



**Syn Studio**

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ÉCOLE D'ART  
CESTAR COLLÈGE 

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**POLICY TO PREVENT AND COUNTER  
SEXUAL VIOLENCE**

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## **PREAMBLE**

Syn School's Policy to Prevent and Counter Sexual Violence is designed to promote a safe and healthy environment for study, work and living, free from sexual violence, including sexual harassment, where everyone has the right to respect, dignity and protection of their physical and psychological integrity.

As provided for in the Act to Prevent and Counter Sexual Violence in Higher Education Institutions (CQLR, chapter P-22.1 - <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P-22.1>), this policy was adopted by Cestar Collège - Syn Studio School Management on September 1, 2019.

This Policy will be reviewed every five (5) years, unless there is a change requiring revision, and sent to the Minister (clause 9 of the Act).

## **1. PRINCIPLES**

- The school rejects all forms of sexual violence because it is an obstacle to the right to equality, dignity and just and reasonable conditions of work and education.
- The school is committed to fostering a healthy and safe living environment for students and staff.
- The school recognizes the right of individuals to be protected, assisted and defended by appropriate redress mechanisms.
- The school ensures that this policy applies to the community as a whole and to everyone involved, including external stakeholders.
- The school ensures that cases are treated with impartiality, fairness, discretion and vigilance.
- The school ensures that no harm can be done to a person who has lodged a complaint or to a person who has participated in the processing of a complaint.
- The school respects the choice of any person to make a complaint or not, it will not replace the police authorities and intervene, whether there is a complaint or not, to ensure fair and reasonable working conditions and studies.
- The school pays special attention to those at higher risk of sexual violence, such as those who are under-privileged because of their sexual orientation or gender, women, cultural communities, Aboriginal communities, foreign students, as well as people with disabilities.

## **2. DEFINITIONS**

In this policy, unless the context otherwise requires, the following terms mean:

### **A. Sexual Violence**

Refers to any form of violence committed through sexual practices or targeting sexuality. It also includes any other misconduct that manifests itself in the form of unwanted sexual gestures, words, behaviors or attitudes, including misconduct related to sexual or gender diversity, expressed directly or indirectly, including by a technological means.

It includes, among other things, sexual misconduct, sexual harassment and cyber-harassment, and sexual assault.

This definition applies regardless of the age, sex, gender, culture, religion, sexual orientation or gender identity of those involved (victim or abuser), regardless of the type of gesture and the place or environment in which it was made and regardless of the nature of the relationship between the victim and the sexual aggressor.

### **B. Sexual assault**

Sexual act, with or without physical contact, committed by an individual without the consent of the individual, or in some cases by emotional manipulation or work on policies and procedures relating to sexual harassment and blackmail. It is an act of subjugating another person to one's own desires by an abuse of power, the use of force or coercion, or an implicit or explicit threat. Sexual assault violates fundamental rights, including physical and psychological integrity and personal security.

### **C. Sexual harassment**

Sexual harassment is included in the definition of psychological harassment. It may be vexatious behavior manifested by repeated, hostile or unwanted behaviors, words, writings, acts or gestures of a sexual nature that impair the dignity or psychological or physical integrity of the person, which leads to a harmful work or study environment for the person. Psychological harassment includes such conduct when it manifests itself in such words, acts or gestures of a sexual nature. A single serious conduct can also constitute harassment if it causes such harm and has a continuing harmful effect on the person.

#### **D. Sexual Cyber-harassment**

Sexual harassment using technologies of information such as social media. The sending of physical comments of a sexual nature or threats of sexual assault constitutes sexual cyberharassment. In addition, disseminating or threatening to broadcast rumors, photographs or audio or video recordings of moments of sexual intimacy, without the consent of the individual, constitutes sexual cyber-harassment.

#### **E. Sexual misconduct**

Sexual misconduct refers to sexual gestures that occur in the context of a professional relationship.

#### **F. Consent**

Explicit, free and voluntary agreement of a person to engage in sexual activity. Consent can be withdrawn at any time. Consent is invalid in the following cases:

- the agreement is manifested by words or the behavior of a third party;
- the person is unable to express it, particularly because he is intoxicated by drugs or alcohol or because he or she is unconscious;
- the consent of the person is obtained by breach of trust or power;
- the person expresses, by their words or their behavior, the absence of agreement to the activity;
- after having consented to the activity, the person manifests, by their words or their behavior, the absence of agreement to the continuation of this one.

For the purposes of this Policy, consent is invalid in the presence of a direct authority relationship between a staff member and a member of the student community or a staff member when a relationship of authority exists between two individuals who occupy different hierarchical levels in the organization.

In Canada, in criminal matters, the age of consent to sexual activity is 16 years old. It is raised to 18 years in the following cases:

- the sexual partner of the person is in a position of trust and authority vis-à-vis them;
- the person is dependent on their sexual partner;
- the relationship between the two persons constitutes sexual exploitation

#### **G. Disclosure**

For the purposes of this Policy, "disclosure" means that a person discloses that he or she has been the victim of an alleged sexual violence. The disclosure does not necessarily lead to a complaint. In terms of accountability, under the act, a disclosure is treated as a report.

