



Policy for the fight against discrimination, violence, and harassment towards students and staff at Lyon Catholic University (UCLy)

THE RECTOR OF LYON CATHOLIC UNIVERSITY

CONSIDERING the Constitution of 4 October 1958, as indicated in its Preamble,
CONSIDERING the Apostolic Constitution *Veritatis Gaudium* of 27 December 2017,
CONSIDERING the Charter of Fundamental Rights of the European Union,
CONSIDERING the European Convention of Human Rights and Fundamental Liberties,
CONSIDERING the Penal Code,
CONSIDERING the Labor Code,
CONSIDERING the International Convention on the Rights of the Child of 20 November 1989,
CONSIDERING the transparency, anti-corruption and economic modernization Bill (law No 2016-1691 of 9 December 2016) implementing Decree of 19 April 2017,
CONSIDERING the Charter of Lyon Catholic University, revised 12 March 2019,

AGREED AS FOLLOWS

PREAMBLE

The values defended by Lyon Catholic University (UCLy) expressly mentioned in its charter and the concern for an authentic culture of encounters, entail the respect of every person in his or her dignity and the dignity and equality of all, as well as particular attention paid to the most vulnerable persons.

Students and staff at UCLy have the right, in their relationships with other members of the university community, to interactions free from abuse, violence, and harassment of any sort.

On its campus, UCLy welcomes minor people (children and adolescents) on various occasions, including:

- Events focusing on popular science ["Fête de la Science": The Science Festival]
- Open-house days
- School visits
- Conferences

Some activities at UCLy may place members of the community (teachers, administrative personnel, or students) in relationships with minor people. This is the case during:

- academic research
- associative activities, in particular tutoring conducted by university students
- integration weekends or festive events

Furthermore, some students begin their studies at UCLy when they have not yet obtained the legal age of majority [18 years].

In accordance with its social, moral, and legal responsibility, UCLy cannot tolerate any harm to the members of its academic community, students as the staff, in particular to minors and vulnerable persons, to whom it intends to ensure the highest standard of protection.

This is the principal objective of this text and that to which UCLy commits itself:

- To prevent and combat all forms of violence, abuse, harassment, and discrimination in all its activities,
- To pay particular attention to vulnerable persons, and in particular minors, for whom it promotes respect, notably within its Master's Degree in Private Law, "The Rights of the Child and Vulnerable Persons" [Institute of Family Sciences].

The present text is not intended to replace other texts, in particular legislative and statutory texts. It refers to them and supplements them.

Title 1: LEGISLATIVE FRAMEWORK - DEFINITIONAL ELEMENTS

1. Discrimination

Pursuant to the provisions of Article 1 of the Law of 27 May 2008, discrimination is defined as follows:

"Direct discrimination constitutes a situation in which, on the basis of his or her origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from his or her economic situation, apparent or known to the perpetrator, his or her surname, place of residence or bank address, state of health, loss of autonomy, disability, genetic characteristics, mores, sexual orientation, gender identity, age, political opinions, trade-union activities, ability to express himself or herself in a language other than French, membership or non-membership, real or supposed, to a particular ethnic group, nation, alleged race, or religion, a person is treated less favourably than another is, has been, or will be treated in a comparable situation.

Indirect discrimination shall be taken to occur where a provision, criterion, or practice which appears neutral on its face, but which is liable to put persons at a particular disadvantage compared with other persons on any of the grounds referred to in the first subparagraph, unless that provision, criterion, or practice is objectively justified by a legitimate aim and the means of achieving that aim are necessary and appropriate.

Discrimination shall include any conduct related to any of the grounds mentioned in the first subparagraph and any conduct with a sexual connotation suffered by a person which has the purpose or effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating, or offensive environment".

2. Moral Harassment

Moral harassment is characterised by *"repeated acts which have as their objective or effect a degradation of working conditions likely to undermine the rights and dignity of the individual, to alter his or her physical or mental health, and to compromise his or her professional future"* [Article 222-33-2 et seq. of the Penal Code].

3. Sexual Harassment

Sexual harassment is characterized by the repeated use of remarks or behaviours with a sexual connotation which are directed at a person and that:

- offend against his or her dignity because of their degrading or humiliating nature, or
- create an intimidating, hostile, or offensive situation for him/her.

Included in sexual harassment is any form of serious pressure (even if not repeated) with the real or apparent aim of obtaining a sexual act, for the benefit of the perpetrator or a third party [Article 222-33 of the Penal Code].

4. Hazing

In regard to hazing, the article L 225-16-1 of the Penal Code provides:

"Except in violence cases, threats or sexual assault, the fact that a person induces another, against their will or not, to suffer or to commit humiliating or degrading acts or to drink alcohol in an excessive way, during events or meeting related to schools, sports or socio-educational life is punished by a six-months imprisonment sentence or a fine of EUR 7 500."

