

Living and Studying Safely

Policy on the Prevention of and Response to Psychological
Harassment and Sexual Violence in UTILE Buildings

This policy took effect on 23/08/2023



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In the context of its regular operations, UTILE works closely with the student population and has committed to providing safe living environments where every resident has an opportunity to thrive. The Living and Studying in Safety policy (the “Policy”) is therefore intended to clearly define the organization’s roles and responsibilities as a building owner and landlord, as well as reiterating its zero-tolerance policy towards sexual violence and psychological harassment (Annex I – Definitions). This Policy establishes an official and impartial procedure for handling disclosures and formal complaints, as well as clarifying UTILE’s commitments on these issues.

Legal Framework

The legal framework is established by the Civil Code of Québec (CQLR, c. CCQ-1991) in articles 1851 to 2000. The following articles are particularly relevant to this Policy:

Article 1854: “The lessor is bound to deliver the leased property to the lessee in a good state of repair in all respects and to provide him with peaceable enjoyment of the property throughout the term of the lease”.

Article 1858: “The lessor is bound to warrant the lessee against legal disturbances to enjoyment of the leased property.

Before pursuing his remedies, the lessee shall notify the lessor of the disturbance.”

Article 1860: “A lessee is bound to act in such a way as not to disturb the normal enjoyment of the other lessees.

He is bound, towards the lessor and the other lessees, to make reparation for injury that results from a violation of that obligation, whether the violation is due to his own act or omission or to the act or omission of persons he allows to use or to have access to the property.

In case of violation of this obligation, the lessor may apply for resiliation of the lease.”

Article 1902, “Neither the lessor nor any other person may harass a lessee in such a manner as to limit his right to peaceable enjoyment of the premises or to induce him to leave the dwelling.

A lessee who suffers harassment may demand that the lessor or any other person who has harassed him be ordered to pay punitive damages.”

Article 1974.1, “A lessee may resiliate the current lease if, because of sexual violence, spousal violence or violence towards a child living in the dwelling covered by the lease, the safety of the lessee or of the child is threatened.

The resiliation takes effect two months after a notice is sent to the lessor or one month after the notice is sent if the lease is for an indeterminate term or a term of less than 12 months. However, the resiliation takes effect before the two-month or one-month period expires if the parties so agree or when the dwelling, having been vacated by the lessee, is re-leased by the lessor during that same period. The notice must be sent with an attestation from a public servant or public officer designated by the Minister of Justice, who, on examining the lessee’s affidavit that there exists a situation involving violence and other factual elements or documents supporting the lessee’s statement provided by persons in contact with the victims, considers that the resiliation of the lease is a measure that will ensure the safety of the lessee or of a child living with the lessee. The public servant or public officer must act promptly.

If part of the rent covers the cost of services of a personal nature provided to the lessee or to a child of the lessee who lives with the lessee, the lessee is only required to pay that part of the rent that relates to the services which were provided before he or she vacated the dwelling. The same applies to the cost of such services if they are provided by the lessor under a contract separate from the lease.”

Scope

This Policy applies to all members of the Building's (the "Building") community. That is, to all of the tenants with active leases. For their part, UTILE's employees are subject to its internal policy: Politique de gestion des ressources humaines (available in French only).

The Living and Studying Safely policy covers all situations involving sexual violence or psychological harassment occurring in the Building, including both indoor and outdoor shared areas, the apartments and social events organized by UTILE. It also applies to social media and other digital platforms whenever the individuals involved are tenants of the Building.

The Policy applies to any situation that could affect the safety or full enjoyment of the premises by any member of the Building's community.

Roles and Responsibilities

To ensure this Policy is fully applied, every member of the Building's community, as defined above, bears shared responsibilities.

a. All members of the Building's community must:

- Read the Policy;
- Respect the Policy;
- Not engage in any act of psychological harassment or sexual violence;
- Respect the Building's regulation;
- Respect the principles of confidentiality set out in the Policy;
- Direct anyone making a disclosure to the property manager.