## **H. Reporting**

For the purposes of the Policy, "reporting" refers to the fact that a person transmits information about alleged sexual violence. Reporting does not necessarily lead to a complaint.

## **I. Complaint**

A complaint is a formal step by the victim to formally report a situation of sexual violence to an educational institution or police department. An administrative complaint seeks to have the existence of misconduct or sexual harassment recognized and to punish the defendant. In addition, a police complaint involves the possible commission of a criminal offense.

## **J. Authoritative relationship**

The authoritative relationship exists between two individuals who occupy different hierarchical levels in the organization. For example, the relationship that exists between an immediate superior and a member of their team or a teacher-student relationship.

## **K. Intimate relationships**

Intimate relationships include both romantic and sexual relationships.

## **L. Management staff member**

A person who performs a function in an organization or company and has decision-making powers.

## **M. Staff member**

Person employed in a department, individual in a situation of work in an establishment, a company. (Larousse Dictionary)

## **N. One-stop shop**

The One-stop shop is made up of two staff members of the School, each representing a teaching center. Kirsty Carter - [admissions@synstudio.ca](mailto:admissions@synstudio.ca) - Admissions Officer - welcomes and accompanies students of the Concept Art Diploma (AEC) program  
Jennifer Ashley Pascual - [info@synstudio.ca](mailto:info@synstudio.ca) - Administration Assistant - welcomes and accompanies students in the Full-time Intensive program as well as part-time students.

The One Stop Shop's mission is to welcome, refer and accompany anyone wishing to transmit information or requiring support in connection with sexual violence. The role of the One-stop Shop is to welcome people with information to be transmitted, to assist them in the process and not to conduct an administrative or disciplinary investigation.

### **O. The Standing Committee**

President: Anthony Walsh

Director of Studies / Assistant Director of Studies: Diana Ribeiro

Administrator: Clément Perrier

Staff member: Jennifer Pascual

Student : Ramon Kasten

### **3. RESPONSIBILITIES**

The Policy to Prevent and Address Sexual Violence is an institutional policy. It concerns all Cestar Collège - Syn Studio's staff as well as the entire student population, subcontractors and stakeholders.

#### **All members of the school community must:**

- read this Policy, take ownership of its contents and responsibilities;
- comply with this Policy;
- recommend anyone wishing to report or obtain information from the One-Stop Shop;
- report, as soon as possible, to the One Stop Shop, any situation of sexual violence that they witness;
- cooperate in investigations of sexual violence situations while taking into account possible conflicts of role or interest;

Cestar Collège - Syn Studio **One Stop Shop members** have additional roles and responsibilities, including:

- receive complaints and ensure that they understand their rights and the various remedies provided for in the Policy;
- inform complainants of their rights and remedies, as well as possible processes;
- To judge the compliance of the complaint, to verify whether the situation brought to its attention is one of the objects covered by the current policy, ie that it corresponds to the definition of sexual violence. If the complaint is found to be non-compliant, recommend that the person apply to the appropriate authorities in relation to the situation presented;
- identify with the complainants the type of action they wish to undertake.
- guide complainants to a psychological support organization;
- assist these people in formulating their complaint and preparing their file;

Cestar Collège - Syn Studio's **Standing Committee** members have additional roles and responsibilities, including :

- propose the necessary means for the full application of this Policy;
- sensitize students and workers in the institution to prevent sexual violence behavior;
- provide mandatory training for students and staff;
- provide appropriate training to members of the One Stop Shop to prevent and counter any form of sexual violence.
- supervise the application of this Policy and ensure its dissemination;
- appoint the contacts constituting the One-Stop Shop;
- ensure the accountability provided in this Policy and the Act;
- support staff members to intervene;
- support the complainants in the pursuit of the defense of their interests;
- meet (separately) the person or persons who are the subject of a complaint, inform the content of the complaint and take note of their version of the facts;
- make an investigation report
- once the investigation is completed, evaluate and apply the necessary measures or sanctions
- apply the procedure that accompanies the Policy on preventing and countering sexual violence;

#### **4. PROCESS OF RECEIVING AND PROCESSING A DISCLOSURE, REPORTING OR COMPLAINT**

Anyone involved in the complaint process, even as an observer, must commit to maintaining the confidentiality of the information by signing the confidentiality form.

Anyone wishing to transmit information relating to an alleged breach of this Policy, a report, a disclosure or a complaint against a member of the school community may do so at the One-stop Shop; either in person or by email.

Upon receipt of such information, the One Stop Shop will ensure the provision of listening, psychosocial support, accompanying measures and referrals to specialized services to those who express the need.

When a member of the One-stop Shop receives a report or a disclosure, it must first accommodate the victim and ensure listening. Then he will transmit the information collected to the Standing Committee.

Once this information is transmitted to the Standing Committee, the Standing Committee will assess with the persons concerned the accommodation measures to be put in place, including measures to protect the persons concerned against reprisals, if any. Cestar Collège - Syn Studio undertakes to respond to any request as soon as possible, without exceeding 7 days.



