



**System for the reporting and handling of acts of violence, psychological or sexual harassment, discrimination and sexist actions**

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## Contents

p. 5	FOREWORD
p. 6	<b>DEFINITIONS - TOPICS COVERED BY THE SYSTEM</b>
p. 6	Violence
p. 6	Psychological harassment
p. 7	Sexual harassment
p. 8	Sexual assault
p. 9	Rape
p. 10	Gender-based violence
p. 10	Cyber violence
p. 11	Homophobia
p. 11	Discrimination
p. 11	School and university bullying
p. 12	<b>PEOPLE CONCERNED</b>
<b>P. 12</b>	<b>INFORMATION AND COMMUNICATION ABOUT THE SYSTEM</b>
<b>P. 13</b>	<b>LINKING OF THE SYSTEM WITH OTHER EXISTING PROCEDURES, TOOLS AND ACTORS</b>
<b>P. 13</b>	<b>MINIMUM GUARANTEES OFFERED BY THE REPORTING AND HANDLING SYSTEM</b>
p. 14	<b>ACTORS IN THE SYSTEM</b>
p. 14	Actors mobilised within the framework of the system
p. 15	Actions to be planned within the framework of the system
p. 16	Protection and support for victims
p. 17	<b>ETHICAL GUARANTEES</b>
p. 17	<b>REPORT-MAKING AND REPORT-HANDLING PROCEDURES</b>
p. 17	Step 1 - Making a report
p. 17	a) Making a report
p. 17	b) Confirmation of receipt
p. 18	Step 2 - Collection of the report by the case manager
p. 18	a) Initial telephone conversation
p. 18	b) Confidential interview
p. 18	c) Forwarding of the report to the Reports Unit
p. 19	d) Examination of the report by the Unit
p. 19	Step 3 – Opening of an administrative investigation
p. 19	a) Coordination of the administrative investigation
p. 19	b) Protective measures
p. 20	c) Composition of the investigation committee and the investigation scope
p. 20	d) Investigation procedure
p. 21	Step 4 – Writing and submission of the investigation report
p. 21	Step 5 – Setting up of actions
p. 21	a) Disciplinary procedure
p. 21	b) Feedback to the victim and third parties involved
p. 22	<b>EVALUATION OF THE SYSTEM</b>
p. 22	<b>Legal texts</b>
p. 23	<b>Appendix 1 – STANDARD REPORTING FORM for the attention of the case manager</b>
p. 25	<b>Appendix 2 – Reminder of the procedure</b>

## FOREWORD

As part of its policy for the fight against discrimination, violence, and harassment towards its students and staff, established on 10 February 2021, this internal reporting system was introduced at UCLy. Its purpose is to collect, within a confidential and neutral framework, reports of discrimination, harassment and sexual or gender-based violence, and, when necessary, to alert the competent authorities, to support and protect victims and to handle the reported incidents.

The objective of this system is fourfold:

- Collect reports within a framework of trust, listening, neutrality, impartiality and independence;
- Alert the competent authorities when necessary;
- Support and protect victims;
- Handle the reported incidents.

In order to protect victims and punish perpetrators, the system must provide for the following:

- Setting up of a procedure to collect reports or complaints from victims and witnesses;
- Setting up of support systems to take into account incidents suffered by members of the university community, as well as to provide protection and support, particularly in emergency situations;
- Setting up of procedures for the qualification and handling of incidents;
- The preparation of an annual review, which feeds into the action plan led by UCLy, in order to take the necessary measures to prevent the occurrence of violence, discrimination, harassment and gender-based acts. This annual review is presented before the competent bodies;
- Linking up with disciplinary procedures initiated against perpetrators.

It is a means of action that supplements existing channels and in no way replaces:

- Legal channels [article 40 of the French Penal Procedure Code, submission of a case to the Procureur de la République [state prosecutor] by the victim, etc.];
- Recourse to the hierarchy;
- The right to submit a case to staff representatives;
- A complaint filed with the Défenseur des droits [Defender of Rights].

**NB: The following shall not be considered to be psychological harassment:**

- *Generally speaking, reasonable exercise of hierarchical authority with the effect of ensuring the proper functioning of the University's activities, services and courses, in accordance with respect for rights and individuals, including employees, students and any third-parties carrying out work at the University;*
- *The practice of regular assessments of employees' activities by a line manager or that of the HR department during management meetings, as long as they are carried out in accordance with respect for individuals.*

## DEFINITIONS - TOPICS COVERED BY THE SYSTEM

The reporting system covers several forms of violence.

### Violence

Violence represents a set of attitudes that demonstrate hostility or aggressiveness between individuals, voluntarily or involuntarily, against a person or their property.

A distinction can be made between two types of violence:

- Verbal violence refers to extreme, offensive or vulgar speech, or incitement to hatred, violence or discrimination. Threats [intimidation, warning of a dangerous and harmful act], abuse and defamation [attacks on honour or reputation] and insults [serious abuse or offensiveness that violates the respect that is owed to individuals] are forms of verbal violence;
- Physical violence covers forms of violence that harm an individual's physical integrity [blows, injuries, gestures intended to intimidate or cause an emotional shock].

The notion of verbal violence is related to several offences, including abuse and defamation. According to the circumstances and seriousness of the incidents, civil and criminal liability may be involved, resulting in fines and prison sentences.

### Psychological harassment

- French Penal Code, Art. 222-33-2
- French Labour Code, Art. L1152-1 to L1152-6

This manifests itself through repeated actions that are aimed at or have the effect of deteriorating the working conditions of the person who suffers them, which is likely to:

- Violate their rights and dignity;
- Affect their physical or mental health;
- Jeopardize their career prospects.