UTILE staff share additional responsibilities related to the application of this Policy.

b. The property manager must:

- Ensure the Policy is communicated to tenants upon signature of the lease;
- Listen and receive disclosures and formal complaints without judgement;
- Handle disclosures and formal complaints according to the intervention measures set out in the Policy;
- Ensure confidentiality, as established by this Policy;
- Complete mandatory training on how to receive a complaint or disclosure as part of their onboarding;
- Collaborate in delivering training and awareness-raising activities.

c. The individual responsible for tenant experience must:

- Lead one or more educational and awareness-raising activities.

Prohibited Conduct

This Policy also defines behaviours that will not be tolerated in the Building. As such, all parties are prohibited from:

- Committing any act of sexual violence or psychological harassment towards a UTILE employee or tenant, as defined in Annex I;
- Engaging in any form of reprisal against someone who made a disclosure or complaint.

Prevention Measures

In order to prevent situations involving sexual violence or psychological harassment from occurring in the Building, but also for the purpose of becoming an agent of change, UTILE commits to putting the following prevention measures in place:

Dissemination of the Policy and Awareness-Raising Activities

The organization will make the Policy accessible to all members of the Building's community in order to maximize its impacts. To that end, UTILE will share the Policy using one or more of the following methods:

- Posting the Policy or an explanatory diagram summarizing the Policy in the Building;
- Including an article on the Policy in the building's regulations, which are distributed to all tenants whenever adopted or amended, and upon signature of a lease;
- Holding one or more prevention and awareness-raising activities for tenants during the lease period;
- Making information and/or tools available on the prevention of and response to psychological harassment and sexual violence;
- Inform tenants of the Policy and reiterate the organization's zero-tolerance policy regarding acts of psychological harassment or sexual violence when signing a lease;
- Present the Policy to Building staff upon their hiring.

A Safe Environment

When designing its buildings, UTILE takes into account the safety of the Building's community by minimizing higher risk zones to the greatest degree possible. Specifically, UTILE has the obligation to put the following measures in place:

- All indoor and outdoor shared areas are well lit;
- Security cameras are installed at all main entrances;
- All buildings are equipped with an electronic smart key system to control access;
- Social media activity related to the Building's community are regularly monitored.

Intervention Measures

To ensure the well-being and full enjoyment of the property for all tenants, UTILE receives disclosures and complaints from individuals who have been the victim of psychological harassment or sexual violence as covered under the scope of this Policy.

Disclosures

There are several possible methods by which a disclosure can be made (online form, email, phone, speaking with the property manager). As such, survivors and victims are provided with multiple options to make a disclosure in confidence and based on their comfort level. As a reminder, a disclosure that is received from a third party cannot form the basis for an intervention. In order to continue with the procedure, the disclosure must come from the person who has suffered the harm.

The most anonymous way to make a disclosure is via an online form¹ overseen by the property manager. In the event that the complaint is about the manager, the victim can also choose to address the disclosure to the Director of Operations at UTILE. It's important to note that anonymous disclosures are retained to ensure a record of disclosures and facilitate the process if a victim were to come forward, identify themselves and pursue further steps later.

When a non-anonymous disclosure is received, the property manager will pursue the matter diligently and propose a meeting with the victim, if they so wish. During that meeting, the manager will receive the victim's disclosure without judgement and with compassion. They will then complete the disclosure form (Annex V) together. Once all of the information has been obtained, the property manager will explain the various options open to the victim. In all cases, the manager will also direct the victim towards external resources.

Possible Interventions Following a Disclosure

The various post-disclosure interventions available to the victim are listed below. It's important to note that only a formal complaint can lead to actions being taken against the respondent.

- a. **Lease resiliation at the victim's request:** An individual who has been the victim of sexual violence, intimate partner violence or violence towards a child can request the resiliation of their lease (voluntary action). This request must be accompanied by an attestation from a public officer recognizing that the end of the lease is necessary for the individual's safety or the safety of a child. However, UTILE's Director of Operations can choose to accept the resiliation of a lease without requiring such an attestation, at their discretion and when they feel it is appropriate.

