



## Sexual and Gender Based Violence Charter [Staff and Doctoral Students]

This charter presents the system introduced by École Centrale de Lyon with the aim of combating sexist behaviours, sexual harassment and gender based violence (SGBV) in the workplace, on its Écully and Saint-Étienne sites.

The first section contains a recap of the **legal definitions and penalties incurred** in cases of SGBV. A second section presents **the internal mechanism for reporting** incidents of SGBV available to all Ecole Centrale de Lyon staff: it is a two-part support and report mechanism, comprising a support unit and a report unit.

### **Contents**

<b>[Part 1] Sexist behaviours, sexual harassment and gender based violence in the workplace: definitions and penalties</b>	<b>2</b>
Foreward	2
Sexist behaviours and sexual harassment	2
Sexual harassment and gender based violence	3
<b>[Part 2] System introduced by Ecole Centrale Lyon and disciplinary procedure</b>	<b>7</b>
Support unit: the first point of call for witnesses and victims to talk about what has happened	7
Report unit: investigation and particulars	8
<b>[Part 3] Commitments</b>	<b>10</b>
The administration undertakes to:	10
The staff undertakes to:	10
<b>Annex 1 What should a witness do?</b>	<b>11</b>
<b>Annex 2 Representatives' contact details</b>	<b>12</b>

## [PART 1] SEXIST BEHAVIOURS, SEXUAL HARASSMENT AND GENDER BASED VIOLENCE IN THE WORKPLACE: DEFINITIONS AND PENALTIES

### Foreward

#### “Ignorance of the law is no excuse”.

The aim of this section is to recap the behaviours explicitly referred to in the law concerned and the penalties incurred for each act of gender based violence.

First of all, a certain number of concepts must be explicitly defined:

- **Sexual violence** refers to any situation where one person makes another engage in an unwanted sexual act or activity or addresses comments to them of a sexual nature, either verbally or in writing. They refer to any sexual act that involves violence, coercion, threat or surprise. Such acts infringe a person’s basic rights, specifically their physical and psychological integrity. They are illegal and punishable by law.
- **Consent** is an enthusiastic, explicit, lucid and reciprocal “yes”, which can be either verbal or non-verbal. Silence is not consent. Consent must be informed, and given freely by the person in question. It can be withdrawn at any time.
- **The aggravating circumstances** regarding sexual violence include where the person committing the act of violence does so by abusing the authority of their position.

### Sexist behaviours and sexual harassment

Sexist behaviours and sexual harassment occur as part of “ordinary” sexism, defined as attitudes, comments and behaviours based on gender based stereotypes which may appear to be harmless but whose purpose or effect, whether consciously or unconsciously, is to portray someone as inferior because of their gender identity, either insidiously or even benevolently.



*The concept of “sexist behaviours” was introduced in France by the law of 17 August, 2015, whose provisions were further strengthened by the law of 8 August, 2016. Sexist behaviours are also described in article 6b of French law n°83-634 of 13 July 1983, regarding rights and responsibilities in the general status of civil servants.*



**In practice:** Sexist behaviours mirror the everyday sexism present and often trivialised in the workplace. The February 2016 report on sexism in the workplace, by France’s High Council for Equality between Women and Men, cites numerous examples of everyday sexism in the workplace: sexist comments and jokes, rudeness, contempt or lack of respect, over-familiarity, and imposed gender stereotypes (such as criticism of someone’s clothes or the idea that some skills are “masculine” or “feminine”).

## Sexual harassment and gender based violence

**Sexist insults:** An insult is a word, written comment or any other expression of someone's thoughts that is intended to wound or offend the person to whom it is addressed.

➔ *A sexist insult is considered to be an **offence** or a **minor offence** depending on the circumstances in which it is uttered. Insults based on race, gender, sexual preference and disability are all punishable by law with up to 1 year's prison and a €45,000 fine for a public insult.*

**Indecent exposure**, or intentionally exposing one's genitals within the view of others in a place accessible to public view, is punishable by law. The concept of "accessible to public view" is very broadly interpreted by the highest court in the French judiciary, the Cour de Cassation.