Provided that they are repeated and lead to the above-mentioned consequences, four categories of actions can constitute psychological harassment:

- Preventing the person from expressing themselves;
- Isolating the person against their will and without a legitimate objective reason;
- Harming the person's reputation among their colleagues;
- Discrediting the person in relation with their work;

Through various behaviours that are repeated and unjustified by work requirements, psychological harassment can take different forms:

- Incivilities of a vexing nature, refusal to converse and to respond to requests, insidious, sarcastic and offensive remarks, hurtful speech, denigration and a desire to ridicule;
- Reprimands with no valid reason, constant criticism of work performed, unjustified sanctions based on non-existent or slight faults.
- Withdrawal of tasks with no legitimate reason, deprivation of work, deliberate and malicious allocation of work that is unsuited to the employee's competencies and/or abilities, avoidance of contact, isolation;
- Arbitrary modification of essential assignments or working conditions related to the position, excessive modification of tasks or the workstation, etc.

This is an indicative list and factual analysis is required for each situation, in order to assess whether or not actions constituting psychological harassment have taken place.

Psychological harassment may occur in both directions, up and down a hierarchy, between colleagues on an equal hierarchical level, or as part of an institutional policy. The actions may be carried out by a single person or by a group of people. These actions are forbidden, even when there is no hierarchical relationship with the perpetrator.

Any employee who carries out or enjoins someone to carry out the actions defined above is liable to disciplinary sanctions.

Psychological harassment is considered to be an offence and is punishable by two years' imprisonment and a fine of €30,000.

Depending on the circumstances, these sentences may be increased to three years' imprisonment and a fine of €45,000 according to the vulnerability of the victim, the collective nature of the harassment and the position of the person carrying out the actions.

### Sexual harassment

- French Penal Code, Art. 222-33
- French Labour Code, Art. L 1153-1

Sexual harassment is described:

- Either as a repeated act, '*...repeatedly subjecting a person to comments or behaviours with a sexual or sexist connotation, which undermine that person's dignity because of their degrading or humiliating nature, or create an intimidating, hostile or offensive situation for that person.*' Art. 222-33 I of the French Penal Code.

This definition covers behaviours of all kinds [comments, gestures, sending or giving of letters or objects, attitudes, etc.], which are imposed on the victim, are repeated and have a sexual connotation.

- Or as a single act, '*All forms of serious pressure (even when not repeated) for the actual or apparent purpose of obtaining a sexual act, for the perpetrator themselves or for a third party, are considered to be sexual harassment.*' Art. 222-33 II of the French Penal Code

Sexist actions are described as '*any action related to a person's gender, which is carried out for the purpose, or has the effect of undermining their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.*'

The Conseil Supérieur de l'Égalité professionnelle entre les femmes et les hommes [high council on gender equality in the workplace] defines seven forms of characteristic actions:

- Sexist comments and jokes that aim to conceal sexism beneath the mask of humour;
- Incivilities, if they are only directed at individuals of the same gender;
- The obligation to conform to gender stereotypes; this form of sexism can manifest itself through injunctions or simply comments from co-workers that encourage the individual to demonstrate that they understand the social norms related to their gender;
- Overfamiliar language that is aimed at placing the individual subjected to it in a form of infantilizing paternalism;
- Seduction that sexualises relationships with others and objectifies the individual it is aimed at;
- The promotion of specificities attached to one gender with another; this type of sexism consists in attributing a set of unique competencies to one gender and preventing access to other functions or activities;
- Sexist reflections on maternity and "family responsibilities"; these comments create guilt for employees who take on responsibilities in relation to their work capacity.

There can be sexual harassment without there being any hierarchical relationship between the perpetrator and the victim.

→ French Penal Code, Art. 225-1-1

*'Any distinction made between people because they have suffered or refused to suffer acts of sexual harassment, as defined in article 222-33, or have witnessed such acts, including, in the case mentioned in section I of the same article, if the comments or behaviours were not repeated, constitutes discrimination.'*

## Sexual assault

→ French Penal Code, Art.222-22 and 222-22-2

Sexual assault is any sexual abuse without penetration committed against a victim with the use of violence, force or threats. This can be molesting, for example. If penetration was involved, then it is rape. For there to be sexual assault, there must be physical contact between the perpetrator and the victim. Sexual assault may also be committed by surprise if the perpetrator acts while the victim is not expecting it. This may be the case in a crowd on public transport, for example.

In all cases, the perpetrator did not obtain the victim's clear and explicit consent:

- Either the victim expressed clear and explicit refusal, and/or sought to defend themselves, but the attacker used physical force against them.
  - This is the case if violence is used.
- Or the victim did not express clear and explicit refusal, and/or did not seek to defend themselves, as they were subjected to psychological coercion.
  - This is the case if the attack is based on psychological pressure, when the victim does not dare to say anything to the perpetrator (for example an employee and their line manager).
- Or the victim was not in a state to be able to give a clear answer (for example a victim under the influence of narcotics or alcohol, or a victim who is vulnerable due to their state of health).

Attempted sexual assault is punishable by the same penalties. It is attempted sexual assault if the perpetrator tried to assault the victim but did not manage to due to a factor beyond their control (the victim defended themselves, etc.).

A perpetrator of sexual assault is liable to five years' imprisonment and a fine of €75,000 (French Penal Code, Art. 222-27 to 222-31). In the case of aggravating circumstances, the penalty may be increased to seven years' imprisonment and a fine of €100,000; this is the case, for example, if:

- The act resulted in an injury or lesion, or total inability to work lasting for more than eight days;
- The act was committed by an ascendant, by a person with authority over the victim (employer, etc.);
- The act was committed by a person who abuses the authority granted to them by their position;
- The act was committed by several people acting as a perpetrator or an accomplice;
- The act was committed with the use or threat of a weapon;
- The victim was put into contact with the perpetrator via the Internet;
- The act was committed by the spouse, the cohabiting partner or the partner in a "pacte civil de solidarité" (civil solidarity pact);
- The act was committed under the influence of alcohol or narcotic substances;
- The act was committed, in the performance of this activity, by a person who engages in prostitution, including on an occasional basis.
- The act was committed in the presence of minor children;
- The act was committed after having administered a substance to the victim, without their knowledge, in order to impair their judgement;

- The act was committed against a particularly vulnerable person, whose situation is visible to or known by the perpetrator. Reasons for vulnerability include age, illness, infirmity, physical or mental disability, a state of pregnancy, and social or economic precariousness.

