

Charter for equality and against discrimination **- Staff and students -**

By adopting this charter, École Centrale de Lyon undertakes to uphold the principle of equality on a daily basis and to combat all forms of discrimination.

With regard to the specific missions of the École Centrale de Lyon, it recalls and sets out the principles and standards derived from the Constitution, articles 20 to 23 of the Charter of Fundamental Rights of the European Union, article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the General Civil Service Code (articles L131-1 to L131-13) and Law no. 2008-496 of 27 May 2008 containing various provisions for adapting to Community law in the field of anti-discrimination.

It is also in line with the Charter for the Promotion of Equality and the Fight against Discrimination in the Civil Service adopted on 17 December 2013 and the Charter for Equality between Women and Men in Higher Education and Research of 29 January 2013, some of whose recommendations it directly incorporates.

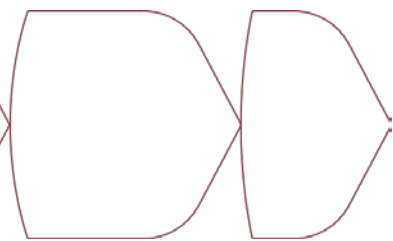
This charter sets out the anti-discrimination measures in place at École Centrale de Lyon Écully and Saint-Étienne campuses.

In the first part, **the legal definitions and criminal penalties incurred** in the event of discrimination.

The second part presents **the reporting system** available to all staff and students at the École Centrale.

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

**"Any discrimination is unacceptable.
Any inaction in the face of discrimination is equally as serious".**



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[PART 1] EQUALITY AND THE FIGHT AGAINST DISCRIMINATION: DEFINITIONS AND SANCTIONS

"Ignorance of the law is no defence".

The aim of this section is to define what discrimination is and to outline the criteria prohibited by law.

In law, discrimination occurs when three elements come together. They must be:

1. unfavourable treatment ;
2. based on a criterion prohibited by law;
3. consisting of an act, practice or rule in an area provided for by law, such as employment or access to public or private goods or services (such as education).

Example: refusing to teach someone because of their physical appearance constitutes discrimination, since all three conditions are met: a difference in treatment on the basis of a prohibited criterion in an area provided for by law.

However, a difference in treatment between people who are not in comparable situations does not constitute discrimination.

Example: a student club with different rates for grant holders

Finally, a difference in treatment in an area not covered by the law does not constitute discrimination.

Example: the fact that a student refuses to invite another student to dinner at his home because of his political opinions does not constitute discrimination, as the difference in treatment takes place in the private sphere.

Not all inequality is therefore discrimination (which does not mean that it is always legal). Law no. 2008-496 of 27 May 2008 containing various provisions for adapting to Community law in the field of anti-discrimination defined several forms of discrimination.

Discrimination prohibited by law

In France, there are more than 25 criteria for discrimination - listed below. The number of criteria varies according to the legal reference texts.

Example: Law no. 2017-86 of 27 January 2017 on equality and citizenship created an article (225-1-2) in the Criminal Code instituting a new form of discrimination for any distinction made between people because they have undergone or refused to undergo acts of hazing or have testified to such acts.

In addition, discrimination may be based on several prohibited criteria. In the list below, the three criteria of actual or assumed membership or non-membership of an ethnic group, nation or alleged race have been grouped together in a single formulation. The 25 criteria are therefore presented on 23 lines.

Criteria derived from international or European texts

- Age
- Gender
- Origin
- Membership or non-membership, real or supposed, of an ethnic group, nation or alleged race
- Pregnancy
- State of health
- Disability
- Genetic characteristics
- Sexual orientation
- Gender identity
- Political views
- Trade union activities
- Philosophical opinions
- Beliefs or actual or supposed membership or non-membership of a particular religion

Criteria governed solely by French legislation

- Family situation
- Physical appearance
- Name
- Habits
- Place of residence
- Loss of independence
- Particular vulnerability resulting from the economic situation.
- Ability to express yourself in a language other than French
- Banking details

For certain criteria, such as sexual orientation or origin, any difference in treatment will constitute discrimination; this will not necessarily be the case for others, such as age or place of residence. The law provides for certain exceptions and the courts recognise the objective justifications for certain differences in treatment.

