

Charter against sexual and gender-based violence - Staff and students -

École Centrale Lyon is committed to a proactive policy to prevent and combat all forms of discrimination, harassment and sexual and gender-based violence.

This commitment, which is at the heart of École Centrale de Lyon's ambitions, also meets the ministerial recommendations for preventing and dealing with sexual harassment in higher education (circular no. 2015-193 on preventing and dealing with sexual harassment in higher education and research establishments).

This charter sets out the measures in place at École Centrale de Lyon to combat sexist behaviour and sexual and gender-based violence (SGBV) on the Écully and Saint-Étienne campuses.

In the first part, **the legal definitions and criminal penalties incurred in the** event of SGBV will be reviewed.

In the second part, **the SGBV reporting system** accessible to all École Centrale de Lyon staff and students will be presented.

In this charter, expressions are formulated in a neutral manner, without distinction as to gender. The masculine form is used for the sole purpose of lightening the text.

“Ban violence in all its forms and foster a culture of respect”.

[PART 1] SEXIST BEHAVIOUR AND GENDER-BASED VIOLENCE DEFINITIONS AND SANCTIONS	3
Consent and aggravating circumstances	3
Sexist behaviour	4
Sexual and gender-based violence - SGBV	4
What about witnesses?	9
[PART 2] REPORTING SYSTEMS IN PLACE IN THE ESTABLISHMENT	11
1. Listening to witnesses or victims	11
2. Handling of reports by management	13
[PART 3] COMMITMENTS	14
The establishment undertakes to :	14
Staff and students undertake to:	14
APPENDIX 1 WHAT TO DO AS A WITNESS	15
APPENDIX 2 CONTACT DETAILS	16
APPENDIX 3 FLOW CHART	17

[PART 1] SEXIST BEHAVIOUR AND GENDER-BASED AND SEXUAL VIOLENCE: DEFINITIONS AND SANCTIONS

"No one is supposed to be ignorant of the law".

The purpose of this section is to remind you of the behaviours set out in the law and the criminal penalties incurred for each act of gender-based and/or sexual violence.

To begin with, a number of concepts need to be clarified:

- **Consent is** the willingness to commit oneself: it is an explicit, lucid and reciprocal "yes". It can be verbal or non-verbal. Silence does not constitute consent. Consent must be free, informed and given by the person him/herself. It may be withdrawn at any time.
- A person cannot give "informed" consent if he or she is in a **state of incapacity. intoxicated, under the influence of drugs or a person.**
- **Alcohol is an aggravating factor** in sexual offences.

Aggravating circumstances

The following situations or facts constitute an aggravating circumstance of sexual violence:

- An act committed by a person who abuses the authority conferred by his functions;
- Act committed because of the victim's sexual orientation or gender identity ;
- Particularly vulnerable victims (minors under the age of 15, physical or mental disability, pregnancy);
- victim put in contact with the perpetrator via the Internet ;
- An act committed by a person who is clearly drunk or under the influence of narcotics;
- Act committed by the victim's spouse, cohabitee or partner linked to the victim by a civil solidarity pact (or former spouse, former cohabitee or former civil solidarity pact partner).

Sexist behaviour

Sexist behaviour is defined as all attitudes, comments and behaviour whose purpose or effect is to undermine dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment.



The law of 17 August 2015 introduced the concept of "sexist harassment" and the law of 8 August 2016 strengthened these provisions. Sexist behaviour is also detailed in the general status of civil servants under article 6 bis of law no. 83-634 of 13 July 1983 on the rights and obligations of civil servants.



In practice: Sexist behaviour is a reflection of the ordinary sexism that is present and often trivialised in the workplace. The report by the "Conseil supérieur de l'égalité professionnelle entre les femmes et les hommes" on sexism in the world of work (February 2016) identifies several manifestations of ordinary sexism in the workplace: sexist remarks and jokes, incivilities, disrespect or contempt, colloquial interpellations, imposed gender stereotypes (such as criticism of the way people dress or the idea that certain skills are "masculine" or "feminine").