➔ *Indecent exposure is an **offence**. Article 222-32 of the French Penal Code provides for a 1 year prison sentence and a €15,000 fine for perpetrators of indecent exposure within the view of others in a place accessible to public view.*

**Sexual harassment:** Any behaviour (words, gestures, written comments, etc.) with sexual connotations imposed repeatedly on someone (at least twice in the victim's case), that either undermines their dignity owing to its degrading or humiliating nature, or puts them in an intimidating, hostile or offensive situation. The concept of sexual harassment also includes the act of exerting, **even if not repeatedly**, any kind of serious pressure on someone with the real or apparent purpose of obtaining a sexual act, whether the act is sought for the person exerting the pressure or for a third party.

➔ *Sexual harassment is an **offence**. Article 222-33 of the French penal code provides for up to 2 years' prison and a fine of up to €30,000 for perpetrators of sexual harassment (3 years and €45,000 when there are aggravating circumstances).*



**In practice:** Making an unsolicited comment on someone's physical appearance, insisting once someone has refused or declined to answer, taking a refusal as shyness, following someone who does not respond or demonstrates a refusal to talk, threatening or blackmailing someone to accept advances, inciting someone to remove all their clothes after a refusal or lack of response. Reactions and comments concerning someone's private life, even if they appear harmless, can turn into harassment.

**Ambient harassment:** some repeated behaviours can bring about a situation of sexual harassment and as such are to be condemned: obscene jokes, insults, circulation of suggestive videos, comments on appearance or outfit, meaningful



looks, questions about someone's sex life, deliberate display of pictures or objects of a sexual nature, etc.

**Sexual assault:** Any act of sexual violation committed by means of violence, coercion, threat or surprise. In all cases, the perpetrator has not obtained the victim's informed, explicit consent: physical or moral coercion (e.g. assault on an employee by their supervisor), victim in a state rendering them unable to give a clear answer (e.g. victim is under the effects of drugs or alcohol, or in a vulnerable state of health, or is aged under 15), perpetrator acts unexpectedly (e.g. on public transport). This applies whatever the nature of the relationship between the aggressor and their victim, including if they are married. If penetration occurs, the assault becomes rape.



*A sexual assault (other than rape) is an **offence**. Articles 222-27 to 31 of the French penal code provide for up to 5 years' prison and a fine of up to €75,000 for perpetrators of sexual harassment (7 years and €100,000 when there are aggravating circumstances). **An attempted assault incurs the same penalties as an actual assault.***



**In practice:** Touching someone, pinching their behind or breasts when not in a mutually agreed sexual activity, kissing someone by surprise or against their will, rubbing one's private parts against someone, etc.

**Rape:** Rape is a penetrative sexual act carried out on the victim by means of violence, coercion, threat or surprise. The term covers all acts of sexual penetration (vaginal, anal and oral), whether by the perpetrator's penis or fingers or by means of an object. Physical violence does not have to occur for such an act to be described as rape. Rape is a crime, even when committed by the victim's spouse, cohabitant or civil partner (PACS partner in France).



*Rape is a **crime**. Article 222-23 of the French penal code provides for 15 years of imprisonment for perpetrators of rape (up to 20 years of imprisonment when there are aggravating circumstances). **Attempted rape incurs the same penalties as actual rape.***



**In practice:** An unsuccessful attempt to force someone to engage in penetrative sex is attempted rape and punishable by law in the same way as rape.

## Aggravating circumstances

The following situations and facts count as aggravating circumstances in cases of sexual violence:

- act is committed by someone abusing the authority of their position;
- act is committed because of the victim's sexual orientation or identity;
- victim is particularly vulnerable (minor aged under 15, physical or psychological disability, pregnancy);
- victim has been contacted by the perpetrator via internet;
- act is committed by someone who is obviously inebriated or under the influence of drugs;
- act is committed by victim's spouse, cohabitant or civil partner (or ex-spouse, ex-cohabitant or ex civil partner).

### What about witnesses?

*In cases of rape, the following acts are also penalised: not informing the authorities when having witnessed a crime (and therefore a rape), obstructing the investigation of a crime or intimidating the victim to prevent them from saying anything.*

**Article 434-1 of the French Penal Code: Not informing the legal or administrative authorities** about a crime whose effects could still be prevented or limited, or whose perpetrators might commit other crimes that could be prevented, is subject to a three year prison sentence and a €45,000 fine.

