



**CITÉ
INTERNATIONALE**
UNIVERSITAIRE
DE PARIS

**COMBATING DISCRIMINATION,
HARASSMENT AND SEXUAL AND GENDER-
BASED VIOLENCE**

**A residents' guide to the procedure for
reporting and dealing with incidents**

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PREAMBLE

The Cité internationale universitaire de Paris was created in the aftermath of the First World War to promote exchanges among students and researchers from all over the world and foster intercultural dialogue, tolerance, and mutual respect.

Each year, it welcomes thousands of students, researchers, artists and elite athletes of all nationalities who come to study in the Paris region.

In this unique humanist context, the Cité internationale stands firmly opposed to all forms of discrimination and violence.

The Cité internationale universitaire de Paris consists of around forty houses. Some of these houses are independent legal entities, while others are managed by the National Foundation, but all contribute to the pursuit of the Cité's aims by enforcing and abiding by a set of shared rules.

Combating all forms of discrimination, harassment and sexual and gender-based violence has always been a priority for everyone at the Cité internationale universitaire de Paris. This guide seeks to further strengthen that commitment by establishing a shared procedure for reporting and dealing with such issues, and by reinforcing the disciplinary procedure, in accordance with the admission and residence regulations and the specific rules of each house.

At their own level, each resident also has a responsibility to contribute to the aims of this policy and to promote a more harmonious environment through their own behaviour and actions.

1 What does the law say?

Discrimination

In law, discrimination is generally defined as unfavourable treatment that meets both of the following criteria: it must be based on a characteristic protected by the law (sex, age, disability etc.) AND it must arise in the course of a situation recognised by law (access to employment, a service, accommodation, etc.).

International, European and domestic French legislation lists 25 prohibited grounds of discrimination:

Age	Genetic characteristics	Physical appearance
Sex	Gender identity	Family name
Origin	Political opinions	Lifestyle
Real or supposed membership or non-membership of an ethnic group, nation or supposed race	Philosophical beliefs	Place of residence
Pregnancy	Involvement in a trade union or mutual society	Loss of autonomy
State of health	Holding local elected office	Particular vulnerability arising from one's economic situation
Disability	Real or supposed belief in, or belonging or non-belonging to, a given religion	Bank account domicile
Sexual orientation	Family circumstances	Ability to communicate in a language other than French

Articles 225-1 onwards of the French Criminal Code: the penalty is a €45,000 fine and 3 years' imprisonment.

Serious sexist insults or discriminatory behaviour

Any behaviour (words, actions, writing, text messages, etc.) with a sexual or sexist connotation that is imposed on a person and violates their dignity due to its degrading or humiliating nature, and/or exposes that person to an intimidating, hostile or offensive situation.

Art. 621-1 of the French Criminal Code: the penalty is a fine of €750, or up to €1,500 if there are aggravating circumstances.

Sexual and/or gender-based and/or discriminatory insults

Any public or non-public insult made against a person or group of persons on the grounds of their sex or sexual orientation is a criminal offence. A public insult is one that can be heard or read by a group (in the street, in their home, on social media). A non-public insult is an insult made without a third party present, or in front of a limited circle of people (friends, family).

Art. 33 and 65-3 of the French Law of 29 July 1881 on the Freedom of the Press: the penalty for a public insult is 1 year's imprisonment and a €45,000 fine.

Article R625-8-1 of the French Criminal Code: the penalty for a non-public insult is a €1,500 fine.

Harassment

Harassment is harming another person through repeated comments or behaviour whose purpose or effect is to violate that person's rights and dignity, to affect their physical or mental health, or to jeopardise their

professional future.

Articles 222-33-2 onwards of the French Criminal Code: the penalty is 2 years' imprisonment and a €30,000 fine, or 3 years' imprisonment and a €45,000 fine if there are aggravating circumstances, and up to 5 years' imprisonment and a €75,000 fine if the harassment is perpetrated by the person's spouse.

Harassment may be:

PHYSICAL

For instance, pushing and shoving, pinching, stealing someone's access card, etc.

PSYCHOLOGICAL

Psychological harassment may be verbal (repeated insults) or emotional (humiliation, blackmail, ostracisation, persistently and repeatedly following someone).

