervene, and stop inappropriate behaviours.

If witnessing SV in the academic setting, it is expected that all community members act as active witnesses, which means intervening in order to change the course of events, while making sure to not endanger themselves. Witnesses should ensure that they communicate immediately with the Institutional Security Service (hereinafter “Institutional Security”) if the safety of an individual(s) is at risk.

Once the situation is no longer on-going, or **in the event that someone recounts a situation where an incidence of SV took place**, it is expected that community members engage in active listening, mention the present Policy, and encourage the impacted individual to communicate with the Office immediately, in order to benefit from its support and services.

If the information disclosed or witnessed concerns an incident of SV that took place in the academic setting, it is expected that community members will communicate with the Office without delay, as the systematic communication of all relevant information to the Office is the only way to assure the safety of the entire community, especially when the life or safety of individuals is at risk. In exceptional cases, a community member can refrain from divulging the name of the impacted individual to the Office, so long as that impacted individual has requested that their identity remain confidential.

Lastly, it is expected that community members respect and act in accordance with the Code of Conduct (Appendix 1).

The same behaviour is expected from third parties during the conduct of their interactions with Polytechnique and its community members.

5.1 Rules applicable to social and integration activities

University activities that have a social character, as well as those with the purpose of integrating new members to the community, must be planned and lead in a safe and appropriate manner, that prevents the occurrence of any SV. In addition, activities must be executed in accordance with all rules and regulations applicable to Polytechnique, and organizers are required to have completed the mandatory complementary training beforehand.

Furthermore, all activities promoting or encouraging SV are strictly forbidden, as well as activities with a sexual connotation where participant’s consent is compromised, including instances of intoxication or where there exist unequal relationships of authority.

6 PREVENTION

Community awareness of issues related to SV, and particularly to the concept of positive consent, is the principal tool to ensure a safe and secure life, study, and work environment for the Polytechnique community.

To achieve this goal, Polytechnique has established a prevention program with annual activities, as well as with stand-alone awareness activities.

6.1 Prevention program

The Office implements annual activities to share fundamental concepts related to SV with the community, and then brings depth and breadth to that content via diverse activities in subsequent years.

The Office determines the prevention's program content, format, and transmission, including the use of external resources, if deemed necessary. The Office also ensures that the prevention program is periodically reviewed and updated to meet the best practices in the field. Further, the Office keeps a registry of individuals who have completed mandatory prevention program activities.

6.1.1 Informative activities

The purpose of informative activities is to offer all community members agreed upon notions about fundamental concepts related to SV (including informed, positive consent) as well as the scope of the Policy and other applicable regulations and policies. Community members are required to take part in the aforementioned activities on an annual basis.

6.1.2 Complementary training activities

Staff members and students in positions of influence are required to participate in complementary training activities each year.

Complementary training activities further explore the fundamental concepts introduced during the informative activities, and acquaint the aforementioned individuals with the part they may be called to play in the community due to their position of influence, including what to do when an incident of SV is recounted to them, or when they are active witnesses of an act of SV. The training can be generic, or adapted to the needs of certain groups or units. Student associations are consulted as to the content of training specifically for student body members, and in conjunction with the Office, discuss and agree to the resources that will be offered to the student body.

Being in a position of influence includes any individual who has reach in their environment due to their position at Polytechnique, or in an association or another group. These individuals are determined by the Office in partnership with unit heads, associations or concerned groups. Included in the group considered to have influence are directors, and representatives of student associations, unions or professional associations, organizers of university activities of a social character and all integration activity coordinators.

The pool of participants in the complementary training activities should, as much as possible, include influential people from various Polytechnique communities, such as individuals from sexual or gender-identity minorities, cultural or Indigenous communities, foreign students and differently-abled individuals.

The Office updates and communicates a list of those who have completed complementary training activities.

6.1.3 Third-party participation in the prevention program

Prevention program participation can be made mandatory for the third parties who interact frequently with Polytechnique community members. Third parties are identified by the Office, in conjunction with unit heads responsible for interacting with them.

6.2 Stand-alone activities

The Office can also hold stand-alone activities, in addition to the prevention program, as needed.

7 PROTECTION

7.1 Safety measures

To prevent and counter incidents of SV, Polytechnique implements specific safety measures. Amongst these are: the presence of security agents on campus, who can be reached at any time at 514-340-4444 (4840 for information); the communication of the Policy; training community members in positions of influence as to their role as active witnesses; and the continuous review of campus infrastructure in order to assure a safe environment in accordance with best practices.

7.2 Services provided by the Office

The Office is the designated resource to access services or resources related to SV, including:

- Obtain information about services offered on campus and to the general public;
- Obtain information about the prevention program and activities offered therein;
- Communicate information about incidents of SV in the academic setting, including by filling a report, lodging a complaint or disclosing information (Section 9), or by divulging an intimate relationship subject to the Code of Conduct (Appendix 1);
- Obtain psychosocial support or adjustment measures.

7.3 Psychosocial support

Psychosocial support services are offered to all Polytechnique community members who have been or are impacted by or involved in an incident of SV, whether this situation occurred in an academic setting or not.