**Article 434-4: Obstructing the investigation of a crime** is subject to a three year prison sentence and a €45,000 fine (e.g.: disappearance of clues).

**Article 434-5: Any threat or other act of intimidation** committed with the intention of making a victim of a crime or offence decide not to report it or to withdraw their complaint, is subject to a three year prison sentence and a €45,000 fine.

#### USEFUL INFORMATION

- Victims and witnesses of an offence can log such offences in a **“main courante”** (incident log) without making an official complaint. Such reports do not require the perpetrator to be pursued by the law.
- An **official complaint** means that the facts can be reported to the criminal justice system and request that the perpetrator should be punished by law. There are four ways of making an official complaint in France: in person at a police station, in writing by registered post addressed to the Public Prosecutor, by bringing a civil lawsuit if the case is closed without further action or the Public Prosecutor does not reply within 3 months, or by private prosecution.
- The **limitation period** for sexual assault on an adult is 6 years. It is 20 years for rape or attempted rape of a minor (articles 222-23 to 222-26 of the French Penal Code).

For all the above-mentioned offences and crimes, victims can take unilateral action: **entering the offence in the log book or filing a complaint**. The administration can help victims to take such action (see section on commitments).

⇒ ***As well as these penal procedures, an internal disciplinary procedure can be triggered at Ecole Centrale de Lyon. This procedure is entirely independent: an incident does not have to be reported to the police to trigger a disciplinary procedure.***



## [PART 2] SYSTEM INTRODUCED BY ECOLE CENTRALE LYON AND DISCIPLINARY PROCEDURE

The system comprises two areas of intervention:

1. A support unit ("cellule d'écoute"): the first point of call for witnesses and victims to talk about what has happened.
2. A report unit ("cellule d'étude"): investigation and particulars.

### Support unit: the first point of call for witnesses and victims to talk about what has happened

The units can be contacted in four different ways:

1. Generic email address ([harcelement@listes.ec-lyon.fr](mailto:harcelement@listes.ec-lyon.fr) for the Ecully site and [celluledecoute@enise.fr](mailto:celluledecoute@enise.fr) for the Saint-Etienne site).
2. Direct contact with a member of the support unit (see list in the annex to this document).
3. Written report in the health and safety registers available in each building (note that these are freely available for all to read).
4. Written report submitted to the principal of Ecole Centrale de Lyon.

The support units consist of various members: female-male equality reps, medical staff, management and teaching staff, men and women, so that everyone can find **the person they will feel comfortable talking to, should direct contact take place**. All members of the unit **have been trained and are bound by rules of confidentiality**.

The role of the support unit is to listen to and register the person's report, tell them what avenues are open to them, direct them to available counselling services and submit the report to the report unit. The person in question can bring someone with them if they wish. The support unit writes out the report and has it approved by the complainant before submitting it to the report unit.

*A list of members of the support unit along with their contact details is provided in Annex 2.*

*NB, article 40 paragraph 2 of the French Penal Procedure Code states that it is compulsory to **inform the Public Prosecutor of all proven cases of an offence (sexual harassment) or a crime (sexual assault)**. In such cases, therefore, the unit is obliged to inform management, who will submit the complaint to the Public Prosecutor, **even without the victim's consent**.*

## Report unit: investigation and particulars

The report unit consists of 3 to 5 people selected from the **list of permanent members of the report unit**, according to the case in question. This list consists of people who have all been trained and are bound by rules of confidentiality. There will be at least one member of the management team, one legal advisor, one member of the CHSCT (Occupational Health and Safety Committee) and one student. It will include members of the administrative, teaching and research staff, men and women. It may include members from outside the establishment. The members of the report unit must not have any professional or hierarchical, intellectual or personal links with the parties involved<sup>1</sup>. Should the person under investigation be the principal or vice principal of the establishment, the procedure will take place at another establishment.