In any case, the convicted person will be placed on the list of sex offenders. Evidence: In addition to traces of DNA and any injuries, any evidence collected by the victim themselves may be examined by the courts:

- Testimonies;
- Screenshots of SMS messages and emails;
- Recordings of conversations, even without the knowledge of the perpetrator;
- Torn clothing, etc.

## Rape

→ French Penal Code, Art. 222-22, 222-22-2 and 222-23

Rape 'is distinct from other sexual assaults in that it involves an act of sexual penetration, of whatever nature, also committed with violence, force, threats or surprise' (in the latter case, the victim is tricked by the attacker).

All acts of sexual penetration are included: vaginal, anal or oral, in particular by the perpetrator's genitals. It can also involve digital penetration (with the fingers) or penetration using an object. If no penetration was involved, then it is a sexual assault offence.

It is not necessary for there to be physical violence for an act to be qualified as rape. Rape is a crime, even if it is committed by the victim's spouse, by their cohabiting partner or by their partner in a "pacte civil de solidarité" (civil solidarity pact). Attempted rape is punishable by the same penalties as rape. It is attempted rape if the perpetrator tried to rape the victim but did not manage to due to a factor beyond their control (e.g. the victim defended themselves or third parties intervened).

→ French Penal Code, Art. 222-23 to 222-26: the perpetrator of a rape is liable in principle to fifteen years' imprisonment, but numerous aggravating circumstances are provided.

The maximum sentence is twenty years in the following cases:

- The act was committed by an ascendant, by a person with authority over the victim (employer, etc.) or by a person abusing the authority granted to them by their position (police officer, etc.);
- The act was committed by the victim's spouse, cohabiting partner or partner in a "pacte civil de solidarité" (civil solidarity pact);
- The victim was particularly vulnerable (a person who is ill, pregnant, infirm or disabled);
- The act resulted in a permanent disability or mutilation;
- The act was committed due to the victim's sexual identity or orientation (actual or presumed);
- The act was committed while the perpetrator was under the influence of alcohol or narcotic substances;
- The act was committed with the use or threat of a weapon;
- The act was committed by several people acting as perpetrators or accomplices;
- The victim was put into contact with the perpetrator via the Internet. Rape is punishable by thirty years' imprisonment if the act led to the victim's death.

Rape is punishable by life imprisonment if the act was preceded, accompanied or followed by torture or barbaric acts. The Cour d'Assises (criminal court) may also sentence the perpetrator to one of the many additional penalties provided by the law, such as an order to undergo treatment within the framework of social and judicial supervision.



- A prohibition on residence in certain places (for example the victim's place of residence) for a maximum period of ten years;
- A prohibition from public office.

In any case, the convicted person will be placed on the list of sex offenders.

## Gender-based violence

Sexism is discrimination against a person due to their gender. It manifests itself in various forms, ranging from forms that are seemingly innocuous (stereotypes, "jokes", comments) to the most serious forms (discrimination, violence, murder).

Some sexist acts are punishable by law:

- Abuse due to gender: Any offensive expression, contemptuous term or invective that contains no accusation of a fact (French Law on the Freedom of the Press of 29 July 1881);
- Defamation due to gender: Any allegation or accusation of a fact that undermines the honour or reputation of the person or body to which the fact is imputed (French Law on the Freedom of the Press of 29 July 1881);
- Incitement to discrimination, hate or violence due to gender: Any incitement to commit the said act (French Law on the Freedom of the Press of 29 July 1881);
- Sexist actions in the workplace: Any action related to a person's gender, which is carried out for the purpose, or has the effect of undermining their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment (Art. L. 1142-2-1 of the French Labour Code);
- Discrimination based on gender: Unequal treatment based on gender in a specific number of areas (access to a service, hiring, etc.) (Art. 225-1 of the French Penal Code, Art. L. 1132-1 and L.1142-1 of the French Labour Code). The following is therefore forbidden:
  - Mentioning in a job offer, whatever the characteristics of the envisaged employment contract, the gender of the desired candidate, unless being of one gender or the other is the decisive condition for the performance of a job or professional activity;
  - Taking into consideration the state of pregnancy of a woman in a refusal to hire her;
  - Treating a woman or a man in a less favourable manner than another woman or man is, has been or would have been in a comparable situation.

## Cyber violence

→ French Penal Code, Art. 222-33-2-2

Cyber violence can take various forms: abuse, defamation, harassment, blackmail, threats, deliberate invasion of privacy, infringement of image rights, etc. These may take place via electronic mail, the Internet or social networks. They are defined as harassment against a person through repeated comments or behaviours with the purpose or effect of worsening their living conditions, resulting in a deterioration of their physical or mental health. This also constitutes an offence in the absence of repeated actions in the event that several people are the perpetrators, in a concerted manner or, in the absence of concertation, if the various actors are aware of the repetitive nature.

## Homophobia

→ French Penal Code, Art. 132-77

Homophobia is the rejection of homosexuality or systematic hostility towards homosexual people. This rejection may take different forms, ranging from abuse to physical or mental violence.

Homophobia is an aggravating circumstance for a crime or an offence in cases where the crime or offence was committed with a homophobic motive (e.g. murder, torture, deliberate violence, rape, sexual assault, threats, theft and extortion).

