

BICOLLINE

SEXUAL VIOLENCE PREVENTION AND MANAGEMENT POLICY

May 2021



FOREWORD	3
1. DEFINITIONS.....	4
2. OBJECTIVES	6
3. APPLICABILITY	7
4. BANS.....	7
5. REPORT AND COMPLAINT PROCEDURE.....	7
5.1 PRINCIPLES UNDERLYING THE ACTIONS TAKEN BY BICOLLINE REGARDING SEXUAL VIOLENCE	8
5.2 PROCEDURE IN THE CASE OF REPORTED EVENTS AND COMPLAINTS	8
5.3. COMMUNICATION AND PROTECTION OF CONFIDENTIAL INFORMATION.....	9
5.4. MEASURES TO PREVENT REPRISALS	9
5.5 PROCEDURE (See Annex 1).....	9
6 SANCTIONS.....	10
7 ROLES AND RESPONSABILITIES	11
8 ADOPTION AND REVISION	14
9 ACTION PLAN	14
ANNEX 1 - Procedure	14

FOREWORD

The **Duché de Bicolline** wishes to provide to its entire community an environment that is safe and free from sexual violence.

Many legal provisions govern the rights and obligations relating to sexual violence. They allow to better circumscribe individual and organisational roles and responsibilities in these matters. Most notably, one may refer to the *Charter of Human Rights and Freedoms* (L.R.Q.; C.C-12), the *Criminal Code (L.R.C.(1985), chapter C-46)*, and the *Civil Code of Québec (Chapter CCQ-1991)*.

Bicolline has also adopted a Code of Values which supports the various provisions included in the present document. This Policy therefore exists in continuity with other Bicolline policies, rules, contracts, and conventions, which it does not violate and to which it is not substituted.

Thus, **Bicolline** commits to :

- Promoting respect between individuals;
- Preserving the dignity of all involved persons, be they complainants, alleged offenders, or other;
- Protecting the physical and psychological integrity of all Bicolline participants;
- Promoting a safe and harmonious playing environment.

Being aware of the problems¹ posed by sexual violence in all spheres of society, **Bicolline** also commits to sensitize its community to the development of a “benevolent culture” in which each community member seeks to promote and maintain an environment which is free from all forms of sexual violence and in which everyone is made aware of the importance of consent.

This Policy does not affect and is not substituted to any person’s legal obligation to report criminal behavior to the appropriate authorities.

¹Sources

- Public Health Ministry, [Infractions sexuelles au Québec, 2014 and 2015](#).
- Statistics Canada, [Les agressions sexuelles autodéclarées au Canada, 2014](#).

1. DEFINITIONS

In this Policy, unless context dictates otherwise, the following words or expressions mean:

Sexual violence: Sexual violence encompasses all forms of violence committed through sexual practices or which target sexuality. It can take numerous forms, most notably sexual assault and sexual harassment. It also encompasses all other behaviours – such as acts, words, behaviors, or attitudes – which are sexualized and non-consensual, including behaviours related to sexual and gender diversity, expressed directly or indirectly.

*Sexual violence can be manifested in several ways – notably but not exclusively through sexualized kisses, sexual touching, masturbation, penetration, oral/genital contacts, incest, sexual harassment, sexual misconduct, exhibitionism, frotteurism, voyeurism, obscene communications, sexualized jokes, cyberbullying and exploitation intended for pornographic use, prostitution and sexual traffic – and this, regardless of the location where it may occur.*²

Sexual assault: A sexual assault is a sexualized act, involving or not involving physical contact, which aims to subject another person to one's desires. It is a criminal infraction which violates the victim's fundamental rights (security, psychological and physical integrity) committed by using, notably but not exclusively: intimidation, power abuse, implicit or explicit threats, manipulation, blackmail, constraint, force, and verbal, physical or psychological violence. In all cases, the victim does not consent or is not capable of voluntarily consenting to the situation.

Even though women, teenage girls, and children tend to be the main victims of sexual assault, anyone can become its victim without regards to age, sex, gender, ethnic origin, culture, social class, religious convictions, or sexual orientation and identity. On the other hand, the person who commits such an assault can be a family member, a friend, a spouse, a professional, an employer, a colleague, an acquaintance, as well as a stranger.