SEXUAL

Sexual harassment is repeatedly subjecting a person to comments or behaviour of a sexual or gender-based nature that are degrading or humiliating to that person and thus violate their dignity, or which create an intimidating, hostile or offensive situation for that person.

Exerting any form of serious pressure with the real or apparent aim of having a person perform a sexual act, whether for the pleasure of the perpetrator or for that of a third party, is considered a form of sexual harassment, even if such pressure is not exerted repeatedly.

Art. 222-33 of the French Criminal Code: sexual harassment is punishable by two years' imprisonment and a €30,000 fine. In the event of aggravating circumstances, the penalties are three years' imprisonment and a €45,000 fine.

N.B. The courts consider that "environmental" sexual harassment exists when the victim is not directly targeted but nonetheless has to endure obscene jokes and provocations that become unbearable to them.

DIGITAL (CYBERBULLYING) OR BY TELEPHONE

Harassment using a public online communication service or a digital or electronic device is an aggravating circumstance.

Sexual assault

Sexual assault is defined as any non-consensual sexual contact (imposed by coercion, violence, threat or surprise) with the parts of the body considered private and sexual (genitals, buttocks, breasts, thighs and mouth).

Articles 222-22 and 222-27 to 222-31 of the French Criminal Code: The penalty is 5 years' imprisonment and a €75,000 fine, or 7 years' imprisonment and a €100,000 fine in the event of aggravating circumstances.

Domestic violence

Domestic violence is physical, psychological or sexual violence committed within a couple (married or unmarried), be it occasionally or habitually.

Articles 515-9 to 515-13 of the French Civil Code; Articles 222-7 to 222-16-3 of the French Criminal Code; Articles 222-33-2 to 222-33-2-2 of the French Criminal Code; Articles 222-22 and 222-22-2 to 222-31 of the French Criminal Code; Circular No 2014/0130/C16: The penalty varies from case to case. It can range from 3 to 20 years' imprisonment and from €45,000 to €100,000 in fines.

Rape

A rape is any act of sexual penetration of any kind, or any act involving contact between the mouth and the genitals, committed on another person's body or on the body of the perpetrator by violence, coercion, threat or surprise.

Articles 222-22 and 222-23 to 222-26 of the French Criminal Code: The penalty is 15 years' imprisonment, or 20 years if there are aggravating circumstances.

Aggravating circumstances

Aggravating circumstances result in the imposition of more severe criminal sanctions. Such circumstances may be linked to the context in which the crime is committed, the means used by the perpetrator, the perpetrator's status, or the victim's situation. An aggravating circumstance exists when violence is committed:

- Against a minor
- By a person in a position of authority or hierarchical superiority
- By a spouse or ex-spouse
- Against a particularly vulnerable person (a person with disabilities, a pregnant woman or a person under the influence of drugs or alcohol)
- Using threats or the threat of a weapon, or performed by multiple perpetrators
- When a substance has been administered to the victim without their knowledge to impair their judgement or their ability to control their actions
- In a gang (by several people)

The notion of consent

Any sexual act must be consented to by both partners. Consent may be verbal or non-verbal, but must always be explicit.

Silence does not constitute consent.

Consent must be informed and be given freely and personally. Consent must be given by the person concerned. There is no consent if:

- it is given by a third party;
- the person does not have the capacity to consent (e.g. if they are unconscious due to the influence of alcohol, drugs or medication);
- the person has suffered violence, threats or physical or psychological coercion.

A person may consent to one sexual act and refuse consent for another. A person may, having consented to a sexual act, then refuse to continue said act.

Consent can be withdrawn at any moment.

2

What should I do if I am a victim or witness of physical or psychological abuse?

1. Tell people what happened

- Physical and psychological abuse reduce a person's self-confidence and tend to leave the victim isolated. It is vital that you talk about it and that you do not remain on your own. The victim is never responsible for the violence they suffer.
- Any resident who is the victim or direct witness of such abuse can choose between two report-and-support procedures, or use both.

a. Talk to your house director about it

The victim or direct witness can contact the director of their house, who will give them useful information about the material or psychological support available (Relais social international). During this initial appointment, the director may be assisted by a member of their staff.