The publication of comments that are abusive, defamatory or represent an incitement to discrimination or violence against homosexual people is also punishable by the law (articles 24, 32 and 33 of the French Law of 29 July 1881). Homophobia can also take the form of discriminatory psychological harassment (based on the criterion of sexual orientation): repeated actions that lead to a worsening of the working conditions of an intern, employee or public official, liable to undermine their rights and their dignity, or to affect their physical or mental health, or to jeopardize their career prospects (Art. 222-33-2 of the French Penal Code, Art. L.1 152-1 of the French Labour Code, Art. 6 of the French law No. 83-634 of 13 July 1983 on the rights and obligations of public servants).

## Discrimination

'No distinction, direct or indirect, can be made between public servants due to their political, trade union-related, philosophical or religious opinions, their origin, their sexual orientation or gender identity, their age, their patronymic, their family situation or state of pregnancy, their health condition, their physical appearance, their disabilities or their belonging or non-belonging, actual or presumed, to an ethnic group or a race.'

Discrimination is a decision taken in the area of employment, accommodation, education, training, access to goods and services, or access to healthcare and social services based on the basis of criteria that are prohibited by law (Art. L1132-1 of the French Labour Code).

The criteria identified:

- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"> <li>• origin</li> <li>• gender</li> <li>• family situation</li> <li>• pregnancy</li> <li>• physical appearance</li> <li>• age</li> <li>• gender identity</li> <li>• political opinions</li> <li>• patronymic</li> </ul> | <ul style="list-style-type: none"> <li>• health condition</li> <li>• loss of independence</li> <li>• disability</li> <li>• genetic characteristics</li> <li>• lifestyle</li> <li>• sexual orientation</li> <li>• trade union activities</li> <li>• the particular vulnerability resulting from their economic situation, visible or known to</li> </ul> | <ul style="list-style-type: none"> <li>the perpetrator, their place of residence or their banking information</li> <li>• the ability to use a language other than French</li> <li>• belonging or non-belonging, actual or presumed, to an ethnic group, a nation, a supposed race or a specific religion.</li> </ul> |
|--|---|--|

## School and university bullying

→ French Education Code, Art. 111-6  
 → French Penal Code, Art. 222-33-2-3

'No pupil or student must suffer acts of harassment resulting from comments or behaviours committed within the teaching establishment, or on the fringes of school or university life, and with the purpose or effect of undermining their dignity, affecting their physical or mental health, or impairing their learning conditions. These acts may constitute the offence of school bullying under article 222-33-2-3 of the French Penal Code.'

## PEOPLE CONCERNED

The reporting system is open to people who consider themselves to be a victim or a witness and the alleged perpetrators of discrimination, harassment, or sexual or gender-based violence that has taken place within the establishment or during activities run by UCLy, whether they are:

- Permanent employees (all positions, including members of management);
- Temporary lecturers;
- Students;
- Interns, work-study participants and apprentices;
- Employees recruited for temporary needs (fixed-term contracts and ad hoc additional staff);
- Other people linked to UCLy, for example: employees having left their post (retirement, resignation) less than six months ago, candidates for recruitment for which the process ended no more than three months ago, etc.

It is not necessary for there to be a hierarchical relationship between the alleged perpetrator and the victim. The perpetrator may be a colleague, a trainer, a service provider or a user of the service.

It is the responsibility of learners (work-study participants, apprentices, etc.) on a placement who consider themselves to be a victim and/or witness of discrimination, harassment, or sexual or gender-based violence to submit the matter to the ad hoc authorities established in their host organisation. The case managers may be contacted in parallel.

Various means of reporting are available: dedicated functional email address, telephone or post. They will be specified on UCLy's dedicated Intranet page.

Lastly, employers are encouraged to extend the benefit of this system to victims of violence, harassment or sexist actions of non-occupational origin that are detected in the workplace, particularly in the case of domestic violence.

**NB: Acts of government and actions that are related to a decision made by the rector, the members of their office, the vice-rectors, the general secretariat, the human resources department, and the office of the board of governors of the AFPICL (Association of Founders and Protectors of the Catholic Institute of Lyon), under their statutory responsibilities, do not fall within the scope of this regulation, nor of the authorities provided for by the latter, which do not have the competence to deal with these acts and actions. They may therefore in no case address these acts and actions.**

## INFORMATION AND COMMUNICATION ABOUT THE SYSTEM

Extensive and regular communication and information for members of the university community are organised through, for example, dedicated displays in each organisation within the university community, communication via the Intranet, distribution to each employee along with payslips, systematically provided information for recruits, regularly held awareness-raising meetings for employees, etc.

The information concerns, among other things, means of accessing the system and it must clearly state the confidentiality guarantees.

A communication plan is implemented in order to inform all members of the university community about the reporting system's existence and the means available to make a report. Regular evaluations of this communication plan will make it possible to determine awareness of the system and, when necessary, to improve communication methods and mediums.

## LINKING OF THE SYSTEM WITH OTHER EXISTING PROCEDURES, TOOLS AND ACTORS

The system for the reporting and handling of acts of violence, discrimination, sexual or psychological harassment and sexist actions, does not replace the other alert mechanisms available to members of the university community; it supplements them.

UCLy may be informed of these situations through the following in particular:

- Line managers;
- The Human Resources Department;
- The preventive medical service;
- Staff representatives;
- The CSE (*Comité Social et Economique* – Social and Economic Committee)

All of these actors can guide victims or witnesses towards the system and can contribute to its implementation.

Therefore, the reporting and handling system must be linked up with other means of reporting available to employees, in particular with the alert mechanism introduced under French law No. 2016-1691 of 9 December 2016.

To handle acts of violence, discrimination, sexual or psychological harassment and sexist actions in the best possible conditions, it is essential to organise the flow of information between the above-mentioned actors and to link up the responses to be provided between the various reporting channels.

It should be noted that the procedures for reporting to the Défenseur des droits (Defender of Rights) and the Procureur de la République (state prosecutor) are independent of administrative procedures, particularly disciplinary procedures.