Sexual harassment: The meaning of sexual harassment can be found in the broader definition of psychological harassment, which can be understood as an attack on a person's right to equality. It can manifest as a vexatious behaviour made visible through acts, spoken or written words, unique or repeated sexualized behaviours which are hostile or non-desired and which affect the victim's dignity or psychological or physical integrity. These behaviours aim to obtain – through coercion – sexual favors, or to ridicule the victim's sexual characteristics, thus creating an unhealthy and harmful living environment.

² Sources : Act To Prevent And Fight Sexual Violence In Higher Education Institutions, Regroupement québécois des centres d'aide et de luttes contre les agressions à caractère sexuel (RQCALACS), Centre de protection et d'intervention pour victimes d'agression sexuelle (CPIVAS).

Consent: Consent is a voluntary agreement, manifested freely and knowingly, to participate in one or several sexual acts. **Consent can be withdrawn at any time. To refrain from refusing or to remain silent cannot be interpreted as consent.**

Consent is invalid notably but not exclusively in the following cases:

- Agreement is manifested through the words or behavior of a third party;
- The person is incapable of giving consent, notably because he/she is intoxicated by drugs or alcohol, or because he/she is unconscious;
- The person's consent is obtained through power abuse or trust abuse;
- The person makes it known through his/her words or behaviour, that he/she does not consent;
- After having consented, the person makes it known, through his/her words or behaviour, that he/she does not consent anymore.

In Canada, criminal law sets the age of consent for sexual activity at 16 years old.

However, the age of consent is set at 18 years old in the following cases:

- The person's sexual partner is in a situation of trust and authority towards him/her;
- The person is dependent upon his/her sexual partner;
- The relationship between the two people constitutes sexual exploitation.

Report: To report a behaviour means to officially inform an authority figure of the Bicolline team about a sexualized incident of which one is the victim, witness, or which has been confided to one. Such a report is officially recorded by a Bicolline representative or by a member of Bicolline's management or coordination teams. **A report does not necessarily lead to an official complaint. The application of Bicolline's rules is based upon the report.**

It is mandatory to report any act of sexual violence committed against a minor.

Complaint: A complaint is a written and formal process initiated by the complainant aiming to officially denounce a situation of sexual violence to the legal authorities. A complaint aims for the situation of sexual violence to be recognized and for the alleged offender to become subject to legal sanctions. As such, a complaint implies the possible perpetration of a criminal act. A complaint is referred to legal authorities.

Support relationship: The support relationship refers to the psychological and professional support (notably but not exclusively social workers, paramedics, nurses, and doctors) offered to a person in need of such support or in a situation of psychosocial distress.

Relationship of authority: A relationship of authority exists between two people who occupy different hierarchical levels among a group (ex: a guild leader and a guild member, an activity supervisor and a participant to said activity, etc.).

Forensic and medical-social kits: Forensic and medical social kits are composed of a group of tests and analysis, must be used following any sexual assault involving physical contact. It is mandatory that they be used in a designated institutional center and their use does not automatically result in a formal complaint. They are useful in preventing STDs and in gathering element of proofs.

Community: The Community refers to all people interested in, involved in, participating in, contractually bound to, or employed by Bicolline. It is composed principally of:

- **The Organisation:** All members of the Bicolline cooperative, as well as all Bicolline employees, management, coordinators, officials, and activity supervisors.

- **Unpaid workers and volunteers:** Unpaid workers and volunteers are defined so by the Organisation to act as such.
- **Participant:** is defined as a Participant any person who is a member of and/or who has registered for and/or who is present at an official Bicolline activity.

Coordination: is defined as the Coordination: all coordinators collectively forming the organisational team of Bicolline's activities.

Bicolline Management (Management): is defined as the Management all executive employees of Bicolline.

Investigation (Internal investigation): an investigation is a process through which the Management or the Coordination evaluates a reported situation with the intention of applying the current Policy.

Complainant: a Complainant is a person who reports a situation of sexual violence and/or a victim who formulates a complaint regarding such a situation to the Organisation or to the legal authorities.