5. The Protection of Vulnerable Persons

A vulnerable person is a person who, by reason of his or her age (child, minor person under the age of eighteen, elderly person), disability or other circumstances, whether temporary or permanent, is in a state of infirmity, physical or mental impairment, or deprivation of personal liberty which, in fact, limits, even occasionally, his or her ability to understand or will, or in any case, to resist an abuse of authority or power - including of a spiritual nature -, a breach of trust, or physical abuse.

Title 2: LEGISLATIVE FRAMEWORK - PROVISIONS

The Penal Code punishes physical violence [art. 222-7 et seq.], sexual abuse [art. 222.22 et seq.], psychological violence [art. 222-13 et seq.], sexual and moral harassment [art. 222-33 et seq.], more severely when the victim is a minor or vulnerable person.

Discriminations, moral harassment, and sexual harassment are completely prohibited and will be punished by the criminal law.

The hazing cannot justify the acts defined in article L 225-16-1 of the Penal Code. These behaviors are also completely prohibited and are considered as a breach of the criminal law.

It is important to note that the adult cannot rely on the victim's consent to absolve himself or herself of criminal responsibility for any criminal offence, misdemeanor, or crime.

Any person who is informed of the commission of a misdemeanour or crime of a sexual nature involving a minor or a vulnerable person is legally obligated to report it to the police or to the Public Prosecutor's Office of the French Republic with territorial jurisdiction.

Failure to report a vulnerable person in danger constitutes an offence within the scope of Article 434-3 of the Penal Code, namely : *"the fact, for anyone who has knowledge of deprivation, ill-treatment or sexual assault or abuse inflicted on a minor or on a person who is unable to protect himself or herself because of age, illness, infirmity, physical or psychological disability or pregnancy, of not informing the judicial or administrative authorities or of continuing to fail to inform these authorities until such time as these offences have ceased is punishable by three years' imprisonment and a fine of EUR 45 000 . Where the failure to inform concerns an offence referred to in the first subparagraph committed against a minor under the age of fifteen years old, the penalties shall be increased to five years' imprisonment and a fine of EUR 75 000. Except where the law provides otherwise, persons bound to secrecy under the conditions laid down in Article 226-13 are exempt from the foregoing provisions".*

Slandering denunciation is punishable under Articles 226-10 to 226-12 of the Penal Code.

Title 3: SAFEGUARDS SPECIFIC TO LYON CATHOLIC UNIVERSITY

1. Promotion

UCLy affirms that it is committed to ensuring, by all means, the protection of vulnerable persons, of the students and the staff, against all forms of harm, regardless of religious or political beliefs, race, gender, or sexual orientation.

It hereby informs members of the academic community of the relevant legislative provisions.

UCLy commits all members of the community to adopt the following principles:

- To report any form of discrimination, abuse, violence, moral or sexual harassment which affects them or others,
- To assist any person who is in a situation of danger caused by discrimination, abuse, violence, moral or sexual harassment.

UCLy raises the awareness of its students, and in particular the leaders of associations recognised by it, on the issues of the fight against all forms of discrimination, abuse, and harassment, and the protection of vulnerable persons. In particular, it ensures that hazing situations [in particular in regard of the acts prohibited by article L 225-16-1 of the Penal Code] are avoided and works to this end in conjunction with the National Committee to Combat Hazing [CNLB].

2. Training

UCLy sets up training courses for all members of the university community.

For members of its staff, it offers, within the framework of its internal training school "Ecole 10-23", training designed to prevent any behaviour that could harm vulnerable people.

It offers sensitivity training to the leaders of recognised associations.

3. Preventive Measures

The reception of non-students minors on UCLy campuses must be authorised in advance by the Rector.

The prohibition for a teacher or member of the administrative staff to receive a student alone in a closed office extends to all minors or vulnerable persons present on UCLy campuses.

The dissemination of erotic or pornographic images is totally forbidden.

As the doctoral student is placed in a vulnerable situation in relation to his/her thesis director, the Doctoral College pays particular attention to this relationship.

4. Reporting

Each member of the community is invited to identify any delicate or ambiguous situation that could put young people at risk (among themselves, or between adults and young people) and inform a person in charge as soon as possible.

Anyone who believes they are a victim of any form of harassment, included digital harassment, can report it to the Human Resources Department by writing to: harcelements@univ-catholyon.fr.

Anyone who witnesses a situation of discrimination, abuse, violence, or harassment must report it to the Human Resources Department by writing to: harcelements@univ-catholyon.fr and, if necessary, to the police or judicial authorities (see above).

A record of reports is kept by the Human Resources Department.

The collection and processing of reports protects the privacy of the user of the reporting system.

5. Investigations

UCLy regularly conducts surveys to gain a better understanding of possible situations of discrimination, abuse, violence, and harassment within the organisation.

The surveys are carried out under the responsibility of the Vice-Rector for Student Life and the Human Resources Department, which are responsible for drawing up the questionnaire and handling the results.

The results are disseminated to the entire community and give rise to recommendations followed by evaluations.

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UCLy ensures that the present text is publicized. Beforehand, the Social and Economic Committee is informed.



Lyon, 10th February 2021

A handwritten signature in black ink, reading "Olivier Artus".

Pr. Olivier ARTUS
Rector of UCLy