## MINIMUM GUARANTEES OFFERED BY THE REPORTING AND HANDLING SYSTEM

The system for reporting and handling acts of violence, discrimination, sexual or psychological harassment and sexist actions must ensure the respect of people, including both the alleged victims and the alleged perpetrators of the reported actions and acts.

The reporting and handling system introduced must ensure the following:

- Confidentiality of data collected;
- Objectiveness in relation to the victims and perpetrators;
- Impartiality and independence of actors in the system;
- Rapid handling of reports.

In addition, particular attention must be paid to the respect of legal obligations related to personal data protection (GDPR – General Data Protection Regulation).

Information collected and documents created are never distributed externally, except in the case of litigation or referral to the courts or law enforcement agencies (for example, a request from the police or a warrant).

### Actors mobilised within the framework of the system

The actors in charge of the system are trained on the prevention of and the fight against discrimination and sexual and gender-based violence, including knowledge of all the competent actors, as well as the disciplinary and criminal procedures in these areas.

It must be possible to mobilise the following competencies:

- Ability to guide the victim, as much as needed, towards medical and psychological support;
- Administrative knowledge, in order to be able to guide the victim towards the most relevant points of contact, particularly in terms of social support, or to initiate the necessary procedures for handling the situation (administrative procedure, criminal procedure);
- Legal expertise, to be able to assess the nature of the facts and possibly guide the victim towards criminal litigation.

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The case managers are responsible for receiving and following up on reports. They are the first points of contact for people who wish to make a report, which they forward to the members of the Reports Unit.

They play a listening role and act within a framework of protection.

They inform employees, temporary teaching staff and the student community about their rights and how the system works.

To perform these functions, the case managers have undergone specific training and are in contact with all external organisations that can assist them with their work.

The case manager may not handle situations occurring within the framework of the unit or department they belong to, or if they are personally related to the people involved in the situation (alleged victim, accused perpetrator, line manager, etc.)

In such a case, the situation will be handled by the substitute case manager.

#### › The Reports Unit

This unit is formed of the following people:

- The Vice-Rector for Student Life (learners) and/or the General Secretary (employees);
- The Director of the Rector's Departmental Staff;
- The Human Resources Director;
- A representative of the Occupational Health department (occupational physician) and/or a representative of the Health Division Management Team;
- The case managers.

It manages the reporting system.

Resource persons may be contacted if needed, in particular: the Legal Affairs Manager, a representative of the Employee Representative Bodies, a psychologist.

The Unit examines incidents submitted by the case managers in order to determine if the report falls within the scope of the system. If so, it receives the people concerned and decides on further action to be taken in relation to the report.

#### › All of UCLy's employees

Having been provided with an initial level of information, all of UCLy's employees know how the reporting system works. While they may not be directly involved in the reporting procedure, they can provide a first level of guidance for people who consider themselves to be a victim and/or a witness and guide them, with their consent, toward one of the case managers and/or the external listening service AlloDiscrim/AlloSexism.

### Actions to be planned within the framework of the system

UCLy is setting up a process for the handling of reports.

When incidents that constitute sexual violence, discrimination, sexual or psychological harassment, or a sexist action are reported by a member of the university community or a witness, UCLy must, as soon as possible and according to the nature of the reported incidents, do the following in particular:

- Put an end to the incidents by taking all necessary protective measures, including distancing the alleged perpetrator or, when necessary, the victim;
- Guide the accuser towards the relevant actors (the Human Resources department, preventive medical service, social service, etc.);
- Conduct an internal administrative investigation;
- Ensure that the victim of the acts does not suffer reprisals or receive pressure from any person whomsoever.

An interview can be offered to the victim in a reassuring setting that guarantees anonymity. The victim must then be informed about their rights, as well as the possible procedures and consequences. They must be guided towards professionals that offer medical, psychological and legal assistance, within the university community or externally. The deadlines for the investigation must be set beforehand and be suitable to provide a rapid response. If there is a matter of urgency, a specific protocol can be devised to speed up the investigation.

No measures concerning recruitment, granting of tenure, remuneration, training, assessment, grading, discipline, promotion, appointment and transferring may be taken with regard to victims and witnesses who have had recourse to a line manager following reported actions, except in the case of an accusation that is false and made in bad faith.



Victims who have used the reporting and handling system must be kept informed, within the framework of the reporting system, of the action taken following their report.

Lastly, acts constituting violence, discrimination, sexual or psychological harassment, or a sexist action must be sanctioned via the disciplinary procedure and, when necessary, by the criminal courts. They may also give rise to compensation ordered by the civil courts.

### Protection and support for victims

Measures to assist, protect and support victims are systematically provided in the reporting and handling system.

Once it is informed of reprehensible actions, UCLy must implement all appropriate actions to avoid or put an end to the violence faced by the victim, even when no legal proceedings have been initiated (internal measure to change an appointment, protective suspension, exemption from gainful activity, etc.).

Support for victims consists of social and psychological assistance. Such support may also be provided for those who raise an alert, witnesses and alleged or proven perpetrators of acts, when required by the circumstances.

Lastly, a victim who is an employee of UCLy may exercise their right to leave the workstation under the conditions provided in article L 4131-1 of the French Labour Code. No sanctions may be taken against an employee who has exercised their right to leave the workstation if they considered that they had reasonable grounds to think that the situation represented serious and imminent danger to their life or health.

## ETHICAL GUARANTEES

Actors in the reporting system are bound by a duty of discretion and confidentiality, in accordance with article 226-13 of the French Penal Code.

They therefore have a duty to maintain confidentiality in relation to incidents, acts and information they have knowledge of. The notes that they take must be filed and non-accessible to third parties. If they communicate their work, through any medium whatsoever, the actors in the reporting system will first request the written authorisation of the person concerned. They will also take care to keep personal data in accordance with the relevant legal provisions.

Confidentiality rules concern both the people received and all third parties that may be involved, within the limit of article 40 of the French Penal Procedure Code, article 434-3 of the French Penal Code and the legal obligation incumbent on the employer to maintain and protect the safety and physical and mental health, of its personnel.