Alleged offender: the alleged offender is the person being targeted by a report or a complaint for allegedly violating the present Policy. This person is considered an alleged offender as long as the report or complaint process is not completed.

2. OBJECTIVES

The present Policy aims to:

- Establish the roles and responsibilities of all Community members;
- Strengthen the actions aimed at preventing, fighting, and sanctioning sexual violence in the context of Bicolline's official activities;
- Create a safe and healthy living environment for the Community;
- Put in place measures of sensitization, prevention and intervention;
- Regulate Bicolline's official activities;
- Establish the procedures to be used in processing complaints, reports and information.

To this end, it plans notably but not exclusively to put in place means of:

- Collective prevention and information;
- Sensitization;
- Community accountability;
- Support for complainants;
- Overseeing, if needed, of the internal investigation process following a report;
- Support for all involved persons;
- Sanctioning the alleged offenders, as the case may be.

3. APPLICABILITY

Bicolline must make sure the Law is respected in the context of its activities, on its site, and in its installations. One must note that, in certain cases, this Policy also applies to events happening outside the main site, but still happening under the Organisation's responsibility.

The present Policy applies to all participants as well as to all people doing business with or having done business with the Organisation notably contractors, sub-contractors, partners, visitors, employees.

This Policy applies from the moment of its adoption. However, should anyone wish to talk to someone and/or obtain support in relation to an event predating this Policy's adoption, Bicolline will direct them towards the appropriate external resources.

In applying this Policy, Bicolline pays special attention to those people who are more at risk of being the victims of sexual violence, notably but not exclusively women, minors and LGBTQIA+ people³.

The present Policy is also available for those wishing to organize unofficial activities targeting the Bicolline Community. However, the responsibility for its application then falls upon them and Bicolline cannot be held responsible in those instances. No record of complaints will be kept during unofficial activities.

Bicolline cannot apply the present Policy to situations external to its official activities. Unless an official legal judgment applies to a given situation, Bicolline may not use this Policy to enforce sanctions such as restricting access to its activities, expelling or banning a person for actions committed outside of the scope of application defined herein.

4. PROHIBITIONS

It is forbidden to :

- 1) Perform any kind of sexual violence in the context of an activity that is sanctioned by Bicolline or taking place on the site or in the installations of Bicolline.
- 2) To exercise any kind of reprisals against a person who has filed a report or a complaint or towards an alleged offender.

5. REPORT AND COMPLAINT PROCEDURE

In the context of any Bicolline official activity, any person – be they a member of the Organisation or a participant – may speak to a member of the Organisation to report a situation of sexual violence, or, as the case may be, to file a complaint.

For Participants Any person who believes they are the victim, witness, or confidante to a victim of sexual violence speaks in total confidentiality to a member of the Organisation or of the emergency services.

- Mobile paramedical team
- Brigade communautaire (Community brigade) or Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS)
- Permanent security staff at 1540 (Vieille Ville exit)
- Between 8 AM and 8 PM: at 1480 (entrance)
- 24h ambulance for emergencies, dispensary 1 (entrance)
- Team of specialized professionals (according to schedule)

Any identified volunteer or unpaid worker can guide you towards one of these aforementioned people.

For a member of the Organisation: Any person employed by or under contract with Bicolline who believes themselves the victim, witness, or confidante to a victim of sexual violence speaks in full confidentiality to the Bicolline Coordination or Management.

5.1. PRINCIPLES UNDERLYING THE ACTIONS TAKEN BY BICOLLINE REGARDING SEXUAL VIOLENCE

1. Bicolline ensures that the intervention will be impartial, respectful and equitable towards all involved persons;
2. Bicolline acts discreetly and requires the confidentiality of all involved persons;
3. Each person has the right to be advised or assisted by a person of their choice;
4. An intervention or decision made at Bicolline does not prevent a person from engaging in legal actions. The choice of action falls upon the complainant without those actions being mutually exclusive;
5. The complainant may, at any time, choose to go to the police and file a criminal complaint;
6. The alleged offenders are not to be designated as responsible or guilty, until proven otherwise;
7. The report or complaint must not be based on false allegations;
8. The Bicolline Management, because of its legal obligations, may exceptionally submit a situation to the legal authorities, even in the absence of a complaint.