The Standing Committee commits itself to collaborate with possible external stakeholders (police, social worker, etc.) only if the person who transmitted the information agrees.

Then, the Standing Committee will evaluate the situation and choose the appropriate intervention in consultation with the victim. This intervention can take many forms, including:

- implementation of accommodation measures;
- remedial measures (for example, mediation between the victim and the defendant);
- intervention in the environment;
- referencing, support and transmission of information to the victim;
- filing a complaint;
- etc.

The confidentiality of the identity of the victim and the elements enabling him or her to be identified must be maintained, except with their consent. In all cases, the victim may, if he or she wishes, terminate the process.

A follow-up will be made to the victim by the Standing Committee to ensure that the situation is resolved. If not, a complaint may be filed.

During the investigation, either party may be accompanied by a person of their choice, which has a supportive and observational role in investigative interviews. This escort is confidential and can not act as a witness for the purposes of the investigation.

The process can be terminated at any time, if the complainant wishes.

Once the accommodation measures have been targeted, the Standing Committee will discuss the way forward for their implementation.

Except where necessary, the confidentiality of the identity of the author of the complaint and the elements enabling him or her to be identified must be protected, unless the complainant gives their consent.

Once the accommodation measures have been implemented, the Standing Committee will validate with the author of the complaint their wish to continue the process or not.

If the complaint is found to be non-compliant, under this Policy, the Standing Committee will refer the Complainant to a more appropriate conflict management mechanism or provide other means to resolve the situation.

After a thorough investigation, the Standing Committee will make a decision. The persons concerned will be notified of this decision.

Complaints will be processed within 90 days of issuance.

## 5. SECURITY MEASURES

### A. Installations

The School periodically monitors the safe layout of the premises, including lighting, door locks and video surveillance. Cestar Collège - Syn Studio is committed to providing secure facilities under constant surveillance.

### B. Intimate Relationships

Cestar Collège - Syn Studio believes that the intimate relationship between a staff member and one of the students goes against the educational mission of the institution. Thus, any relationship between a staff member, faculty or speaker and a student of the Diploma in Artistic Design (AEC) program is strictly prohibited.

The part-time courses or the full-time intensive program being private, not recognized by the Ministry of Education and not involving a rating system; Intimate relationships between staff members and part-time or full-time students are not recommended, but tolerated.

### C. Confidentiality

When the One Stop Shop or the Standing Committee receives information, it must keep it confidential, except with the express or implied authorization of the person who provided the information, if the law so orders, to an act of violence, including a suicide, when it has reasonable grounds to believe that an imminent danger of death or serious injury is threatening an identifiable person or group of persons or in accordance with this Policy.

In the event that the School decides to impose sanctions on the person who is the subject of a complaint, this fact and the nature of the sanction are not disclosed to the person who made the complaint. This is confidential information that must be protected under the Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information.

Depending on the severity or repetition of the information received, whether there is a formal complaint or not, the Standing Committee may transmit anonymous information to the competent authority so that an appropriate intervention is put in place. Anything that identifies individuals who have provided information must be kept strictly confidential.

### D. Protection against reprisals

The School is committed to putting in place measures to protect the authors of

complaint, report and disclosure, or the person who provided information of reprisal from the community. For the purposes of this Policy, threats of retaliation are considered retaliation.

Retaliation may also occur prior to the start of the complaint, report or disclosure process. Retaliation can take many forms and none of them will be tolerated. Such actions will be considered a serious breach of this Policy and will be sanctioned in accordance with this Policy.

The person who is the subject of an administrative complaint will be advised that no retaliation against the person who has reported a problem or complaint will be tolerated and that, if so, this will be taken into account. assessment of the complaint and the applicable sanctions, if any.

#### **E. In case of non-compliance with the policy**

Failure to comply with this Policy may result in administrative and / or disciplinary action, including dismissal and / or expulsion.

The nature, gravity and repetitive nature of the alleged acts must be considered when retaining a sanction.

### **6. DISSEMINATION AND TRAINING**

#### **A. Staff**

Any staff member on permanent contract will be met by the Standing Committee within thirty (30) days of the establishment of the Standing Committee. The Policy will be presented to him or her. Once the Policy is included, a recognition form must be signed by the staff member, confirming their knowledge of The Policy and agreeing to respect it.

All participants will be given a copy of the Policy in hand by the Standing Committee. A record of acknowledgments will be kept by the Standing Committee.

#### **B. Students**

In addition to having permanent access to The Policy, permanently available on the School's website, each student in the Artistic Design Diploma (AEC) will receive an e-mail containing The Policy.

Also, during orientation sessions, a member of the Standing Committee will detail the policy in a segment dedicated to the prevention of sexual violence. The representative member of the One-stop Shop assigned to each pole will also be presented to the student.

## **7. APPLICATION**

This Policy applies to all members of the school community, same as anyone who does business with the School, such as contractors, subcontractors, etc.

This Policy is in effect at the School, in all of its premises (460 St. Catherine Street, Office # 508 and # 504).

This Policy also applies to field trips (outdoor workshop, museum visits, studio visits ...) organized and supervised by the School.