UCLy also has an obligation to maintain the physical and mental health of its employees, whether they are alleged victims or alleged perpetrators of actions.

Actors in the system undertake to respect the alleged victim's freedom of choice, within the above-mentioned limits, as well as the presumption of innocence for the alleged perpetrators.

## REPORT-MAKING AND REPORT-HANDLING PROCEDURES

### Step 1 - Making a report

A member of personnel or of the student community considers themselves to be a victim or witness of discrimination, harassment, or sexual or gender-based violence.

#### a) Making a report

The report is made by sending an email or by telephone:

**For students: +33 (0)4 26 84 49 14 / +33 (0)6 62 76 16 67 | [signalementvssetudiant@univ-catholyon.fr](mailto:signalementvssetudiant@univ-catholyon.fr)**

**For employees: +33 (0)4 26 84 49 16 / +33 (0)6 62 76 25 92 | [signalementvssalarie@univ-catholyon.fr](mailto:signalementvssalarie@univ-catholyon.fr)**

The report must include:

- A brief description of the situation leading to the report being made;
- The contact details of the person making the report so that they can be contacted by the case manager.

#### b) Confirmation of receipt

A confirmation of receipt is generated. It includes:

- The date of receipt of the email or telephone call;
- The contact details of the case manager who will be responsible for handling the report (name, email address and telephone number).

## Step 2 - Collection of the report by the case manager

### a) Initial telephone conversation

The case manager contacts the person who made the report by telephone. This initial conversation is used to:

- Ensure a clear understanding of the situation with the person making the report;
- Explain the need to obtain the victim's authorisation if the person making the report is a witness;
- Inform the person making the report about how the system works, particularly the rules related to anonymity and confidentiality;
- Collect the written authorisation of the person making the report and/or the victim to continue the handling process.

The case manager will complete an information collection form.  
A template is provided in the attached appendix.

### b) Confidential interview

After making sure that the person making the report and/or the victim has/have granted their authorisation, the case manager proposes a date to meet the person making the report, within three working days at the latest.

This interview will be held face to face, subject to exceptions and when there is an express request for a remote interview (by telephone or video-conference) in a confidential setting, in the presence of the victim or the witness, who may be accompanied by a third party if they so wish.

This interview is used to:

- Collect, in a neutral and confidential manner, factual and precise information that makes it possible to suspect or dismiss the existence of discrimination, harassment, or sexual or gender-based violence;
- Inform the victim of their rights, as well as the possible consequences in the case of accusations made in bad faith;
- Guide the victim towards existing support mechanisms when needed;
- To advise the victim on compiling their file, particularly on the need to collect, where applicable, additional factual elements to support the reported situation.

The case manager examines all of the elements produced in order to verify that they indeed represent acts of violence, discrimination or harassment, or sexist actions, within fifteen working days (excluding weekends, holidays and public holidays) following the date of receipt of the file in full.

In the event that the report is inadmissible, the Reports Unit is informed of the reasons for its inadmissibility. In concertation with the Reports Unit, the case manager informs the person who made the report and offers support proposals and guidance towards competent organisations and relevant mechanisms.

In the event that the report is admissible, the case manager submits the file to the Reports Unit, informs the person who made the report and, if the person is an employee, informs the HR department.

The Rector is immediately informed of the submission to the Reports Unit. The Rector advises the President of the AFPICL in cases where the report concerns an employee.

### c) Forwarding of the report to the Reports Unit

The person who made the report grants their authorisation for the situation to be forwarded to the Reports Unit. If the person who made the report does not grant their authorisation, the report is dropped, except in cases provided for by the law (endangered minor, article 40 of the French Penal Procedure Code or article 434-3 of the French Penal Code, etc.) and except if it is necessary for UCLy to take all required measures, under its legal obligations as an employer, in order to maintain and protect the safety and the physical and mental health, of its personnel.

Unless the alleged victim expressly agrees otherwise, their anonymity is maintained during the presentation of the report to the Reports Unit. The case manager will take care of obtaining the lifting of anonymity before the opening of an administrative investigation.

### d) Examination of the report by the Unit

The Reports Unit will be responsible for examining the facts and analysing whether the report falls within the scope of the system, in order to suggest to the Rector, if necessary, to take protective measures, refer the case to the authorities and/or carry out an investigation.

## Step 3 – Opening of an administrative investigation

According to the charges made and/or the people involved, the Rector evaluates, following the opinion of the Reports Unit, whether an investigation should be conducted internally or if it should be entrusted to an external body. In addition, regardless of the perpetrator's position, if justified by the seriousness of the acts, the Rector may refer the case to the competent internal departments with a view to informing the Procureur de la République (state prosecutor).

The information must be sent by post to the Tribunal Judiciaire (judicial court) in the area where the offence was committed, or where the perpetrator's place of residence is located, specifying the following:

- Civil status and full contact details (address and telephone number) of the accuser;
- Detailed account of the facts, the date and the location of the offence;
- Name of the alleged perpetrator if they have been identified;
- Names and addresses of any witnesses to the offence;
- Description and provisional or final estimate of the damage/harm;
- Any documentary evidence. The Procureur de la République (state prosecutor) will confirm receipt of the petition as soon as the report has been recorded.

### a) Coordination of the administrative investigation

In order to conduct the administrative investigation, the Rector refers the case to:

- The Human Resources Director or their specially authorised representative if the charges are against an employee of UCLy;
- In other cases, the Vice-Rector for Student Life or their specially authorised representative.

The Rector may appoint any other person they deem useful to conduct the administrative investigation.

The administrative investigation is distinct from the disciplinary procedure. The purpose of the investigation is to detail the facts with regard to any wrongful conduct.

As such, the procedural guarantees provided in the case of a disciplinary procedure are not applicable.