Sexual and gender-based violence - SGBV

Gender-based and sexual violence covers all situations in which a person forces someone else to behave in a sexual manner or to say something (verbally or in writing) of a sexual nature. It refers to any sexual act committed with violence, coercion, threats or surprise. It violates a person's fundamental rights, in particular their physical and psychological integrity.

It is prohibited by law and punishable by law.

The different types of act or behaviour covered by SGBV

Private or public sexual or sexist insults: An insult is any word, writing or expression of thought addressed to a person with the intention of hurting or devaluing that person. It can be sexist, racist, homophobic and/or validist (discriminating against people with disabilities).

A distinction is made between private (non-public) insults and public insults (which may be read by the public).



Sexist abuse is either a **misdemeanour** or an **offence**, depending on the circumstances in which it is committed. The law provides for fines of up to €12,000 for general offences and up to 1 year's imprisonment and a €45,000 fine (aggravating circumstances) for racist, sexist, homophobic and disabled public insults.



In practice:

An insult uttered during an internal meeting **is not public because it is said in front of a limited number of people belonging to the same structure or community of interest**. For example, saying at a meeting "work with Madame X, that slob?" or "go on a mission with that wimp?"

An insult hurled in a public place, such as a website, publications or social networks, **is public if the content is accessible** to any Internet user or restricted circle of people who do not know each other.

Sexist contempt is the imposition on a person of any sexual or sexist comment or behaviour that either violates their dignity by being degrading or humiliating, or creates an intimidating, hostile or offensive situation.



Sexist offence is a **criminal offence**. Article 621-1 of the French Penal Code provides for a fine of €3,750 and an additional penalty: a work placement or community service.



In practice: whistling, obscene gestures and/or noises, for example suggesting or imitating a sexual act; sexual propositions or intrusive questions about sex life; degrading comments about physical appearance or dress; following or stalking someone in the street can amount to sexist contempt.

Hazing is the act by a person of inducing others, against their will or otherwise, to undergo or commit humiliating or degrading acts or to consume alcohol excessively, during events or meetings connected with the school, student, sports and socio-educational environment.



Hazing is an **offence**. Article 225-16-1 of the French Criminal Code provides for a penalty of 6 months' imprisonment and a fine of €7,500. These penalties are doubled if the victim is a vulnerable person.



In practice: kissing or forcing someone to touch you (buttocks, breasts, etc.), being totally or partially naked, miming sexual gestures or positions are all considered to be hazing with sexual interference.

Voyeurism is the act of using any means to view a person's private parts that the person, by virtue of their clothing or their presence in an enclosed space, has hidden from the view of a third party, when committed without the person's knowledge or consent.

➡ Voyeurism is a **criminal offence**. Article 226-3-1 of the Criminal Code provides for a penalty of 1 year's imprisonment and a fine of €15,000, and 2 years' imprisonment and a fine of €30,000 when the acts are committed by several people (perpetrator or accomplice), committed in transport or when images have been fixed, recorded or transmitted.

Invasion of privacy is the act of violating the privacy of another person:

- 1- By capturing, recording or transmitting, without the consent of the author, words spoken in a private or confidential capacity;
- 2- Fixing, recording or transmitting the image of a person in a private place without that person's consent;
- 3- By capturing, recording or transmitting, by any means whatsoever, the real-time or recorded location of a person without that person's consent.

➡ Invasion of privacy is a **criminal offence**. Article 226-1 of the Criminal Code provides for a penalty of 1 year's imprisonment and a €45,000 fine. The penalties are increased to 2 years' imprisonment and a €60,000 fine when the offence involves words or images of a sexual nature taken in a public or private place.



In practice: Taking images in the departmental toilets using a mobile phone or making and distributing montages of a sexual nature is considered an invasion of privacy.