Third parties may also be able to benefit from immediate support via Polytechnique's resources, if they are impacted by or involved in an incident of SV that has occurred in an academic setting. Third Parties are then referred to external, specialized resources.

Service delivery to students is determined by the *Service aux étudiants de Polytechnique* (hereinafter "SEP") and service delivery for staff members is determined by the *Service des ressources humaines* (hereinafter "SRH"). Service delivery for third parties is determined by SEP or SRH, depending on the nature of the former's relationship to Polytechnique. Individuals who wish to access these services can contact the Office, the SEP or the SRH, as per their preference.

An individual must receive assistance a **maximum of seven days following their assistance request.**

7.4 Personal safety safeguards

Polytechnique can implement adjustment measures when it has reasonable motives to believe they are necessary to ensure the personal safety (physical and psychological) of a community member in relation to any incidence of SV (notwithstanding the context) or the safety of any other individual impacted by or involved in an incidence of SV in the academic setting.

The aforementioned adjustment measures may also be implemented to protect an individual from any form of retaliation related to the present Policy.

Adjustment measures must permit the maximum amount of protection for the individual(s) impacted or involved, all the while minimizing consequences for everyone.

7.4.1 Verifications

Verifications are performed by the Office, with assistance from other units. The scope and quantity of verifications required can vary according to the extent of requested adjustment measures, and the extent of the foreseeable impact on other individuals.

In every case, adjustment measures directly targeting an involved individual will not be implemented without them having an opportunity to recount their version of events.

7.4.2 Determining adjustment measures

The Office will provide a recommendation to designated individuals regarding necessary adjustment measures, namely:

- **if the adjustments apply to a student:** a designated individual in a position of authority within the Office of the Vice-President, Academic and Research;
- **if the adjustments apply to a staff member:** a designated individual in a position of authority within the SRH;
- **in other cases:** a designated individual within the Office of the Vice-President, Business and Ressources.

Designated individuals will determine how recommendations will be implemented, and will communicate said instructions to all appropriate units. As much as possible, these instructions are communicated in neutral wording and refrain from referring to the incident of SV.

In all cases, the initial adjustment measures must be implemented **a maximum of seven days following the request**, and the aforementioned may be complemented by additional adjustment measures once verifications have been concluded.

7.4.3 Duration and follow up

Adjustment measures may be temporary or permanent and may remain in place as long as the situation requires it. They are updated each time the situation requires it, including following a decision by one of Polytechnique's decision-making bodies or by relevant authorities (police, courts, etc.).

The Office and the individuals designated in Section 7.4.2 ensure the follow-up of said adjustments and that said adjustment measures continue to be efficient and suitable as per the situation.

7.4.4 Nature of adjustments measures

Adjustment measures must be appropriate to circumstances. Their purpose may be removing an individual from a situation that is affecting their physical or psychological integrity, or implementing correctives measures to ensure a harmful situation does not reoccur. Adjustment measures take into consideration the reality of the individual who demands them, including elements such as their identifying as a sexual or gender-identity minority, belonging to a cultural or Indigenous community, or if the individual is differently-abled.

Adjustment measures to accommodate an individual who requested them could consist of: changing a work and/or study schedule or location, delaying an evaluation, withdrawing or

transferring an individual from academic course(s), or any other adjustment deemed appropriate, all without penalty.

Adjustment measures that can be imposed on other individuals (i.e. not the individual who requested them, including the accused individual), could consist of: changing a work and/or study schedule or location; transferring an individual from academic course(s); restrictions from specific areas on campus, restrictions from being in contact or communication with an individual, restrictions from participating in university activities; signing a pledge or commitment, or any other measure deemed appropriate.

With the exclusion of dire situations, adjustment measures should not prevent anyone from completing their studies, or from carrying out their work functions.

7.4.5 Link to internal mechanisms

When an adjustment measure request involves an incident of SV in the academic setting, the request is also treated as a report, a complaint or a disclosure, received in accordance with Section 9.

7.5 Support for the impacted individual

Polytechnique encourages reporting criminal acts to the appropriate authorities. The Office can accompany the victims of criminal acts as they initiate a formal criminal complaint (medical appointment, going to the police station, etc.); they may also be referred to specialized external resources.

In addition, should it be more appropriate for another institution to intervene or to sanction individuals in a context of an incident of SV that has occurred in an academic setting, the Office can assist the Polytechnique community member to initiate a report or complaint process at the other institution.

8 INFRACTIONS

8.1 In the academic setting:

When they occur in the academic setting, the following behaviours constitute an infraction of the present Policy:

- committing any act of violence of a sexual nature;
- forcing the consumption of drugs or alcohol, including doing so without the knowledge or consent of the targeted individual, through deception or undue pressure, when such action is related to an act of SV.