If the aim is considered legitimate and the means proportionate, the difference in treatment is legal.

In the civil service, discrimination is prohibited at all stages of a person's career, from the recruitment phase and throughout their career, particularly with regard to: pay - training - assignment – appointment - assessment - retirement - tenure -dismissal - professional promotion - contract renewal - transfer, etc.

The different forms of discrimination



Law no. 2008-496 of 27 May 2008 containing various provisions for adapting to Community law in the field of anti-discrimination defined several forms of discrimination.

Direct discrimination is the act of treating people less favourably, consciously or unconsciously, on the basis of a criterion prohibited by law.



In practice:

X., a black student, is refused entry to a party organised by a student association, while Y., a white student, enters in front of him.

Z., a student of Moroccan origin, had to send out 1,500 CVs in her search for an internship, and only got two interviews, while her fellow students, whose surnames do not suggest any foreign origin, sent out around ten CVs and all got internships.

Indirect discrimination consists of a provision, criterion or practice which seems neutral, but which, on one of the prohibited grounds, is likely to place some persons at a particular disadvantage compared with others, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are necessary and appropriate.



In practice:

Asking job applicants to meet height criteria can, for example, lead to the exclusion of many women. Insofar as the person making such a requirement is unable to demonstrate that a specific height is not essential for carrying out the job, this constitutes indirect discrimination.

Requiring anyone applying for a given job to undergo a test in a particular language, when this linguistic knowledge is not necessary for the performance of the vacant job, is a case of indirect discrimination. The test could exclude anyone with another mother tongue.

An injunction to discriminate is an instruction to anyone to adopt discriminatory behaviour. It is therefore an instruction or order to enforce a discriminatory rule or practice.



In practice:

The management of a higher education establishment gives instructions not to recruit teachers who have obtained a degree abroad.

Moral harassment and discriminatory harassment are characterised by acts suffered by a person "with the purpose or effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment". If these acts are based on a prohibited criterion, such as origin or gender, then the harassment is discriminatory. The Defender of Rights (French : Défenseur des droits) considers sexual harassment to be a form of discrimination, and may be called upon to act accordingly. This form of discrimination may be constituted by a single act if it is particularly serious.



In practice:

Not providing essential work tools - such as a computer, a telephone or even a desk - is an example of bullying.

Ms A., an administrative secretary, is regularly the victim of racist "jokes" by two of her colleagues. In this case, Ms A. is the victim of discriminatory harassment based on her origin.

How is discrimination punished?

Discriminating against a person is an **offence** punishable under the Criminal Code by three years' imprisonment and a fine of 45,000 euros (article 225-2 of the Criminal Code), but also under other legislation such as the Labour Code (article L. 1132-1 of the Labour Code) and the General Civil Service Code (article L131-13), which make discriminatory decisions null and void and provide for compensation for any damage caused.

The alleged perpetrator of discrimination may be a natural or legal person, or a private or public entity. Discrimination may be established in law, even if there is no specific intention to disadvantage or exclude certain people.

Aggravating circumstances

The racist or sexist nature of any crime or offence is an aggravating circumstance in the assessment of the sentence in accordance with articles 132-76 and 132-77 of the Criminal Code.

GOOD TO KNOW

- A "**main courante**" is a way of reporting incidents that you have witnessed or experienced without pressing charges. Its purpose is not to initiate proceedings against the perpetrator. It has no legal effect, but can be used as a basis of evidence for a future complaint. It is a useful record should the situation escalate. The "main courante" cannot be filed online. You must go to a police station or gendarmerie.
- By lodging a **complaint**, you can report the incident to the courts and seek criminal penalties against the perpetrator. There are four ways of lodging a complaint:
 - report to the police station or gendarmerie;
 - complaint sent by recorded delivery to the public prosecutor (letter sent to the administrative court in the place where the offence was committed or where the offender is domiciled);
 - filing of a civil party complaint with the examining magistrate if the case is not pursued or if there is no response from the public prosecutor after 3 months;
 - direct summons: procedure offered to the victim of an offence to summon the person they wish to prosecute to a court hearing so that they can be tried.