Depending on the case, the director may also call upon the Report and Support team (Cellule d'écoute et de signalement) to assist them with the statement-taking process.

The director may also, without delay, take initial measures to protect the victim or direct witness if this is necessary.

b. Tell the Report and Support team (Cellule d'écoute et de signalement)

Members of the Report and Support team

A Report and Support team (Cellule d'écoute et de signalement) is available to victims and/or direct witnesses of acts of discrimination, harassment or sexual or gender-based violence. Thanks to this team, victims and direct witnesses can be attended to quickly, with the utmost professionalism, consideration and discretion.

The team is made up of at least two people:

- The director of the house of which the victim or direct witness is a resident, if the victim or direct witness agrees
- One or two directors of other houses
- If applicable, a specialist professional (psychologist or association) and/or a representative of the CIUP

These people have been trained to deal with allegations of discrimination or violence and are subject to a confidentiality obligation.

The team's activities (number of cases reported, nature of said cases, action taken to deal with them, etc.) are summarised in an annual report, which respects the privacy of those involved.

The reporting process

Incidents should be reported to the Report and Support team by email, be it directly by the victims or direct witnesses themselves, by the house directors, or by staff members.

alerte-violences@ciup.fr

The anonymity of the victim or direct witness can be guaranteed by the Report and Support team until an internal investigation is opened (see below). Even if an internal investigation is opened, anonymity can be maintained if the victim or the direct witness is in serious and imminent danger.

As well as reporting the incident to the Report and Support team, victims and witnesses can also call national helplines, such as:

- 3919 “Violences femmes info”: a freephone number dealing with violence against women, accessible Monday-Friday from 9 a.m. to 10 p.m., and Saturday-Sunday from 9 a.m. to 6 p.m.
- 0 800 05 95 95 “SOS Viols”: an anonymous freephone service for rape victims, available Monday-Friday, 10 a.m. - 7 p.m.
- 08 842 846 37 (08 victimes): cost of a local call, available every day from 9 a.m. to 9 p.m. Helpline for all victims, including victims of sexual assault.
- 0800 200 000 “Net Ecoute”: national freephone number, anonymous and confidential, open Monday-Friday from 9 a.m. to 7 p.m. This is the number to contact if you are a victim of cyberbullying.
- 0810 10 81 35 “SOS homophobie”: national freephone number, anonymous and confidential, open Tuesday-Thursday from 6 p.m. to 10 p.m. and Saturday from 2 p.m. to 4 p.m.

Victims can also contact the Relais social international to request medical, psychological or material support. relais.social@ciup.fr / 01 44 16 65 62

What happens during your appointment

Once you have contacted the Report and Support team, an initial appointment will be set up. At this “exploratory” appointment, the team listen to the victim or direct witness in order to:

- ⇒ Ascertain the facts (and determine whether they do indeed constitute discrimination, harassment or sexual or gender-based violence). This exploratory appointment is conducted with the victim or direct witness only. This phase is strictly confidential and does not include interviews with witnesses (other than the person who contacted the team) or with the alleged perpetrator.
- ⇒ Identify potential protective measures: The team may decide that certain protective measures are necessary for the safety of the victim and/or direct witness.
- ⇒ Identify the potential consequences of the violence on the victim and/or the direct witness: the team invites the victim and/or the witness to contact the Relais social international (RSI), which can provide them with support in obtaining the help they need (including psychological, social, legal, medical and administrative support).
- ⇒ Inform the victims of the various remedies open to them, in terms of both legal action and disciplinary processes, and guide them through the procedures to follow.
- ⇒ Inform the victim or direct witness of the potential next steps, including the possibility of filing an official complaint to trigger an internal investigation.

A statement form is completed by the team following the appointment, and approved by the reporting resident.

If the case is later referred to the Investigation team (Cellule d'enquête), with the agreement of the reporting resident, this signed statement form will be handed over to the Investigation team, so that the victim or direct witness does not have to tell their story a second time.

What happens after your appointment

The Report and Support team must record all incidents reported and deal with them diligently.