5.2 PROCEDURE IN THE CASE OF REPORTED EVENTS AND COMPLAINTS

Filing a report does not necessarily lead to a complaint. Regardless of the objective behind the meeting, the preferred approach is to:

- Welcome, support, and accompany the complainants in view of their needs;
- Listen without judgment;
- Ensure the confidentiality of all information, to the extent possible;
- Refer the complainant towards a specialist (ex: psychosocial help, CAVAC, CALACS) or designated hospital (Hôpital du Centre de la Mauricie) depending on their needs;
- Deal with reports and complaints in an objective and impartial manner;
- Guide the complainants towards the appropriate resources (ex: designated hospital – Hôpital du Centre de la Mauricie or the police);
- Evaluate the admissibility of the report according to the present Policy;
- Start the investigation process in the event of a report;
- Inform the alleged offender(s) that a report or complaint has been filed against them as per the present Policy;
- Inform the alleged offender(s) of their rights and of the various kinds of interventions which may happen as per this Policy;
- Refer the case to the police if the situation mandates it.

Bicolline ensures that no person intervening in a case is in a position of real or apparent conflict of interests.

5.3. COMMUNICATIONS AND PROTECTION OF CONFIDENTIAL INFORMATION

The person receiving information must keep it confidential unless expressly permitted to share it by the informant or if expressly mandated legally to do so (ex: to prevent violent acts – including suicide – or if there is a genuine reason to believe there is imminent danger of grave injuries or death against an identifiable person or group.)

Information may only be shared with the alleged offenders and their chosen advisers. Thus, confidential information and personal details may not be shared with anyone, including the complainant, unless these elements relate to them personally. The person sharing information may only divulge what is necessary to achieve the goal of the communication.

During the process of dealing with a report or complaint, the complainant must be informed of the process' conclusions. That same information is shared with the alleged offender.

Depending on the severity of the case, or in the event of multiple official or unofficial reports or complaints being received, the Bicolline Management may share anonymized information with the alleged offender(s) in order for an appropriate intervention to take place. All elements allowing the complainant(s) to be identified must remain strictly confidential.

5.4. MEASURES TO PREVENT REPRISALS

Except for the sanctions mandated by the rules hereby established, no form of reprisals is tolerated. Bicolline commits to put in place all necessary measures to protect the complainant and the alleged offender against reprisals from the Community in the context of its activities and on its social media. In the application of this provision, threats of reprisals are to be considered as reprisals. Reprisals may also take place before the start of the report or complaint process.

Reprisals may take various forms and none of them shall be tolerated, be they against the complainant, the (alleged) offender – even if found guilty – or against anyone involved in the situation. Note also that to slur someone's reputation (including but not limited to *in situ* and on various social media) is also considered as reprisals.

For example, it is forbidden to threaten reprisals against a person in order to prevent them from filing a complaint or report or from sharing information relating to a situation of sexual violence or from collaborating with an intervention or investigation taking place as per this Policy. Such acts will be considered as severe misconduct and their author(s) will be sanctioned. Any person who believes they have been the victim of reprisals can inform the Bicolline Management or Coordination of the situation.

5.5 PROCEDURE (See Annex 1)

Procedure for a report

When a member of the Organisation receives a report, they must first welcome the complainant and prioritize listening to them over any other activity. They must then accompany them towards the appropriate resources: security, paramedics, ambulance, Community Brigade, Management or Coordination.

An internal procedure is then started. It is a structured process which aims to gather elements (facts, documents, etc.) allowing the person designated by Bicolline (Management or Coordination) to determine if the present Policy has been violated and allow them to make decisions which they think appropriate with regards to the circumstances. These elements are gathered from the complainant, the alleged offender and from witnesses.

Afterwards, the person designated by Bicolline (Management or Coordination) decides on the appropriate intervention together with the complainant. This intervention may take various forms and may last for a determined amount of time depending on the situation, notably but not exclusively through:

- Referencing, accompanying and sharing information with the complainant;
- Filing a report;
- Filing a complaint;
- Voluntarily abandoning the process.