It is possible to lodge a complaint of discrimination up to 6 years after the event.

What about witnesses?

The law protects people who have complained about discrimination prohibited by law, or who have witnessed it, from any reprisals or retaliation (article 3 of law no. 2008-496 of 27 May 2008).

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

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

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



[PART 2] REPORTING SYSTEMS IN PLACE IN THE SCHOOL

The system 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 misdemeanour or a felony to inform the public prosecutor, even without the consent of the alleged victim.

The only exception to this rule concerns staff subject to professional secrecy, such as nurses and social workers.

In order to enable victims or witnesses to report any case of suspected discrimination without automatically triggering a report to the public prosecutor if the victim does not wish to do so at the time, the École Centrale de Lyon offers two ways of reporting that can be implemented according to the individual's choice, particularly with regard to the presumed seriousness of the facts reported.

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

1.1. Existing internal systems

a- The listening unit can be contacted in four different ways:

1. General email address celluledecoute-ecully@listes.ec-lyon.fr for the Écully campus and celluledecoute-enise@listes.ec-lyon.fr for the Saint-Etienne campus.
2. Direct contact with members of the listening unit 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 the ECL or the Director of the ENISE.

The helpline is made up of various members: medical staff, student life managers, equality advisors and members of the specialised health, safety and working conditions committee, 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 criminal offence**.

If this is not the case, or if there is any doubt, the victim or witness will be referred to an outsourced helpline to provide the victim with the best possible support and to enable him or her to return to the school once the decision has been made.

In the case that the facts do not fall under the jurisdiction of an offence or a crime, or if the presumed victim consents to the report, 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 listening unit 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.

Any member of the listening team contacted directly by the complainant will respect the complainant's decision as to whether or not communicate the facts to the other members of the listening unit.

- b- Health and safety registers** (blue in colour) available at the reception desk of each school/building. Written reports may be anonymous. These written reports are collected 3 times a year at meetings of the Specialised Health, Safety and Working Conditions Committee (F3SCT/F4SCT).
- c- Trade union organisations** aims to study and defend the rights as well as the material and moral, collective and individual interests of the persons mentioned in its articles of association.
Union office hours are organized at the following places:
ECL: building H10, acoustics side of the building
ENISE: room 370. An individual mailbox is also available in room 224.
- d- The elected students** of the F3SCT and F4SCT: the list of names can be consulted on the intranet, under Governance -> Committees and Bodies -> Staff Representation -> F3SCT.

1.2. Existing external systems

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

- 1. The Defender of Rights:** an independent administrative authority, the Defender of Rights fights against discrimination and defends the rights of victims. A free platform offering support from legal experts is available at <https://www.antidiscriminations.fr/> or by calling 3928.

2. **The Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA) (International League against Racism and Anti-Semitism)** offers free legal and social advice and support to victims and witnesses of racism and anti-Semitism (discrimination, insults, hate content on the Internet, incitement to hatred, defamation, apology or denial of crimes against humanity). It has several offices in the Rhône and Loire regions. Contact can be made via a reporting form [at https://www.licra.org/agir/signaler-formulaire](https://www.licra.org/agir/signaler-formulaire) or by email and telephone:
Rhône: licrarhonealpes@licra.org or 04 78 95 22 87
Loire: contact.stetienne@licra.org

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 management.

3. Psychologists (bound by professional confidentiality) with whom the school works can also be contacted:
- By students:
 - o **Écully campus: Corentin Cartier**, psychologist, sees students by appointment taken via the infirmary;
 - o **Saint-Étienne campus : Valérie Geofroy** is available by e-mail geofroy68@aol.com or by phone 06 86 12 55 99 ;
 - By staff via the PAS MGEN network on 0 805 500 005.

2. Handling of reports by management

As discrimination is a criminal offence, all reports and documents collected by the listening unit are forwarded to the Director. The Director 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 bodies and/or refer it to the judicial authorities.