8.2 In the context of the application of the Policy

When they occur in the context of this Policy, the following behaviours constitute an infraction:

- If an individual in a position of authority has an intimate relationship as described by the Code of Conduct (Appendix 1) and they:
 - commit an act of authority forbidden by the Code of Conduct (Appendix 1);
 - do not divulge an intimate relationship within the prescribed timeframe;
- For all individuals, if they:
 - violate a decision rendered under this Policy;

- communicate information related to this Policy, while knowing it is false. Note that an accused individual's false declaration given in the context of a disciplinary process wherein they are ultimately held responsible will not be treated as a distinct infraction. In the latter case, the above falsehood will be considered an aggravating factor;
- retaliate or, pressure an individual or threaten to do so, in a context related to the Policy;
- For entities or groups, if they:
 - Promote, allow or tolerate an activity that is contrary to this Policy in the context of a university activity of a social character, including integration activities.

8.3 Occurrence of an infraction

Additionally, an individual commits an infraction when they attempt to commit, participates in committing, encourage another to commit or plots with others to commit an infraction, in any form whatsoever, and including via social media and the Internet.

Unless otherwise specified, it is not necessary to prove that the alleged infraction was committed with intent.

An individual attempts to commit an infraction, even if the attempt is inconclusive.

9 INTERVENTION

Effectively addressing incidences of sexual violence and other infractions is conditional on the prompt communication of relevant information by individuals who are apprised of said information.

An individual who is impacted by an incident of SV or by any other infraction, in the academic setting, can **file a report** or **lodge a complaint**, depending on the degree of formality desired. The choice of the internal mechanism rests primarily with the impacted individual, after having been properly informed of the rights and recourses available to them by the Office.

Any other individual who is made aware of an incidence of SV, or any other infraction, in the academic setting may **disclose that information**.

Furthermore, Polytechnique may also initiate a complaint process upon receiving any information that leads to the belief that a Policy infraction has occurred.

9.1 Initiating an internal mechanism (process)

9.1.1 Deposit of a declaration

Reporting, complaint and disclosure mechanisms are initiated by a declaration which can be rendered at any moment through:

- the designated phone line: 514-340-5151;
- an online form;
- in person at the Office during the business hours, with or without an appointment.

Moreover, at any time an individual can seek out the Institutional Security to complete an incident report, that will then be transferred to the Office. In the latter case, Institutional Security staff will ensure that the individual is aware of the opportunity to speak directly to a specialized resource person from the Office, who will take charge of the file.

9.1.2 Format

A declaration can be submitted verbally or in writing. However, when a complaint is deposited it must be completed in writing. The individual who deposits a declaration is required to identify themselves.

If requested by the individual, the Office can offer assistance in terms of formulating the declaration.

9.1.3 Information and selection of an internal mechanism

The impacted individual is informed by the Office of available internal mechanisms their respective steps, and possible outcomes. The individual may then choose to proceed with filling a report, lodging a complaint, or taking no action.

The individual who discloses information is informed, by the Office, of the process surrounding said disclosure. Unless the individual is otherwise involved in the disclosed situation, no further information will be transmitted to them.

9.1.4 No time limits to deposit

The declaration of an incident of SV in an academic setting, or any other infraction, can be completed at any moment, regardless of time lapsed.

However, the means that Polytechnique can access to appropriately address the situation may be affected by the delay between the incident of SV and the deposit of the declaration.

Note that: staff members who wish to deposit a complaint about sexual harassment before the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* must do so within the two years of the last occurrence of the vexatious behaviour.

9.1.5 Admissibility

The Office determines whether the report, complaint, or disclosure received is admissible. The complaint is admissible if the alleged incident occurred in an academic setting.

A report, complaint, or disclosure is still admissible event if it is filled by an individual, or targets an individual, who is no longer a part of the Polytechnique community.

If the Office determines that the report, complaint or disclosure is not admissible, the individual who deposited it will be informed of this decision in writing.

9.1.6 Mandatory processing

Any admissible report, complaint, or disclosure must be processed, and this processing cannot exceed **90-days**.

9.2 Case management by the BIPCV

Upon receiving a declaration related to a report, complaint, or disclosure, the Office evaluates the need to promptly intervene to offer the individual who submitted the declaration psychosocial support and adjustment measures to ensure their physical and psychological integrity, or other support measures, as described in Section 7.

The commitment to undertake psychological support and the initiation of initial adjustment measures must be implemented **a maximum of seven days** following the reception of the declaration.

If, in the Office's assessment, other individuals may require psychological support or adjustment measures in relation to the declaration, the Office may contact them to offer them these services.

Furthermore, when information received by the Office points to the likelihood that sexual harassment has occurred, the Office informs the appropriate unit head, so they may take reasonable measures to ensure the vexatious behaviour ceases.

9.3 Report

When a report is filed by an impacted individual the Office can intervene with the accused individual to inform them of expected behaviours or, in certain cases, to attempt to resolve the dispute. No sanctions can result from the reporting process.

Polytechnique's ability to intervene is limited when the impacted individual requests that the accused individual not be notified that a report has been filed.

9.3.1 Conflict resolution process

A conflict resolution process can occur in all cases where the Office believes that this process could be beneficial.

The aforementioned process must be initiated voluntarily, with the agreement of all individuals called to partake in said process.

Under the Office's supervision, conflict resolution should offer the individuals a way to come to an agreement that feels fair to all of them.

9.4 Complaint

The lodging of a complaint permits an impacted individual to request that an investigation process be launched – which may possibly lead to the sanctioning of those who committed the infraction(s).