Sexual exhibition is the act of forcing an indecent act on others in a place open to view. The notion of "place open to public view" is interpreted broadly by the Court of Cassation.

 *Sexual exhibition is a **criminal offence**. Article 222-32 of the French Penal Code provides for a penalty of 1 year's imprisonment and a €15,000 fine for the perpetrator of sexual exhibition in public view.*



In practice: the exhibition of a woman's breasts, the exhibition of a man's or woman's buttocks, masturbation and sexual intercourse between two consenting persons may be punishable if committed in full view of others or in a place open to public view.

Bawdy songs combined with exhibitionist dancing, such as "les limousins et maréchaux", should not take place in public spaces: at graduation balls, parties...

Sexual harassment: any behaviour (comments, gestures, written material, etc.) with a sexual connotation imposed on a person repeatedly (at least twice for the victim), which either violates the dignity of the individual by being degrading or humiliating, or creates an intimidating, hostile or offensive situation.

Sexual harassment also includes the use, **even if not repeated**, of any form of serious pressure with the real or apparent aim of obtaining an act of a sexual nature, whether this is sought for the benefit of the perpetrator or a third party.



*Sexual harassment is a **criminal offence**. Article 222-33 II of the French Penal Code provides for penalties of up to 2 years' imprisonment and a fine of €30,000 (3 years and €45,000 in the case of aggravating circumstances) for the perpetrators of sexual harassment.*



In practice: making a comment about the physical appearance of someone who has not asked for it, insisting after a refusal or absence of response, mistaking a refusal for shyness, following someone who does not respond or shows a refusal to exchange, threatening someone or blackmailing them into accepting advances, inciting nudity after a refusal or absence of response. Reactions or comments about other people's private lives, even if they seem harmless, can lead to harassment.

"Ambient" harassment: certain repeated behaviours can lead to a situation of sexual harassment and be condemned as such: obscene jokes, insults, circulation of suggestive videos, remarks about appearance or dress, insistent looks, questions about sex life, display of images or objects of a sexual or pornographic nature, etc.

Cyberbullying has been an offence under the Criminal Code since 2004. The 6 most common forms are:

- identity theft
- doxing (document tracing, etc.), dissemination of private identities
- swatting (telephone hoax)
- hate speech, defamation
- revenge porn" (pornodisclosure of explicit sexual content, publicly shared online without consent, a form of revenge)
- cyber stalking.



Cyberbullying is a criminal offence. Article 222-33-2-2 of the French Penal Code provides for a penalty of 2 years' imprisonment and a €30,000 fine for perpetrators. The maximum penalty is increased to 3 years' imprisonment and a €45,000 fine if the victim is under the age of 15.

Sexual assault: Any sexual violation committed with violence, coercion, threats or surprise. In all cases, the perpetrator has not obtained the informed and explicit **consent** of the victim: physical or moral coercion (e.g. assault of an employee by his or her manager), victim unable to give a clear answer (e.g. under the influence of drugs or alcohol, victim vulnerable due to his or her state of health, victim under 15 years of age), perpetrator acting when the victim is not expecting it (e.g. on public transport). This applies regardless of the nature of the relationship between the assailant and the victim, including if they are married. If penetration has taken place, it is considered to be rape.



*Sexual assault (other than rape) is a **criminal offence**. Articles 222-22 to 27 of the Criminal Code provide for penalties of up to 5 years' imprisonment and a €75,000 fine (7 years and €100,000 in the case of aggravating circumstances) for the perpetrators of sexual assault. **An attempted assault is punishable by the same penalty as an assault.***



In practice: Touching, pinching buttocks/breasts outside of a mutually consensual relationship, kissing someone by surprise or against their will, rubbing intimate parts against someone.

Rape is an act of sexual penetration committed against a victim by violence, coercion, threat or surprise. Any act of sexual penetration is covered: vaginal, anal or oral ; by the genitals sex, fingers or by means of an object. Physical violence is not required to qualify as rape. Rape is a crime, even if committed by the victim's spouse, cohabitee or civil union partner.