A report is only acceptable if it meets the following conditions:

- The described situation falls under this Policy's terms of applicability;
- The implicated parties are targeted by this Policy;
- The report is signed and dated by the complainant.

A conversation with the complainant may be necessary in order to file a report.

Once an intervention is decided upon and the necessary recommendations identified, the Bicolline Coordination and/or Management applies the measures, if applicable.

At all times and specifically in the case of sexual assault involving physical contact, the medical care and referencing to the designated hospital (Hôpital du Centre de la Mauricie) process may start, with the complainant's consent in order to treat any injuries and/or prevent STDs.

The complainant may at any time, if they wish, put an end to the process.

Concurrently, the people involved (Coordination, Management, external specialists, etc.) may wish to evaluate the situation and formulate recommendations aiming to prevent a similar situation from reoccurring.

In any situation, care must be taken to prevent any confidential information allowing the complainant to be identified from leaking, unless they explicitly consent to wave their anonymity. The same applies to the alleged offender.

At all times, a complaint could be filed by the complainant.

Procedure for a complaint

The first step to file a complaint is to transmit it to the legal authorities, to the Bicolline Coordination or Management. The Bicolline Coordination or Management will refer the complainant to the legal authorities. A complaint may be filed simply in writing by the complainant or by a representative of the Bicolline Coordination or Management or by the legal authorities.

When the complaint is filed, support is offered by the paramedics or any other capable person, together with the complainant, in order for the process to be started with the legal authorities. Should there be no available medical or social professionals, the police is contacted in order to proceed directly with them.

6. SANCTIONS

Bicolline applies a **ZERO-TOLERANCE** policy in all matters related to sexual violence.

- 1- An alleged offender who after an investigation following a report or complaint is found to have committed an act of sexual violence is permanently banned from Bicolline by the Management. They will have to immediately leave Bicolline's site and activity.
- 2- A complainant who after an investigation following a report or complaint is found to have **knowingly** lodged a false accusation is automatically and permanently banned from Bicolline by the Management. They will have to immediately leave Bicolline's site and activity.
- 3- An alleged offender wh, after an investigation following a report or complaint is **not** proven to have committed an act of sexual violence will face no sanctions.
- 4- A complainant who, after an investigation following a report or complaint, is found to have complained **in good faith**, even if the reported events do not fall under the present Policy's applicability, will face no sanctions.

All files are preserved by the Bicolline Management. They remain confidential unless they must be divulged by order of a tribunal. Priority is given to maintaining the confidentiality of all involved parties' names. No information will be shared with the Community. The intervention made towards the alleged offender will be done as discreetly as possible.

A person who is banned from Bicolline following a report or complaint is considered as having violated the rules established in the present Policy. It is the complainant's prerogative to start a legal procedure against them if they so desire. In these matters, Bicolline will offer its full cooperation.

7. ROLES AND RESPONSIBILITIES

All Bicolline Community members are urged to be constantly and collectively vigilant in a spirit of benevolence. It is everyone's responsibility to:

- Get acquainted with this Policy in order to prevent and fight sexual violence in the context of Bicolline's activities;
- Respect this Policy: intrinsically, all people who participate or who are involved in Bicolline's activities commit to respect this Policy, regardless of whether or not they have confirmed they accept its terms when they registered for said activities;
- Participate in the various training and prevention activities organized in connection with this Policy;
- Refer any person desiring to report a situation of sexual violence or obtain information to the available specialists;
- Report to the Bicolline Organisation any incident of sexual violence they have been the victim, witness, or confidante to;
- Refer any person wishing to report or obtain information to the Bicolline Organisation;
- Cooperate in any investigation related to a situation of alleged sexual violence.

Organisation, Coordination and Management

In addition to the responsibilities which fall on all Community members, Organisation members have the responsibility to act / take means when a situation is reported to them. They must also:

- Ensure the present Policy is applied among their Coordination team, volunteers and unpaid workers;
- Attend and ensure that the members of their teams attend the mandatory training sessions;
- Refer, if necessary, the complainant to the appropriate external specialists (CALACS, ambulances, police).