9.4.1 Communication of information to the accused individual

The individual who lodges a complaint implicitly consents that their identity and the alleged facts of the incident will be communicated to the accused individual.

9.4.2 Complaint process

The complaint process is supervised by the Office, which ensures communication with impacted and involved individuals, as well as coordination with various collaborators.

If admissible, the complaint triggers an administrative investigation; this investigation may be conducted by the Office or by an external resource, especially where necessary, in order to guarantee the impartiality of the investigation process. Verifications can be made by, or at the request of, the individual in charge of the investigation. This individual may also receive any testimony relevant to the processing of the case. Once the investigation is completed, a report will be produced that documents statements received, evidence gathered, and recommendations made.

A decision as to the complaint's validity is made by the decision-making entity designated in Section 9.4.3 based on the investigation's results. Responsibility for the case is transferred to the decision-making entity once the report is issued. From that moment on, the decision-making entity can request additional investigations and hear additional testimony.

If the decision-making entity concludes that a Policy infraction has occurred, it will impose sanction(s), while taking into consideration the consequences of the reproached behaviour on the impacted individual(s), including effects on their academic studies, if applicable.

If the decision-making entity concludes that sexual harassment has occurred, the decision will also indicate what measures are to be established to halt the harassment.

If the decision-making entity concludes that the complaint was unfounded, the process ends.

In the event that the decision rendered by the decision-making entity declines to follow the investigative report's recommendations, the decision-making entity must state their reasons for doing so in their decision, and inform the Office.

9.4.3 Decision-making entity

The appropriate decision-making entity is determined according to the status of the accused individual at the time of the alleged infraction. If the individual is a:

- a) student: the *Comité de discipline étudiante*;
- b) director, ombudsperson: the Board of Directors or another committee designated by the latter;
- c) staff member (excluding those mentioned above in b): the head of the *Service des Ressources humaines*;
- d) members of the Board of Directors: the Governance Committee;
- e) entities, groups and third parties: the Office of the Vice President, Business and Ressources.

9.4.4 Notification of the decision

The decision is sent to the accused individual.

The impacted individual is informed of the decision reached by the appropriate decision-making entity as to the validity of the complaint and, where applicable, is also informed of the measures established to ensure that the problematic behaviour does not reoccur, without revealing the nature of said measures, except in cases where the latter information is required to ensure their safety.

Units are only notified of sanctions that they are required to apply.

9.4.5 Interim measures

When necessary, interim measures can be implemented while the complaint is being processed. These measures are determined by the decision-making entity, on the Office's recommendation.

9.4.6 Sanctions

Individuals who violate the present Policy risk facing sanctions. Sanctions are determined and take into account the nature and seriousness of the reproached behaviour, as well as the consequences and recurrence of the behaviour, as applicable.

For Polytechnique community members, sanctions can vary from a reproach to exclusion from the community, or dismissal. For third parties, sanctions can amount to contract termination, and/or expulsion from campus.

Furthermore, sanctions can be applied to an entity or a group of individuals, if they violate rules governing social and integration activities.

9.4.6.1 Ratification of the sanctions

In accordance with the *Loi sur la Corporation de l'École Polytechnique de Montréal*, and its related regulations, some sanctions applicable to community members must be ratified by the

Board of Directors or another of Polytechnique's decision-making entity, before they become binding.

If applicable, the appropriate decision-making entity follows the procedural elements, found in Section 9.4.7. As deemed appropriate the decision-making body may request further investigation, come to any decision, or impose any sanction (including a more severe sanction).

9.4.7 Procedural Elements

Throughout the processing of a complaint, the accused individual must:

- be informed of the facts of the complaint against them, and must receive a summary of the proof against them;
- be informed of the various steps of the process and of their rights and obligations in said process;
- be informed, within a reasonable delay, of any meetings or hearings where their presence is required. Note that it is possible to proceed with said hearings or meetings without the presence of an individual who, while duly summoned, is absent without justification;
- be allowed to present their version of facts by presenting proof, and verbal or written observations in a non-adversarial process, meaning that the parties and the witnesses are met individually;
- be heard by individuals exempt of any conflict of interest;
- have their case processed diligently;
- have their responsibility as to the alleged facts determined according to the balance of probabilities;
- be informed of the decision and its reasons as soon as possible.

These procedural elements are considered met so long as they are implemented by the individual in charge of the investigation, or by the decision-making entity.

9.4.8 New facts

If the Office receives new information which could impact the decision as to the merit of the complaint or the imposed sanction, and if for a valid reason that information could not be submitted to the decision-making entity for consideration, the Office can refer the matter to said decision-making entity, which can then make a decision and impose appropriate sanctions.

9.5 Disclosure

Any individual other than the impacted individual can disclose information about an incident of SV, or any other infraction, that occurred in the academic setting.

Upon receipt of disclosed information, the Office investigates in order to identify any and all impacted and involved individual(s) and offers the individual(s) impacted by the disclosed incident the opportunity to select the internal mechanism they prefer.

9.6 Intervention by Polytechnique

Polytechnique has the duty to intervene, and reserves the right to do so at any time and at all events, to ensure the integrity of all individuals in the academic setting.