*Rape is a **crime**. Article 222-23 of the Criminal Code provides for 15 years' imprisonment for those who commit rape (up to 20 years' imprisonment in the event of aggravating circumstances). **Attempted rape carries the same penalty as rape.***



In practice: Attempting to force someone to have sex without succeeding is attempted rape, punishable by law in the same way as rape.

What about witnesses?

In the case of rape, the following acts are also punishable: failing to inform the authorities when witnessing a crime (and therefore a rape), obstructing the investigation or intimidating the victim into remaining silent.

Article 434-1 of the French Penal Code: Anyone who is aware of a crime whose effects can still be prevented or limited, or whose perpetrators are likely to commit new crimes that could be prevented, and who fails to **inform the judicial or administrative authorities** is liable to three years' imprisonment and a fine of €45,000.

Article 434-4: **Obstructing the ascertainment of the truth** is punishable by three years' imprisonment and a €45,000 fine (e.g. when evidence is missing).

Article 434 -5: **Any threat or other act of intimidation** against any person, committed with a view to persuading the victim of a crime or offence not to lodge a complaint or to withdraw their complaint, is punishable by three years' imprisonment and a fine of €45,000.

For all the offences and crimes listed above, the victim can take action on his or her own initiative by **filing a police report or a complaint**. The authorities can help the victim to take these steps (see commitment section).

GOOD TO KNOW

- A **"main courante"** is a way of reporting certain incidents that you have witnessed or experienced without pressing charges. Its purpose is not to prosecute the perpetrator.
- Filing a **complaint means that you can** report the incident to the courts and seek criminal penalties against the perpetrator. There are four ways to lodge a complaint: at a police station or gendarmerie, by registered post to the public prosecutor, as a civil party if the case is dropped or if there is no response from the public prosecutor within 3 months, or by direct summons.

⇒ **There are two independent and autonomous procedures: disciplinary proceedings and criminal proceedings.**

- The criminal procedure that qualifies the offence under the Criminal Code : complaint - conviction - penal code ;
- The disciplinary procedure for determining misconduct under the Education Code and/or the General Civil Service Code: disciplinary section - sanctions – Education Code/public service Code.

There is therefore no need for a complaint to be lodged for disciplinary proceedings to be initiated. The two procedures can be initiated simultaneously.

[PART 2] REPORTING SYSTEMS SET UP IN THE EUROPEAN UNION THE ESTABLISHMENT

The scheme comprises two phases:

1. Listening to witnesses or victims.
2. Management reporting and handling of the case

1. Listening to witnesses or victims

As a preamble, it is imperative to know that article 40 paragraph 2 of the code of criminal procedure requires any public official who, in the course of his or her duties, becomes aware of facts relating to a misdemeanor or a crime to inform the public prosecutor, even without the consent of the presumed victim.

The only exception to this rule concerns employees subject to professional secrecy (e.g. nurses or social workers).

In order to enable victims or witnesses to report any case of suspected SGBV without automatically triggering a report to the public prosecutor if this is not the victim's wish at the time, the Ecole Centrale de Lyon proposes two ways of reporting that can be implemented according to each person's choice, particularly with regard to the presumed seriousness of the facts reported.

Any person may, if they wish, be accompanied by a confidential counselor (representative of an association, educational tutor, trade union representative, etc.).

1.1. An in-house listening unit

The helpline can be contacted in four different ways:

1. Generic email address celluledecoute-ecully@listes.ec-lyon.fr for the Ecully campus and celluledecoute-enise@listes.ec-lyon.fr for the Saint-Etienne campus.
2. Direct contact with members of the listening team (listed in the appendix to this document).
3. Written notification in the health and safety registers available in each building (it is specified that these are freely accessible for reading).
4. Written notification to the Director of ECL or the Director of ENISE.