GOOD TO K N O W

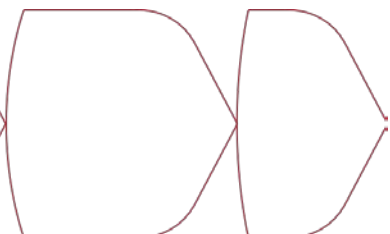
This system concerns all students and staff at École Centrale de Lyon, as well as staff hosted by the school (Centrale Innovation, CNRS, UCBL, visiting professors, CIFRE doctoral students, etc.) who, without being under the responsibility of the school, can contact the listening unit, which will then contact the institution to which they belong.

This system coexists with the one for the protection of physical and mental health, which falls under the remit of the Specialised Health, Safety and Working Conditions Training Units - F3SCT/F4SCT.

Any member of the listening unit contacted directly by the complainant will respect the complainant's decision as to whether or not to communicate the facts to the other members of the listening unit team.

To simplify reporting, any situation can be reported to :
celluledecoute-ecully@listes.ec-lyon.fr (Écully campus)
celluledecoute-enise@listes.ec-lyon.fr (Saint-Etienne campus).

The person will be redirected to the appropriate system according to their profile.



[PART 3] COMMITMENTS

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

The School undertakes to:

- **Listen** to staff, students and members of the listening unit team.
- **Support, protect and help** victims and witnesses.
- **Ensure that internal rules and procedures do not allow any discrimination** in the career of a member of staff, an employee or the education of a student.
- Bring **suspected crimes and offences** which have been reported to the attention of 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 school's institutional sites and by means of posters.

Staff and students undertake to:

- **Respect the charter and adopt its terms.**
- Not to publish **any communication that may undermine** the integrity of the students or staff of the École Centrale de Lyon, in this case not to publish any media (paper or digital) with discriminatory, sexist or stereotyped content or containing elements of the private lives of students or staff.
- **Put in place the necessary arrangements** for the organisation of events (festive, sporting, cultural, etc.)



APPENDIX 1 WHAT TO DO AS A WITNESS

Anyone witnessing cases of discrimination, insult, hate content on the Internet, incitement to hatred, defamation, apology or denial of crimes against humanity 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.

As a witness to discrimination, you can :

- make a report,
- help victims with their case or simply listen to them,
- call the emergency services in the event of imminent danger.

When in doubt, always act!

More generally, we need to be vigilant about the behaviour of our colleagues and not allow discriminatory attitudes (such as racist jokes or remarks) to take root. In short, we need to look out for each other! Collective vigilance is essential to ensure the peace of mind of everyone.

Failure to act is tantamount to **failure to assist a person in danger**.



APPENDIX 2 CONTACT DETAILS

LISTENING UNIT ÉCULLY CAMPUS

- **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 Coordinator - 04 72 18 63 71
- **Thibaud QUEYREL**, F3SCT member - 04 72 18 65 25

LISTENING UNIT SAINT-ETIENNE CAMPUS

- **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
- **Audrey PERRELLE**, Equality Coordinator - 04 77 43 84 06
- **Christian PAGES**, F4SCT member - 06 86 87 80 06

Any person may, if they so wish, be accompanied by another person / trusted person (association representative, educational tutor, trade union representative, etc.)

Any member of the listening unit contacted directly by the complainant will respect the complainant's decision as to whether or not to communicate the facts to the other members of the unit.

OUTSIDE THE SCHOOL

The Defender of Rights on **39 28** or on the antidiscriminations.fr website

LICRA: Rhône hotline on **04 78 95 22 87**

The Cnaé: hotline on 0 800 737 800 from 10am to 9pm on weekdays and from 10am to 2pm on Saturdays or by e-mail at cnaes@enseignementsup.gouv.fr

SOS Racisme: hotline 01 40 35 36 55 Tuesday to Friday, 10.30am to 1pm

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:**

- o **At ÉNISE: Valérie Geofroy** is available by e-mail geofroy68@aol.com or by phone 06 86 12 55 99

- o **At the ECL: Corentin Cartier** by appointment at the infirmary

Any incident relating to discrimination can be reported (whether you are a victim or a witness) to the following e-mail addresses:

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

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

Confidentiality of these addresses is guaranteed.



APPENDIX 3 FLOW CHART

Victims or witnesses, for any emergency, immediately contact the police on 17 or the emergency services on 112.

REPORTING SYSTEMS IN PLACE IN THE SCHOOL