The Office can initiate the complaint process about any individual, where there are reasonable motives to believe they have violated the present Policy. While acknowledging that the choice of the mechanism should, whenever possible, remain primarily the choice of the impacted individual, Polytechnique reserves the right to initiate a complaint or to inform authorities of the necessity of

a criminal investigation, even without the consent of the impacted individual(s), if it considers that the safety of the community is at risk.

9.7 Withdrawal or selection or alternative mechanism

At any time, the impacted individual has the right to withdraw their report, complaint, or disclosure, to request that its processing be halted, or to choose a different, more appropriate internal mechanism to resolve the issue. Notwithstanding such a request, Polytechnique reserves the right to pursue the process as it was initiated, and to intervene according to the present Policy.

9.8 End of the process

At any time, the Office can terminate the processing of a report, complaint or disclosure, if relevant evidence is lacking, or if it is concluded that the declaration is abusive, deceitful, or was instigated in bad faith. Furthermore, the Office can also terminate the processing of a report or disclosure if, with information obtained through the investigation, it is concluded that no infraction of the present Policy has occurred.

The impacted individual is informed of such a decision in writing, and can be redirected to appropriate resources, as required.

10 GENERAL PROVISIONS

These provisions apply to all processes laid out in the Policy, including the implementation of adjustment measures to ensure an individual's personal safety (Section 7), internal mechanisms (Section 9), and the application of the Code of Conduct (Appendix 1)

10.1 Right to be accompanied

Anyone involved in a process provided for by the Policy can be accompanied by an individual of their choice, at any time, through the process. However, this aforementioned individual cannot be another accused individual, nor someone who can potentially intervene as a witness. The sole function of the accompanying individual is to support the individual. Therefore, they may not represent them, speak on their behalf, nor act in their name.

10.2 Interventions based on credible information

Polytechnique can only act on credible information. In this regard, the Office can verify any alleged fact, through, among other sources, the Institutional Security and the Information and Technologies Services, or any other external resource.

Any relevant information Polytechnique may have can be considered, including reports and recommendations made in the context of the Policy.

10.3 Convocation

Individuals convoked in the context of a process provided for in this Policy cannot be obliged to provide witness accounts, or to communicate information to Polytechnique, except where applicable by law.

10.4 Communication of information

The Office must minimize the number of individuals involved in the handling of a case, and/or apprised of its outcome.

An individual who submits information in the context of the Policy can only be informed of the outcome as is laid out in this Policy. No information is to be communicated to individuals who are not a part of the situation described.

10.5 Identification of individuals

Anyone who communicates information or submits a request related to the present Policy must identify themselves. Within the limits provided for by the Policy, their identity shall remain confidential.

10.6 Status of a member of the student body

For the purposes of internal mechanisms, accused individuals that have both student and staff status are considered staff members if, at the time of the alleged event(s), they were performing their professional duties. If they were not performing professional duties at that time, they are considered to be members of the student body.

10.7 Confidentiality

10.7.1 Document confidentiality

The documents in case files created in the context of the Policy are confidential.

10.7.2 Confidentiality requirements

Anyone who is tasked with responsibilities as per this Policy, is required to ensure the confidentiality of the information confided to them, even after their mandate has ended.

However, while performing their duties, they are authorized to divulge information required for the processing of the case, to those whose functions require it, all while remaining as discreet as possible.

10.7.3 Confidentiality limits

Notwithstanding all of the above, confidentiality may be lifted with the consent of the individual it pertains to, or when the law allows or orders the communication of information, notwithstanding the consent of the individual concerned, including because of an immediate risk to the life, health or safety of an individual.

Among others, any information possessed by Polytechnique, and related to an incident of SV, including any declaration obtained in the context of the Policy, can be communicated to a court, to the police or any other authority tasked with the prevention and repression of crime, as per applicable laws.

10.7.4 Confidentiality pledge

A confidentiality pledge may be required from any individual when it is necessary to assure the integrity of the process, or to protect the rights of those impacted and those involved. This pledge can be valid for the entirety of the processing period, or for the duration required by the circumstances of the case.

In any event, such a pledge cannot be required with the intent of protecting Polytechnique's reputation, or to keep someone from meeting with the resources of their choice.

10.8 Retention of decisions

Any decision made under this Policy is kept confidentially by the Office, as well as by the decision-making individual, or entity that issued it.

Furthermore, where the decision finds the complaint valid, the decision's disposition (which is to say the portion of the decision that indicates the conclusion reached with regards to the allegations of the complaint and the sanction(s) imposed) is kept in the student's file, the employee's file, or in a file held by the Office of the Vice-President, Business and Resources, as the case may be.

Decisions should be retained for the duration set out in the retention calendar.

10.9 Measures imposed in the context of contractual relationships

Any contract between Polytechnique and third parties that have representatives, staff members, or subcontractors interacting with community members must include a clause stipulating the obligation, for third parties, to:

- act in accordance with this Policy;
- take necessary measures to bring any violation to this Policy to an end;
- agree that, upon failure to take measures Polytechnique deems appropriate, Polytechnique will be authorized to take any sufficient measures.

