

DEVELOPMENT OF INSTITUTIONAL POLICIES TO COMPLY WITH THE

ACT TO PREVENT AND FIGHT SEXUAL VIOLENCE IN HIGHER EDUCATION INSTITUTIONS

WHAT IS SEXUAL VIOLENCE?

Under the Act, sexual violence is defined as "any form of violence committed through sexual practices or by targeting sexuality, including sexual assault.

It also refers to any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by a technological means."

EDUCATIONAL INSTITUTIONS THAT MUST ADOPT A POLICY FOR PREVENTING AND COUNTERING SEXUAL VIOLENCE

- **University-level** educational institutions
- **College-level** educational institutions
- Educational institutions holding a **permit for college-level educational services**

IN ADDITION

- Institut de tourisme et d'hôtellerie du Québec
- Institut de technologie agroalimentaire
- Conservatoire de musique et d'art dramatique du Québec
- École nationale de police du Québec
- École du Barreau
- Any other educational institution designated by the Minister

MANDATORY GENERAL ELEMENTS

- **Adopted before January 1, 2019**, by the institution's board of governors or by its most senior officer, as the case may be, and **implemented by September 1, 2019, at the latest**
- **Submitted to the Minister** as soon as it is adopted or reviewed (at least once every 5 years)
- **Separate from any other policy** of the institution
- Consideration of **persons at greater risk** of experiencing sexual violence, such as:
 - » persons from sexual or gender minorities
 - » cultural communities or Indigenous communities
 - » foreign students and persons with disabilities
- Creation of a **standing committee** made up of:
 - » students
 - » officers
 - » personnel members
- **Distribution to students** (at the time of admission and at the beginning of each term) and **readily available**

ROLES OF THE COMMITTEE

Develop, review and monitor the policy

Implement a process to ensure that students, officers, staff members and their respective associations and unions are consulted during the policy development or review process.

MANDATORY CONTENT ELEMENTS

-  **Roles and responsibilities**
-  **Prevention and awareness-raising measures**
-  **Mandatory training activities**
-  **Safety measures and infrastructure adjustments**
-  **Rules for social or welcoming activities**
-  **Measures imposed on third persons within the framework of its contractual relations**
-  **Procedures for:**
 - » filing a complaint
 - » reporting an incident
 - » disclosing information to the educational institution
-  **Follow-up of:**
 - » complaints
 - » reports
 - » information received
 - » accommodation measures to protect and limit the impact on studies
-  **Reception, referral, psychosocial and support services**
-  **Actions that must be taken when incidents of sexual violence are reported**
-  **Response times:**
 - » accommodation measures → **7 days maximum**
 - » services to be offered → **7 days maximum**
 - » actions to be taken → **7 days maximum**
 - » handling of complaints → **90 days maximum**
-  **Measures to ensure the confidentiality of the complaints, reports and information received**
-  **Measures governing the communication of the information necessary to ensure a person's safety but which may not include any means to compel a person to keep silent**
-  **Measures to provide protection against reprisals**
-  **Penalties applicable for policy breaches, taking into account their nature, seriousness and repetitive pattern**

CODE OF CONDUCT GOVERNING RELATIONSHIPS

The policy must also include a code of conduct specifying the rules that a person who is in a teaching relationship with or a relationship of authority over a student must comply with if the person has an intimate relationship, such as an amorous or sexual relationship, with the student.

The code of conduct must include a framework aimed at avoiding any situation where such relationships could coexist if such a situation might affect the objectivity and impartiality required in the teaching relationship or relationship of authority or might encourage an abuse of power or sexual violence