Once the report has been made, the report unit **analyses the statement** and the documents provided by the support unit. If it decides that an intervention is justified, it **conducts an internal inquiry**. It then hears what the people involved have to say, collects proof and writes a report on its investigation, with recommendations.

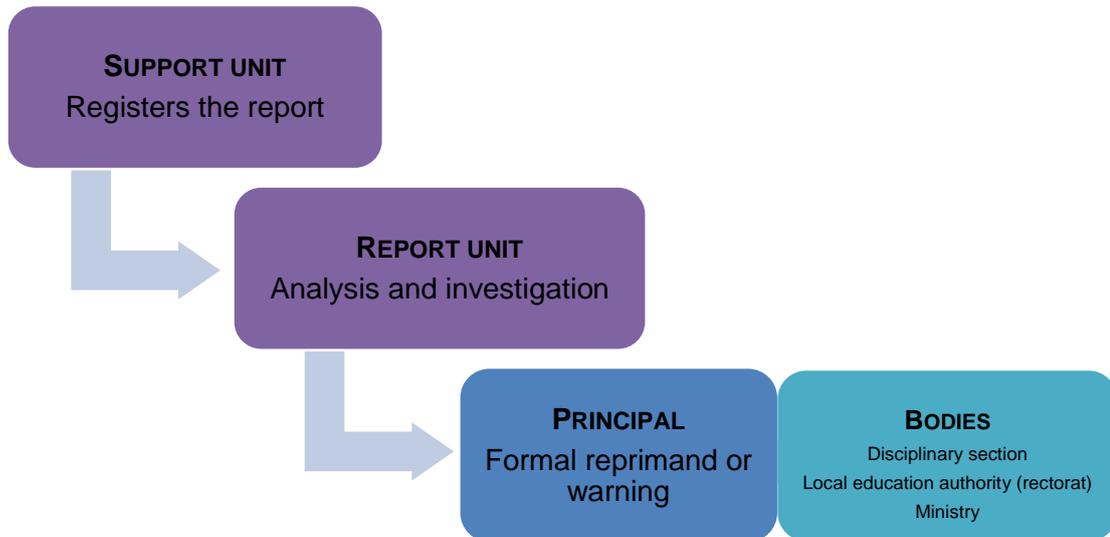
The investigation report is submitted to the principal of the establishment, who may decide to impose an **internal sanction** (formal reprimand or warning with sanctions of up to 3 days' exclusion).

The principal then submits the file to the disciplinary bodies, who may decide to apply additional sanctions:

- **disciplinary section** for teaching and research staff,
- **disciplinary board** (establishment, local education authority or ministry depending on type of sanction) for ancillary staff.

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<sup>1</sup> Line management link (subordinate or superior), confrontational or damaged working relationship, professional link (colleague, member of the same laboratory, teaching responsibility, etc.), PhD supervisor/HDR (advanced French academic qualification), co-signatory of research or co-organiser of scientific events, family tie, clear position taken publicly for or against complainant, damaged or confrontational personal relationship with complainant.



### USEFUL INFORMATION

**This mechanism only concerns sexist and sexual harassment** (which requires specific training) **and École Centrale de Lyon staff.**

There are therefore three coexisting mechanisms:

1. **Moral harassment** is handled by the "Psycho-Social Risks" unit (CHSCT/CT - Occupational Health and Safety Committee/ Works Council).
2. **Sexist and sexual harassment** where the person under investigation is a **student** is handled by the mechanism described in the students' charter.
3. **Sexist and sexual harassment** where the person under investigation is a member of **staff** is handled as described in this charter. **PhD students** are deemed to be members of staff.

Staff who are **hosted by Ecole Centrale de Lyon** but are not the school's responsibility (Centrale Innovation, CNRS, UCBL, guest professors, CIFRE PhD students, etc.) can address any complaints to the support unit, who will then contact the establishment concerned in order to redirect the file to the correct mechanism at the establishment in question.

To make it easier to file a complaint, all cases of harassment can be reported to [harcelement@ec-lyon.fr](mailto:harcelement@ec-lyon.fr) (Ecully site) [celluledecoute@enise.fr](mailto:celluledecoute@enise.fr) (Saint-Etienne site).