### b) Protective measures

If the situation reported is a matter of urgency, in particular to maintain the health and safety of the people involved or liable to be involved, it is the responsibility of the Rector to decide on the implementation of protective measures aimed at ending the alleged situation of sexual harassment, or gender-based, sexual or homophobic violence. He also informs the presidency of the AFPICL if the case involves an employee. He will ensure that the measures taken are not prejudicial to the alleged victim.

Members of the system to combat harassment and gender-based, sexual and homophobic violence, may contribute to the implementation of these protective measures.

The means available for this are as follows:

- If the alleged perpetrator of the acts is an employee, a suspension of the employee suspected of sexual harassment, or gender-based, sexual or homophobic violence, may be declared.
- In the event that the alleged perpetrator is an employee working at a laboratory under a joint supervision arrangement with UCLy, the management in charge of coordinating the investigation immediately alerts the management of the establishment concerned. If the accused person is on secondment, on loan or on an assignment at a company, it will alert the administration of origin.

- Alerting the Employee Representative Bodies if the acts are liable to have an impact on the working conditions of personnel at UCLY, when the procedure concerns an employee;
- Alerting the Vice-Rectorate for Training and Academic Life if the alleged perpetrator is a learner, as well as the Dean of the Faculty division concerned;
- Measures to distance the alleged victim from the alleged perpetrator.

NB: These measures may be taken even before the disciplinary procedure begins, but they have an immediate nature once the procedure is initiated; becoming aware of the names of the victims or witnesses should not penalize the personnel in the performance of their duties or “the students and PhD students in the continuation of their studies or their research work” [Circular of 25 November 2015].

### c) Composition of the investigation committee and the investigation scope

The manager in charge of the investigation coordinates the setting up of the investigation committee and puts forwards its members to the Rector, who takes the final decision.

The scope of the investigation committee is assessed according to the reported acts and the status of the alleged perpetrator.

In addition, other members may be included in the committee on the basis of their expertise.

Once the members of the investigation committee have been identified, they convene within fifteen days after the case is submitted to them, in order to decide on the investigation methods and its scope in particular, i.e. the people to be questioned and the provisional investigation schedule.

Once the composition of the investigation committee and the investigation scope and methods have been defined, the case manager informs the victim or the witness of the opening of the investigation and the provisional schedule defined by the committee.

Within the framework of this investigation committee, each member undertakes to sign a confidentiality agreement and to declare any situations of a conflict of interest with the alleged perpetrator and/or the victim, whether it is on an individual basis or through the tasks assigned to them at UCLY.

### d) Investigation procedure

The investigation takes place in several phases:

- Individual interviews with the alleged perpetrator, the alleged victim and the witnesses. During this phase, the alleged perpetrator has the option to be accompanied by a person of their choice, who must be a member of personnel at UCLY, while it should be borne in mind that it is not a disciplinary interview.
- On the basis of information collected during this initial investigation phase, the investigation committee assesses the opportunity to expand the scope of the administrative investigation;
- For each interview, there is a written record that is signed by the members of the investigation committee. Each person questioned may request a copy of the record concerning them. However, these reports must not be communicated to a third party.

In order to ensure fair treatment, the interview conditions must be identical for all of the people questioned.

#### Focus on confidentiality during the investigation

The purpose of the confidentiality obligation is to protect the victim’s interests, as well as those of the alleged perpetrator. In view of the mission they are entrusted with, the members of the investigation committee, the case managers and the members of the system are all bound by an obligation to respect the confidentiality of information processed both before and during the investigation. However, it is necessary to systematically remind the members of their confidentiality obligation in writing, when a case is referred to them.

Regarding people who may be questioned and/or informed during the administrative investigation, it is necessary to remind them of this confidentiality obligation before the meeting. Members of the department do not need to be informed of the existence of an administrative investigation if they are not included within the scope of the investigation. The line manager is only informed if one or more members of their department are questioned, and if the line manager is not involved or accused of covering up the acts.

### Step 4 – Writing and submission of the investigation report

Once the interview phase has been completed, the Human Resources Director and/or the Vice-Rector for Student Life produce(s) a report in which they mention all of their recommendations.

The following items are attached to this report:

- Case report produced before the investigation by the case manager;
- Record of all of the individual interviews;
- Any physical evidence that may have been collected [for example medical certificates, written testimonies by third parties, complaints filed and/or emails].

Once the report is forwarded to the Rector [and the President of the AFPICL if an employee is involved], the work of the investigation committee comes to an end.

In the case of employees on secondment / on loan / on an assignment at a company or hosted, the governance makes contact with, respectively, the administration of origin or the EPST (Public Scientific and Technical Research Establishment) of origin and forwards the findings of the investigation committee.

Based on the report and these attachments, the committee in charge of the administrative investigation writes a note to the Rector proposing the different possible options, particularly in disciplinary terms. The Rector decides on the actions to be deployed in terms of disciplinary sanctions. When employees are involved, the Rector takes these measures following an agreement with the President of the AFPICL.

The case manager informs the alleged victim of the findings of the investigation and the actions that will be implemented.

### Step 5 – Setting up of actions

#### a) Disciplinary procedure

Management of the disciplinary procedure is dependent on the status of the alleged perpetrator.

If the disciplinary procedure concerns an employee, the Human Resources department is given a mandate by the Management Team of UCLY.

If it concerns a learner, the Rector submits the case to the disciplinary council of the units.

Any appeals made do not suspend execution of the sanction.

#### b) Feedback to the victim and third parties involved

The person who made the report is informed of the actions taken following the report (within the limit of obligations regarding discretion and confidentiality).

## EVALUATION OF THE SYSTEM

Each year, a summary of reports received, guaranteeing the confidentiality of people involved, within the framework of the system and subsequent actions taken, will be produced by the Reports Unit and presented to the Rector and the President of the AFPICL.