The helpline is made up of various members: medical staff, student life managers and gender equality officers, enabling each person to find **the person they feel most comfortable talking to in the event of direct contact**. All members of the unit are trained and bound by confidentiality, but **only the nurses are bound by professional secrecy (see preamble to this section)**.

Before taking any evidence, the listening unit will therefore ensure that the alleged victim agrees to a report being sent to the public prosecutor if the incident is a crime or an offence. If this is not the case, or if there is any doubt, the victim or witness will be referred to an outsourced helpline in order to provide the victim with the best possible support and to enable him or her to return to the institution once the decision has been made.

If the facts are not offences or crime, or if the presumed victim consents to reporting the facts, the role of the helpline is to **receive the person's report, inform them of the possible procedures, direct them to the counselling services and, if the person so wishes, in the case of offences not covered by a report to the public prosecutor, forward the report to the management.** The person may be accompanied.

The helpline drafts the report in writing and has it validated by the complainant.

The members of the listening team and their contact details are listed in appendix 2.

Each member of the helpline contacted directly by the complainant will respect the complainant's willingness to communicate the facts or not to the other members of the team.

1.2. Outsourced listening: existing external services

Staff and students, whether victims or witnesses, have the opportunity to be listened to by professionals from outside the establishment.

1. The **Centre d'Information sur les Droits des Femmes et des Familles (CIDFF)** offers free legal and social advice and support to victims (women and men) of violence against women. It has a number of drop-in centres throughout the region (one in Lyon and one in Saint-Etienne), and contact can be made by telephone every morning from Monday to Friday from 9am to 12pm on **09 78 08 47 48**.

Exchanges within this framework are completely confidential, so it is up to the victim, if he or she so chooses, to return to the school to report facts that could lead to disciplinary proceedings and/or a report to the public prosecutor.

This report can be made to the listening unit or directly to the management.

2. The psychologists (bound by professional secrecy) with whom the school works can also be contacted:
 - by students :
 - o **Ecully campus : Corentin Cartier**, psychologist, sees students by appointment at the infirmary ;
 - o **Campus Saint-Etienne : Valérie Geofroy** is available at geofroy68@aol.com or by telephone on 06 86 12 55 99 ;
 - by staff via the PAS MGEN network on 0 805 500 005.

2. Handling of reports by management

Once the report has been transmitted, the Director **analyses the testimony** and documents gathered by the helpline. He or she may take any measures to clarify the facts, such as interviewing the people involved or initiating an internal investigation.

Depending on the seriousness of the facts, the Director may then refer the case to the relevant disciplinary commission and/or refer it to the judicial authorities.

GOOD TO KNOW

This scheme concerns all École Centrale de Lyon students and staff, as well as staff hosted by the École (Centrale Innovation, CNRS, UCBL, visiting professors, cifre doctoral students, etc.) **who**, without being under the responsibility of the École Centrale de Lyon, **can contact the helpline**. It will then contact the institution to which they belong.

This system coexists with the system for the protection of physical and mental health, which falls within the competence of the Specialised Health, Safety and Working Conditions Training Unit (F3SCT).

To simplify reporting, any situation can be reported to
celluledecoute-ecully@listes.ec-lyon.fr (Ecully campus)
celluledecoute-enise@listes.ec-lyon.fr (Saint-Etienne campus).
The person will be redirected to the appropriate scheme according to their profile.

[PART 3] COMMITMENTS

This charter implies a reciprocal commitment on the part of the school, its staff and students.

The establishment undertakes to :

- **Listen** to staff, students and members of the listening team.
- **Support, protect and help** victims and witnesses.
- Report **suspected crimes and offences** to the Public Prosecutor.
- Initiate **criminal and/or disciplinary proceedings** in respect of facts brought to its attention.
- Set up **awareness-raising campaigns**.
- Communicate about this listening and alert system on the institutional websites of in the establishment and by posting.