11 FUNCTIONAL STRUCTURE

11.1 Responsibility of community members and third parties

The Polytechnique community members must become familiar with the Policy and respect it. They must participate in mandatory prevention program activities, collaborate diligently with any process stipulated in the Policy, be discreet regarding any information regarding incidents of SV that is brought to their knowledge, and honour any confidentiality pledge they have undertaken.

Third parties have the same responsibilities in the context of their interactions with Polytechnique and its community members.

11.2 Responsibilities of student associations, unions and professional associations

Student associations, unions, and professional associations at Polytechnique work together with the institution in applying and respecting the Policy. They must inform their members of it, and encourage them to contact designated resources where appropriate, and they must also advocate respecting the rules concerning social and integration activities. They participate in awareness-raising for and of this Policy and its related programs, in identifying individuals who are in a position of influence who should attend the complementary training (as described in Section 6) as well as in any consultation related to the review of the Policy.

11.3 Responsibilities of the units

11.3.1 Responsible for the application

The *Secretary General* is responsible for the application of the present Policy, and for ensuring that any information received as per this Policy is properly processed.

They receive requests related to alleged violations of the processes stipulated in the Policy, including regarding any bias on the part of an individual who is called to apply the Policy. They may take any necessary measures to rectify the situation.

11.3.2 Conflict and Violence Prevention and Response Office

The Office reports to the Board of Directors, all the while being administratively linked to the *University Secretariat*.

In the context of this Policy, the responsibilities entrusted to the Office are:

- creation and enforcement of the prevention program;
- dissemination of information related to the Policy, including the Code of Conduct (Appendix 1) , throughout the Polytechnique community, including all students upon their enrollment and at the beginning of every semester;
- receipt of any information related to incidents of SV, or any other situation under the purview of this Policy;
- assess the situation that an individual has experienced, identify the appropriate measures as per the present Policy, and implement said measures in coordination with other units;
- conclude agreements with other establishments or external resources in order to offer the services provided by the Policy;
- any other function assigned by this Policy.

The Office can require the assistance of any staff member to fulfill its role.

11.3.3 Other units and decision-making bodies

The *Service aux étudiants de Polytechnique* (hereinafter SEP) and the *Service des ressources humaines* (hereinafter SRH) decide the terms, conditions and modalities through which psychosocial support services are made available. Their specialized staff can be called upon to intervene in any case, up to and including the determination of adjustment measures or intervention strategies.

The Offices of the Vice Presidents, namely the Office of the Vice President, Academic and Research, as well as of the Office of the Vice President, Business and Resources, respectively designate individuals to fulfill the decision-making tasks that they have been assigned. These individuals must have the required independence.

The *Comité de discipline étudiante* and the other decision-making entities at Polytechnique, established in accordance with their respective statuses, exercise the decision-making functions that they are assigned by the present Policy.

The Institutional Security support the Office as it conducts investigations and verifications, with the help of Information and Technologies Services in the event of technological elements. The Institutional Security also receives incident reports, and transmits them to the Office for processing.

11.3.4 Comité permanent sur le milieu de vie

The *Comité permanent sur le milieu de vie* (hereinafter the “*Comité permanent*”) is mandated to monitor the implementation of the Policy. The *Comité permanent* ensures that appropriate services are provided to meet needs, with regards to prevention, protection and intervention, and makes recommendations to Polytechnique as to actions required to prevent and counter SV, including adjustment to infrastructures to render it safe. It is also responsible for the five-year review of the Policy, and suggests any necessary modification to the concerned decision-making entity, while ensuring that students, directors, and staff, as well as their respective associations and unions, have their say in the context of any review.

11.3.4.1 Composition

The *Comité permanent* consists of the following voting members:

- two undergraduate students;
- a graduate student;

- a director;
- a faculty member;
- a member of the professional or management staff;
- a member representing either Polytechnique’s postdoctoral fellows, lecturers, teaching assistants or laboratory assistants;
- two, to a maximum of three, members of support staff;

To the above are added four observing members, respectively designated by:

- the Office;
- the *University Secretariat*;
- the Direction of SRH;
- the Direction of the SEP.

The *Comité permanent’s* composition must ensure that Polytechnique students, directors and staff members are represented, and that the committee’s composition features appropriate expertise in matters related to SV. Its composition should tend to ensure male-female gender parity, and the representation of sexual or gender minorities, cultural or Indigenous communities, foreign students, or those who are differently-abled.

The Office coordinates the nomination of *Comité permanent’s* voting members and solicits designated representative groups, which transmit the names of individuals interested in sitting on the Committee. The Office names the members, taking into consideration the above-stated representation objectives.

A member who becomes the subject of an internal mechanism, ceases to partake in the Committee until the end of the processing of the report, complaint, or disclosure.

11.3.5 Impossibility to act and conflict of interest

If an individual is unable to perform duties that are part of their functions in the context of this Policy, for example, due to a conflict of interest, said responsibilities will be transferred to their immediate superior, who in turn, if desired, can choose to assign them to a qualified, external resource.

An individual is considered to be in a conflict of interest when they have a personal and direct interest in the decision being made. A conflict of interest is also present when the decision has an impact on an individual who could influence those making decisions, due to their occupying a hierarchic position.