The person will then be redirected to the correct mechanism depending on who they are.



## [PART 3] COMMITMENTS

This charter entails a tripartite commitment on the part of the Ecole Centrale de Lyon and its staff.

### The administration undertakes to:

- **Listen to** representatives and staff.
- **Support, protect and help** victims and witnesses.
- Ensure pre-qualification of the reported acts.
- Inform the Public Prosecutor of any offences or crimes.
- Inform the relevant disciplinary committees and sections.
- Introduce **awareness raising activities**.
- Advertise this support and alert system on all Ecole Centrale de Lyon sites and with a poster campaign.

### The staff undertakes to:

- **Familiarise themselves with the charter and take ownership of its terms.**
- **Remain vigilant** with respect to situations of everyday sexism and intervene or immediately contact the mechanisms provided, in case of any doubts concerning a situation that may resemble sexist or sexual harassment or sexual or gender-based violence.
- Never circulate **any material that might undermine** the integrity of students or staff at Ecole Centrale de Lyon, in this case never to circulate or publish any material (paper or digital) with sexist content or containing references to the private lives of students or staff.
- **Understand the concept of informed consent** and familiarise themselves with the nature of aggravating circumstances in the case of sexist and gender-based violence (abuse of position as line manager, alcohol, etc.)



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## ANNEX 1 WHAT SHOULD A WITNESS DO?

Anyone witnessing a case of sexual harassment, sexual assault, rape, insults, incitement to hatred, etc. **must intervene** or ask for help if they do not feel able to intervene or fear they might put themselves in danger.

Speaking aloud about what a perpetrator is doing can be an initial method of intervention. To act less directly, simply talking to the victim, distracting the perpetrator's attention, or intervening can be of great help to the victim. Not doing anything equates to **not helping a person in danger**.

### ***If in doubt - act!***

More generally, we must always remain vigilant regarding our colleagues' behaviour and never allow a climate of everyday sexism to develop (in particular, sexist jokes and comments). In a word - let's just look out for each other! Group vigilance is paramount for everyone's peace of mind.



## ANNEX 2 REPRESENTATIVES' CONTACT DETAILS

### Recap of support unit contact details

#### ECULLY SUPPORT UNIT

- **Marianne ALEX**, pedagogical advisor (06 95 18 33 29)
- **Clémentine BERNON**, gender equality referent (04 72 18 65 79)
- **Christophe GUIBERT**, student life officer (06 72 15 74 96)
- **Nicolas HOURCADE**, associate professor (04 72 18 67 06)
- **Sébastien BESSET**, teacher-researcher (04 72 18 64 78)

#### SAINT-ETIENNE SUPPORT UNIT

- **Elodie CABROL**, teacher-researcher (04 77 43 75 55)
- **Myriam GAILLARD**, nurse (04 77 43 84 18 or 06 86 87 80 14)
- **Olivier GIRODON**, administrative service officer (04 77 43 84 13)
- **Zoulika IDIR**, student life officer (06 03 30 91 44 or 04 77 43 84 14)
- **François-Marie LARROUTUROU**, principal (04 77 43 84 01)
- **Patrick LAURENT**, teacher (04 77 43 84 73)
- **Christian PAGES**, equality officer (06 86 87 80 06)
- **Audrey PERRELLE**, equality officer (04 77 43 84 06)
- **Pierre PINEL**, teacher (04 77 43 84 70)
- **Hanène SOULI**, teacher-researcher (04 77 43 84 82 ou 04 77 43 75 24)

#### EXTERNAL TO ÉCOLE CENTRALE DE LYON

Violences Femmes Infos (violence against women info): **39 19**

SOS Viols Femmes Informations (SOS women's rape info): **0800 05 95 95**

Any event linked to a potential act of sexist, sexual or gender based violence can be reported (whether victim or witness) to the following email addresses:

[harcelement@listes.ec-lyon.fr](mailto:harcelement@listes.ec-lyon.fr) (Ecully site)

[celluledecoute@enise.fr](mailto:celluledecoute@enise.fr) (Saint-Etienne site)

**Confidentiality and anonymity regarding any email sent to these addresses are guaranteed.**