Staff and students undertake to:

- **Respect the charter and adopt its terms.**
- **Be vigilant** with regard to situations of ordinary sexism and intervene or immediately contact the mechanisms in place if in doubt about a situation that could be tantamount to harassment or sexual or gender-based violence.
- Not to disseminate **any communication media that may undermine** the integrity of the students or staff of the Ecole Centrale de Lyon, in this case not to disseminate any media (paper or digital) with sexist content or containing elements of the private lives of students or staff.
- **Understand the concept of informed consent** and be aware of aggravating circumstances in cases of gender-based and sexual violence (abuse of hierarchical position, alcohol, etc.).
- **Put in place the necessary systems** when organising an event (festive, sporting, cultural...)

APPENDIX 1 WHAT TO DO AS A WITNESS

Anyone who witnesses sexual harassment, sexual assault, rape, insult or incitement to hatred has a **duty to intervene** or to ask for help if he or she does not feel able to intervene or fears putting him or herself in danger.

Verbalising the aggressor's actions by putting them into words can be the first step in intervening. To take less direct action, simply talking to the victim, diverting the aggressor's attention or interposing oneself is already a great help to the victim. Failing to act is tantamount to **failing to assist a person in danger**.

When in doubt, always act!

More generally, we need to be vigilant about the behaviour of our colleagues and not allow a climate of ordinary sexism (sexist jokes or remarks in particular) to take hold. In short, let's look out for each other! Collective vigilance is essential to ensure the serenity of all.

APPENDIX 2 CONTACT DETAILS

Contacts for the listening unit

CAMPUS ECULLY LISTENING UNIT

- **Anouk CHAUMENTIN**, nurse - 06 72 15 74 78 or 04 72 18 64 01
- **Christophe GUIBERT**, Head of Student Life Department - 06 72 15 74 96
- **Agathe BERLANDI**, Equality Officer - 04 72 18 63 71
- **Thibaud QUEYREL**, F3SCT member - 04 72 18 65 25

CAMPUS SAINT-ETIENNE LISTENING UNIT

- **Myriam BARAILLER**, nurse - 04 77 43 84 18 or 06 86 87 80 14
- **Zoulika IDIR**, Student Life Manager - 06 03 30 91 44 or 04 77 43 84 14
- **Christian PAGES**, F4SCT Member - 06 86 87 80 06
- **Audrey PERRELLE**, Equality and Diversity Officer - 04 77 43 84 06

Any person may, if they wish, be accompanied by a confidential counselor (representative of an association, educational tutor, trade union representative, etc.).

Each member of the helpline contacted directly by the complainant will respect the complainant's choice of whether or not to communicate the facts to the other members of the helpline.

OUTSIDE THE ESTABLISHMENT

CIDFF: telephone helpline every morning from Monday to Friday from 9am to 12pm at **09 78 08 47 48**.

Violences Femmes Infos : **39 19**

SOS Viols Femmes Information : **0800 05 95 95**

Free, anonymous psychological support :

- **For staff** via the MGEN PAS network on **0 805 500 005**
- **For students** via the psychological support available on our two campuses :
 - **At ENISE:** Valérie Geofroy is available by e-mail [at geofrov68@aol.com](mailto:geofrov68@aol.com) or by telephone on 06 86 12 55 99.
 - **At the ECL :** Corentin Cartier by appointment at the infirmary

Any incident relating to possible gender-based or sexual violence can be reported (whether as a victim or witness) to the following e-mail addresses:

celluledecoute-ecully@listes.ec-lyon.fr (Ecully campus)

celluledecoute-enise@listes.ec-lyon.fr (Saint-Etienne campus)

Confidentiality of these addresses is guaranteed.

APPENDIX 3 FLOW CHART

Victims or witnesses of SGBV for all emergencies (rape, assault, harassment, etc.):

- **contact** the police **immediately on** 17 or 112 emergency services
- **And/or go to** the nearest **hospital**

REPORTING SYSTEMS IN PLACE IN THE ESTABLISHMENT