12 ACCOUNTABILITY

Polytechnique must report on the application of this Policy in an annual report. The policy application report must set out, using the methodology determined by the Minister responsible for higher education (hereinafter “the Minister”):

- prevention and awareness-raising measures implemented, including training activities offered to the students;
- training activities completed by directors, staff and student association representatives;
- security measures implemented;
- number of complaints and reports received, and the time frame in which they were processed;
- actions taken, and the nature of sanctions applied;

- number of cases where the decision-making entity did not follow the Office’s recommendations, or those of the individual in charge of the investigation;
- consultation process used in developing or amending this Policy;
- any other element, as determined by the Minister.

The Office compiles the necessary information and presents it to the *Comité permanent* and to the Board of Directors.

13 FINAL PROVISIONS

13.1 Exclusion of association and union governance activities

Notwithstanding any other provisions, the internal governance activities of unions, professional, and student associations linked to Polytechnique, are excluded from the scope of application of this Policy.

13.2 Inclusive language

This Policy was written in an inclusive fashion, in order to be cognizant of individuals of all genders and gender identities.

13.3 Enactment

This Policy comes into effect on September 1st, 2019, at the latest. The President may, at their discretion, set an earlier date.

13.4 Transitional disposition

This Policy applies to the processing of any declaration made as of the date it comes into effect.

Furthermore, this Policy applies to declarations made prior to this date, when the individual making the declaration wishes to wait for the enactment of the Policy. In the latter case, their declaration is transferred to the Office for processing once the Policy comes into effect.

13.5 Amendments

According to the *Act to prevent and fight sexual violence in higher education institutions*, CLRQ, P-22.1, any amendments to this Policy must be adopted by the Board of Directors.

13.6 Communications to the Minister

Polytechnique will transmit the Policy to the Minister, as soon as it is adopted or amended.

APPENDIX 1 - CODE OF CONDUCT

1 STATEMENT OF POLICY

This Code of Conduct (hereinafter “Code”) sets the necessary framework to maintain the integrity, the objectivity and the impartiality of pedagogical and authority relationships to which the students of Polytechnique are subject. The latter is in order to prevent any conflict or appearance of conflict of interest or favouritism that could occur due to intimate relationships between individuals with differing power statuses.

Polytechnique strongly discourages intimate relationships between its students and those who are in positions of power over them, given the dangers inherent to the coexistence of relationships of authority and intimate relationships, namely in regards to power disparity between the individuals in said relationship, which can undermine the value of consent and create situations of abuse of trust or power.

Nevertheless, Polytechnique considers that the protection of individuals who engage in this type of relationship is better served by forthright divulgation of said relationships and the establishment of boundaries in due time, than by their complete forbiddance.

To this effect, the Code requires any individual in an intimate relationship with a student towards whom they are in a position of authority, to divulge this intimate relationship, and to recuse themselves, prior to exerting authority towards the student in question.

The Code does not diminish the obligation to declare any other conflict of interest applicable, in accordance with other official documents in effect.

2 DEFINITIONS

In this Code, the terms have the meaning given to them in the Policy. In addition, unless the context indicates otherwise, the following definitions apply:

“Authority relationship”: relationship between the students and the individuals in a position to exert power, to impose an act, or to make a decision affecting them.

“Exerting authority”: the performance, by an individual in authority, of an act or decision that may impact a student.

“Individuals in authority”: any individual who has a pedagogical relationship or a relationship of authority with a student in the academic setting.

“Intimate relationship”: any emotional, intimate, or sexual relationship, notwithstanding its duration. Any relation where gestures of a sexual nature are posed, is considered intimate. Further, a relationship is considered intimate from the moment one of the individuals expresses an interest in taking the relationship to an intimate level.

“Pedagogical relationship”: Relationship between the students and the individuals who may influence their academic journey through expressing, guiding, supervising or evaluating of pedagogical activities.

“Student”: for the purpose of this Code, individuals from other institutions who are completing an on-campus internship, including a research or observation internship, are also considered students.

3 OBLIGATION TO RECUSE ONESELF

Individuals in authority should refrain from exerting authority towards a student with whom they are in an intimate relationship. The former must recuse themselves from any decision-making process concerning that student in due time.

4 DIVULGATION OF INTIMATE RELATIONSHIPS

A divulgation's purpose is to inform the Conflict and Violence Prevention and Response Office of the existence of a current or potential situation where a pedagogical or authority relationship and an intimate relationship coexist, in order to permit the establishment and implementation of boundaries.

As the divulgation process primarily governs relationships between consenting adults, no sanctions will follow a divulgation made in due time. However, if the content of a divulgation leads one to believe that sexual violence has occurred, the divulgation may be processed as a declaration which initiates an internal mechanism under Section 9 of the Policy.

4.1 Obligations of individuals in authority

An individual who engages in an intimate relationship with a student over whom they have authority must divulge this relationship to the Office, or else be subject to sanctions.

The individual in authority must divulge the intimate relationship as soon as it begins, and, at the very latest, prior to exerting authority towards that student.