Moreover, some people or entities have additional roles and responsibilities :

Executive Board

- Adopt this Policy as well as any future modifications which may be made to it;
- Ensure the Organisation adopts relevant measures to bonify this Policy's application;
- Ensure this Policy's application from the moment of its adoption.

Management

- Ensure this Policy is applied among the Organisation and Bicolline's external partners;
- Ensure the proper archival storage of information;
- Ensure a clause relating to the acceptance of the terms of this Policy is added to the registration process of participants;
- Ensure a clause relating to the acceptance of the terms of this Policy is added to the contracts Bicolline signs with its external partners;
- Ensure the execution of the action and communication plan in collaboration with the Coordination;
- Ensure that the committee to prevent and fight sexual violence and counter harassment meets annually;
- Promote prevention and sensitization among its employees;
- Organize training sessions for its employees;
- Ensure that the Organisation receives training and updates regarding how to intervene with victims (in partnership with the designated center).

Coordination

- Ensure the Policy's application;
- Put in place all measures necessary for the activities to take place safely;
- Ensure that recommendations made by specialists are considered for implementation;
- Ensure prevention and sensitization among volunteers and unpaid workers;
- Deal with the reported situations and take adequate action as per this Policy;
- Ensure that all necessary help and support is provided to the involved persons;
- Determine in collaboration with the Bicolline Management the appropriate sanction to be applied to a participant who has been found guilty of an inappropriate act as per this Policy;
- Produce an annual accountability report.

Volunteers and unpaid workers

- Participate in the offered training sessions;
- Respect and apply this Policy at all Bicolline activities;
- Commit to sensitize their teams;
- Inform, accompany, support, refer toward appropriate services, and ensure the protection of participants' rights when they are involved as complainants or alleged offenders in the context of the reveal, report and/or treatment of complaints;

- Collaborate with the Coordination and Management in the application of this Policy.

Internal partners

- Respect this Policy's provisions;
- Commit to make this Policy known to their staff;
- Commit to train and sensitize their staff as per the present Policy;
- Declare any sexual violence incident to the Management.

External and international partners

- Commit to make the Policy known;
- Commit to sensitize their employees;
- Commit to respect the Policy's provisions.

Brigade communautaire (Community brigade)

The members of the Community brigade are chosen according to their personal qualities, their knowledge of the Policy, and their capacity to help a complainant. This group must also include professionals who will more specifically tend to participants. They are responsible for:

- Applying this Policy and to participate in the sensitization efforts targeting the Community;
- Maintaining confidentiality and participating in training sessions in order to be better equipped to deal with situations involving sexual violence;
- Welcoming, informing, and referring the complainant and/or the alleged offender;
- Ensuring that the person who wants to file a report or complaint does so as per the rules established in this Policy;
- Ensuring appropriate follow-up with the person, especially if they do not wish to report the situation or file a complaint;
- Offering their support to any alleged offender;
- If a report or complaint is filed, accompany the person (be they the complainant or the alleged offender), if they wish so, during the complaint's follow-up process;
- Referring the person to the psychosocial help service or to the Organisation if needed.

Members of the Committee for the prevention and management of sexually violent acts

- Ensure the proper diffusion of this Policy;
- Propose and participate in the organisation of sensitization and prevention activities such as the Synode;
- Ensure that recent developments relating to sexual violence are taken into account;
- Propose the actions found in the action plan;
- Participate in the Policy's revision.

This committee is composed of nine (9) members :

- Three (3) individuals representing the Bicolline participants;
- One (1) coordinator of Customer Service (or Operations);
- One (1) member of the Bicolline Management team;
- One (1) person acting as the Community Brigade's team leader.

- One (1) person representing the volunteers/unpaid workers;
- One (1) person representing the paramedics;
- One (1) person from the external specialized resources (ex: CALACS).

8. ADOPTION AND REVISION

The present Policy is adopted by the Executive Board and comes into effect on the day of its adoption, that is the 11th of May 2021.

9. ACTION PLAN

An annual action plan is established in order to proceed to the necessary improvements and sensitization of Bicolline participants.

Bicolline commits to make this Policy evolve.

Content revised and commented by the Lavery law firm.



ANNEX 1 - Procedure