However, an internal investigation will not be opened in every case. The exploratory appointment may also lead the director of the house or the Report and Support team to intervene directly: by reminding the alleged perpetrator of the expected standards of behaviour (while preserving the anonymity of the victim or witness), or referring the victim to the RSI for support.

An internal investigation can only be triggered by facts identified as constituting serious cases of discrimination, harassment or physical or psychological abuse perpetrated by a resident within CIUP grounds, or during an activity linked to the CIUP (e.g. a violation of the rules, external activities organised by the CIUP, image/reputation) or using resources provided by the CIUP (particularly IT resources).

In any event, if acts of discrimination, harassment or violence connected with the CIUP are identified, the victim must agree before any internal investigation can be triggered. No further action will be taken following the appointment with the Report and Support team if the victim is opposed to such action.

Once an internal investigation is opened, then, unless doing so would put them in grave danger, the anonymity of the victim is lifted and the alleged perpetrator is informed of the allegations against them.

With the victim's consent, the Report and Support team transfers the statement form to the Investigation team (Cellule d'enquête), which will then begin its own procedure.

2. Investigation team (Cellule d'enquête)

a. Members of the Investigation team

Internal investigations are conducted by trained and impartial individuals. Specifically, the Investigation team may include:

- One or two house directors (with no connection to the case)*
- The National Foundation's Equalities Officer
- A specialist professional (from an anti-violence/anti-discrimination organisation)

*These directors come from a group of volunteer house directors who can be called upon to take part in investigations of alleged physical or psychological abuse. These directors receive specific training. In order to ensure that the members of the investigation team are impartial with regard to the residents involved, they will never be the directors of the houses of which the victim or alleged perpetrator are members, and they will not have interviewed the victim or witness beforehand.

Its members are subject to a confidentiality obligation.

As soon as an incident is referred to the Investigation team, said team will notify the alleged perpetrator that an internal investigation is being opened against them.

The director of the alleged perpetrator's house will also be informed that an investigation is being opened against their resident (without being given any details of the allegations made against said resident). The director must then keep the matter strictly confidential and must not intervene in the investigation or talk directly to the alleged perpetrator about the allegations.

b. Roles of the Investigation team

⇒ Ascertaining the facts

During an internal investigation by the CIUP's Investigation team concerning allegations of discrimination, harassment or sexual or gender-based violence, an objective assessment of all the factual elements at hand is performed, be they incriminating or exonerating.

The Investigation team interviews the victim and the alleged perpetrator, as well as any other parties involved (including witnesses). It may also take statements from security officers authorised to view video surveillance footage. It may, if necessary, request information from the alleged perpetrator's educational institution, taking care to respect the presumption of innocence and the obligation of confidentiality and to act with discretion. Finally, it may interview employees of the Foundation as experts: for instance, the IT Manager and the Data Protection Officer in the event of cyberbullying, or employees of the house. In such cases, the employees involved must sign a confidentiality agreement beforehand.

Social workers and healthcare professionals (doctors, psychologists) cannot provide evidence as they are bound to professional secrecy.

Anyone interviewed by the Investigation team can be assisted by a person of their choice.

For each interview, a report is produced, which is signed by the statement giver (declaration on honour) and kept on file.

The Investigation team is independent of the Report and Support team. It guarantees impartial and equitable treatment for all individuals involved.

There is no need for criminal proceedings to be brought in order for an internal investigation to be opened. The Investigation team can also continue its research and propose disciplinary measures even if no criminal penalty is imposed.

⇒ Protection of the parties involved during the investigation

In light of the facts reported, the Investigation team may assess the protective measures required and impose them, if the Report and Support team has not already done so. In particular, it may take measures to protect the victim (e.g. by offering the victim a transfer to another house, or by transferring the alleged perpetrator to another house).

In addition, the victim and the alleged perpetrator will be regularly informed of the progress of the investigation and the date on which its conclusions are expected to be available.

The Investigation team takes care to observe the presumption of innocence and to exercise the utmost discretion.

c. Investigation team report

Within a reasonable timeframe, the investigation team will produce a report that seeks to ascertain the facts and to determine whether sanctions are appropriate, attaching the material evidence gathered.

It will submit this report to the General Delegate. If the alleged perpetrator is a resident of an unaffiliated house (i.e. one that is not managed by the National Foundation), the Investigation team will also submit its report to the director of the unaffiliated house concerned.