4.2 Divulgation by another individual

Any individual who is aware, or has reason to believe, that an intimate relationship exists between a student and an individual with authority over a student (including the student in said relationship), can divulge that information to the Office.

In the latter case, individuals are encouraged to discuss the matter with the individual in authority first, so as to grant them the opportunity to proceed with the divulgation themselves.

5 PROCESSING OF DIVULGATIONS AND ESTABLISHMENT OF BOUNDARIES

5.1 Processing of divulgation

The Office processes all divulgations received, and ensures that the number of individuals involved in the case, or apprized of its outcome, is kept at a minimum.

5.2 Notification and meeting with the individuals in the relationship

Individuals who are the subject of a divulgation are informed of its existence as soon as possible, during a meeting with Office staff.

The purpose of the meeting with the Office is:

- to inform the individuals in the relationship about the process of divulgation and for the establishment of boundaries;
- to confirm the existence of an intimate relationship and that of a pedagogical or authority relationship;
- to identify the instances where the individual in authority might normally be called to exert their authority toward their partner;

- to identify the appropriate boundaries to be established to effectively transfer to another individual the responsibility to exert authority towards the student, while limiting unnecessary inconvenience for all.

Meetings held in the context of divulgation processing are individual, but may be held jointly at the request of the individuals in the relationship, if the Office deems it appropriate. The Office can request the presence of other individuals it deems necessary, including the individuals responsible for establishing and implementing boundaries.

5.3 Boundaries

Appropriate boundaries are determined according to each individual case. Established boundaries must guarantee that students are evaluated and treated with impartiality, as well as prevent any abuse of power, while limiting constraints imposed on the individuals in the relationship, on Polytechnique, and on the rest of the Polytechnique community. In practical terms, these boundaries must transfer the responsibility of exerting authority to another individual.

The individual to whom responsibilities are transferred, must be qualified to exert such authority, and be sufficiently unbiased about the individuals in the relationship, as to be able to act without being influenced by them. Individuals subordinate to the individual in authority they are replacing do not qualify.

5.4 Boundary related decisions

The staff of the Office will provide recommendations to the head of the unit of the individual in authority, as to the appropriate boundaries to be established.

The unit head will determine how to implement the Office's recommendations, and will communicate these instructions to the relevant units. As much as possible, these instructions are to remain neutral, and refrain from referring to the application of the Code.

The Office communicates the boundaries determined by the unit head to the individuals in the intimate relationship.

5.5 Follow-up

When deemed necessary, the Office holds follow-up meetings, to ensure that established boundaries continue to be effective for the situation in question.

5.6 Changes to the situation

The individuals in the relationship must inform the Office of any changes to their situation, particularly if those changes affect the effectiveness of the implemented boundaries.

5.7 Ceasing of implemented boundaries

Implemented boundaries cease to apply when the pedagogical or authority relationship ends, even if the intimate relationship goes on. A new divulgation must be submitted if the pedagogical or authority status aspect of the relationship reoccur, permitting the establishment and implementation of new boundaries, as appropriate.

If the intimate relationship ends while the pedagogical or authority status aspect continues or persists, the Office must determine if the boundaries should remain in place, as it would for any previous relationship.

6 EXCEPTIONAL CASES

6.1 Double status of student community members

Student community members may find themselves in a position of authority towards other students, namely when they act on behalf of Polytechnique, in the context of paid or unpaid functions. In the above case, they are considered to be individuals in positions of authority, to whom the obligations stated in this Code apply.

Furthermore, an authority relationship exists between Polytechnique students and those who employ them, whether in the context of internships or permanent functions. Consequently, intimate relationships between individuals studying at Polytechnique and their hierarchic superiors are subject to this Code of conduct, if the authority relationship occurs in the academic setting.

6.2 Past relationships

An intimate relationship that has ended can be the subject of a divulgation.

The divulgation of past relationships is optional. It nonetheless is encouraged when two individuals previously in an intimate relationship find themselves in a pedagogical or authority relationship, in order to protect them from any conflict or appearance of conflict of interest.

Once the relationship has been divulged, the Office evaluates whether boundaries need to be established. The state of the personal relationship between the individuals and the nature of the authority relationship must be considered. Where appropriate, boundaries are established following the standard process.

6.3 Accelerated process

If a situation requires an immediate response, for example, if an individual in an intimate relationship with a student unexpectedly finds themselves in a position of authority towards their partner, the individual in authority must recuse themselves immediately, and designate (with their immediate superior), another individual to perform the act of authority.

A divulgation in due form should be submitted to the Office as soon as possible, where it will be processed as per the standard process.

6.4 Emergencies

This provision only applies in emergency situations or where the safety of individuals or possessions is at risk.

In such cases, if circumstances do not permit a prior divulgation or following the accelerated process, then the individual in authority is exceptionally allowed to exert their authority, as long as they divulge the relationship to the Office, as well as the circumstances justifying the above-mentioned exertion of authority, as soon as possible. The Office will process the divulgation according to the standard process.

7 TRANSITIONAL PROVISION

Individuals engaged in an intimate relationship with a student over whom they have authority when this Code of Conduct comes into effect must divulge their relationship to the Office within the 30 days following the enactment of the present Code.