Tracking of the reports made [type, number] and subsequent actions taken [settlement of the dispute, disciplinary actions, legal actions] is to be performed. These data are kept by the Human Resources Department in a way that ensures the confidentiality of victims and perpetrators of the acts concerned.

The summary of reports received within the framework of the system and the subsequent actions taken is presented each year to the Employee Representative Bodies. It is integrated in the statement of the comparative gender situation in the 'bilan social' [a statistical evaluation of the labour situation within an organisation].

## LEGAL TEXTS

- French law No. 2014-873 of 4 August 2014 on the effective equality between women and men;
- French law No. 2012-954 of 6 August 2012 and article 222-33 of the French Penal Code, which defines the offence of sexual harassment;
- French law No. 2022-299 of 2 March 2022 aimed at combating school and university bullying;
- French Penal Code;
- French Labour Code;
- French Education Code;
- Circular No. 2015-193 of 25 November 2015 on the prevention and handling of sexual harassment in public higher education and research institutions issued by the MENESR (Ministry for National Education, Higher Education and Research) and published in the Bulletin officiel de l'enseignement supérieur et de la recherche [official bulletin of higher education and research] No. 44 of 26 November 2015;
- Sexual harassment in higher education and research – vade mecum available to be consulted by institutions at [VademecumHS-web\\_727881.pdf](#) [enseignementsup-recherche.gouv.fr]
- Policy for the fight against discrimination, violence and harassment towards students and staff at Lyon Catholic University (UCLy) of 10 February 2021.

Lyon, 3 April 2023



**Prof. Olivier Artus**  
UCLy Rector

## APPENDIX 1 – STANDARD REPORTING FORM FOR THE ATTENTION OF THE CASE MANAGER

### Reporting form

#### CONTACT DETAILS OF THE PERSON MAKING THE REPORT

Information collected is handled by computer processing in order to manage the report made. The only recipient of this information processing is UCLy's Reports Unit.

Information preceded by an asterisk [\*] is required in order to enable the examination of the report.

All of the measures related to this processing are under UCLy's personal data protection policy, accessible on its website and with the reference framework relating to the processing of personal data intended for the implementation of a professional alert system adopted by the CNIL [French Data Protection Authority] on 18 July 2019.

You have a right to access and rectify information about you. To exercise these rights and for all questions about the processing of your data within this system, you may contact UCLy's data protection officer: [dpo@univ-catholyon.fr](mailto:dpo@univ-catholyon.fr)

Surname and first name: ..... \*

Email address: ..... \*

Telephone number: ..... \*

Agrees to be contacted on this number, at the following times: .....

#### REPORT DESCRIPTION

Status of the person making the report:

- Victim of the acts
- Witness of the acts, the victim of which is Mr/Ms .....

This report concerns acts of\*: .....

- |   |   |
|---|---|
| <input type="checkbox"/> Rape                     | <input type="checkbox"/> Discrimination |
| <input type="checkbox"/> Sexual assault           | <input type="checkbox"/> Transphobia    |
| <input type="checkbox"/> Violence                 | <input type="checkbox"/> Homophobia     |
| <input type="checkbox"/> Sexual harassment        | <input type="checkbox"/> Sexist insult  |
| <input type="checkbox"/> Psychological harassment | <input type="checkbox"/> Sexist action  |

Other: .....

Description of the acts [specify if the acts are single or repeated and, if they have already occurred before, in





## APPENDIX 2 – REMINDER OF THE PROCEDURE

### STEP 1: MAKING A REPORT

#### Making a report

The report is made by sending an email:

For employees:

[signalementvssalarie@univ-catholyon.fr](mailto:signalementvssalarie@univ-catholyon.fr)

For students:

[signalementvssetudiant@univ-catholyon.fr](mailto:signalementvssetudiant@univ-catholyon.fr)

The report must include:

- A brief description of the situation leading to the report being made
- The contact details of the person making it so that they can be contacted by a case manager



#### Confirmation of receipt

A confirmation of receipt is generated. It includes:

- The date of receipt of the email or telephone call;
- The contact details of the case manager who will be responsible for handling the report (name, email address and telephone number).

### STEP 2: COLLECTION OF THE REPORT BY THE CASE MANAGERS

#### Initial telephone conversation

The case manager contacts the person who made the report by telephone.

This initial conversation is used to:

- Ensure a clear understanding of the situation with the person making the report;
- Explain the need to obtain the victim's authorisation if the person making the report is a witness;
- Inform the person making the report about how the system works, particularly the rules related to anonymity and confidentiality;
- Collect the written authorisation of the person making the report and/or the victim to continue the handling process.



#### Confidential interview

After making sure that the person making the report and/or the victim has/have granted their authorisation, the case manager proposes a date to meet the person making the report, within three working days at the latest.



#### Forwarding of the report to the Reports Unit

The person who made the report grants their authorisation for the situation to be forwarded to the Reports Unit (if the person who made the report does not grant their authorisation, the report is dropped, except in cases provided for by the law (endangered minor, article 40 of the French Penal Procedure Code, etc.))

### STEP 3: OPENING OF AN ADMINISTRATIVE INVESTIGATION

#### Forwarding of the report to the Reports Unit

According to the charges made and/or the people involved, the Rector evaluates whether the investigation can be conducted internally or if it should be entrusted to an external body.

- Appointment by the Rector of the people in charge of coordinating the administrative investigation;
- Implementation of protective measures according to the decision of the Rector;
- Definition of the composition of the investigation committee and its scope;
- Investigation procedure: individual interviews with a written record that is signed by the members of the investigation committee.

### STEP 4: WRITING AND SUBMISSION OF THE INVESTIGATION REPORT

Drafting of an investigation report and a note by the investigation committee for the attention of the Rector, proposing the different possible options.

### STEP 5: SETTING UP OF ACTIONS

Feedback to the victim and third parties involved: the person who made the report and all third parties involved are informed of the actions taken following the report (within the limit of obligations regarding discretion and confidentiality).



April 2023