Disciplinary measures against a resident of an unaffiliated house can only be taken by the director of said unaffiliated house. In the case of residents on exchange from another house, the director of the resident's house of origin is also sent the report.

The investigation report remains confidential and is never sent or shown to the victim or the alleged perpetrator.

The parties involved (victim, alleged perpetrator, witness) are urged to show the utmost discretion for the duration of the investigation and to refrain from any direct or indirect defamation.

3. The disciplinary procedure

The disciplinary procedure is entirely distinct and separate from criminal proceedings. The opening and pursuit of criminal proceedings does not prevent the opening of a disciplinary procedure.

The disciplinary procedure will take place in the conditions set out in the admission and residence regulations, based on the adversarial principle.

The victim will be informed of the action taken as a result of their complaint.

Irrespective of whether a criminal conviction occurs, disciplinary measures may be taken:

- ⇒ If the perpetrator is a resident of an affiliated house: by the General Delegate of the National Foundation, assisted by the accommodation director and the director of the house of which the perpetrator is a resident (in conjunction with the director of the contingent, if the perpetrator is on exchange from another house).
- ⇒ If the perpetrator is a resident of an unaffiliated house: by the director of said unaffiliated house. In the case of a resident on exchange from another house, the director of the resident's house of origin is consulted.

However, these people are not bound by the conclusions of the investigation team. They can ask to speak with one of the members of the Investigation team if there are points that require clarification, but their role is not to conduct another investigation.

The possible sanctions, in increasing order of seriousness, are:

- A reminder of the regulations in place and the standards of behaviour expected
- Temporary or permanent suspension of access to CIUP services (sports facilities, library) and/or to certain houses
- An imposed transfer to another house
- A warning (exclusion on the 3rd warning)
- Exclusion (the perpetrator loses resident status and must leave the CIUP)
- Any other measures deemed appropriate in the circumstances

Collective sanctions:

If an incident is found to have occurred during an activity (such as a party) organised by a committee of residents, and the “Party Protocol” has not been respected, the disciplinary authority may temporarily suspend all funding and all event authorisations for the organising committee.

Appeal:

In accordance with the admission and residence regulations, all decisions to impose disciplinary sanctions are subject to an automatic right of appeal. Such appeals are to be made to the president of the board of directors of the National Foundation for residents of affiliated houses, and to the president of the board of directors of the house concerned for residents of unaffiliated houses.

IMPORTANT POINTS TO NOTE

In the event of discrimination, harassment or violence committed by an employee of the Cité internationale against a resident, the applicable procedure is that set out in the French Labour Code on the punishment of such acts by employees.

Nevertheless, if the victim is a resident, they can still contact the Report and Support team (alerte-violences@ciup.fr).

Appendix 1: Statement form

If the victim so wishes, this record of the appointment can be used to make an official complaint to the investigation team

Form completed by (full name, position)	Victim's identity (full name, house)
Alleged perpetrator's identity (full name, house)	Date/place/time or periods of violence
Frequency of violence ☐ First event of its kind ☐ Has already happened _____ times.	Is the violence still happening? ☐ Yes ☐ No
Witness(es) (attach witness statement(s)) ☐ There were no witnesses ☐ There were one or more witnesses Name(s) of witness(es), if any:	
DETAILED DESCRIPTION OF EVENTS IN CHRONOLOGICAL ORDER: please detail the events as precisely as possible (facts, actions, words, circumstances), as well as any action you have taken (informing the police, going to see an association, a doctor, etc.), any evidence attesting to the facts (text messages, emails, audio recordings), any direct or indirect witnesses (who can attest that you have confided in them, or that your state of health has deteriorated), workplace reprisals (relating to your course, etc.), consequences on your health, known past victims of the same person, etc.	
Date:/...../..... Signature of witness or victim ☐ I wish to make an official complaint and consent to my anonymity being lifted ☐ I do not wish to make an official complaint ☐ I don't know and I need to think about it ☐ I agree to my contact details being passed to the RSI so that they can get in touch Signatures of Report & Support team members	
Comments/recommendations of the Report and Support team	