¹[Link to the disclosure form - Annex II](#) (available in French only)

Intervention Measures

- b. Transfer request: If the rental situation allows it and an apartment is available in another UTILE building in the same city, UTILE can exceptionally accept to transfer the individual to another building or accept a change for the same type of apartment, according to the conditions in effect.
- c. Formal complaint (see below): A formal complaint, submitted to the property manager, leads to actions being taken against the respondent. If the victim chooses this course of action, the manager will meet with the respondent to inform them of the allegations being made against them.
- d. Choosing not to pursue the procedure: When the victim chooses not to pursue any of these interventions, their disclosure is kept on file for institutional memory for the duration of their lease.

The victim may choose to pursue any of these interventions, whether during their meeting with the manager or afterward. The option they choose will be applied in collaboration with the property manager and according to a timeline determined by both parties, once the victim's choice has been confirmed. The manager then updates the disclosure form to indicate the measures put in place. For the purposes of institutional memory, the file will be retained for the duration of the individual's lease.

Formal Complaint

The decision to pursue a formal complaint triggers a meeting with the property manager and the respondent. The respondent must be informed of the reasons for the complaint in writing. Depending on the seriousness of the act, its repeated nature, and the victim's consent, disciplinary measures will be communicated with the respondent. These can range from a warning to remedial measures or the possibility of a voluntary resiliation of their lease. A voluntary resiliation of their lease will be deemed necessary when the property manager and UTILE's Director of Operations believe that the allegations made represent a threat to the safety of one or more tenants and infringe on the victim or survivor's full enjoyment of the premises.

In the event that the respondent refuses the property manager's request for a voluntary resiliation of their lease, the manager can bring this issue to the Tribunal administratif du logement (TAL) at the victim's request. When a complaint is made at the TAL, the victim will be required to speak at the Tribunal and make their case before the judge. At any point during this process, the victim may ask the property manager for more information on how their complaint is progressing. Once the file has been closed, the manager will complete the documentation and retain it for the purposes of institutional memory. Any victim who chooses to make a formal complaint can also choose to resiliate their lease or request a transfer to another building while their complaint is being processed.

Intervention Measures

Confidentiality

Discretion is required and essential when handling disclosures and complaints. In most cases, confidentiality can be maintained throughout the entire intervention process. UTILE is also legally bound not to communicate anyone's personal information without their consent, barring legal requirements to the contrary. For example, an individual's personal information can be shared without their consent in urgent situations where someone's life, health or safety are at risk, or to prevent an act of violence, including suicide, whenever there is a reasonable belief that a serious risk of death or injury is present.

Confidentiality may also be lifted, with the victim's consent, to assist the implementation of support or intervention measures for the respondent. In these cases, only information essential to the interventions in question will be communicated to those involved. Finally, if a complaint is made to the Tribunal administratif du logement, the public nature of judicial proceedings means that information about the victim could be included in the tribunal's public documents, including UTILE's request for the resiliation of a lease and the victim's testimony to the court.

Board of Directors

This Policy has been adopted by UTILE's board of directors, which may request an annual report on any situations that fall under its scope.

Annex 1

Definitions



Psychological Harassment²

Psychological harassment is defined as any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affects a member of the community's dignity or psychological or physical integrity and that creates a harmful living environment for the said individual.

A single serious incidence of such behaviour that has a lasting harmful effect on a member of the Building's community may also constitute psychological harassment. For example, sexual assault is a form of psychological harassment.

Sexual Violence³

Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. It includes sexual harassment, sexual assault, rape and other forms of sexual misconduct.

Table 1: Examples of Sexual Violence⁴

Sexual Harassment

- Disparaging remarks about someone's appearance or sexual activities
- Sexist, misogynistic or LGBTQ+phobic statements
- Offensive sexual jokes or stories
- Inappropriate discussions about sex
- Catcalling or addressing someone in a sexual manner
- Exposing oneself, fully or partially, without consent
- Offensive sexual comments
- Offensive or embarrassing gestures with a sexual connotation
- Online sexual harassment

Unwanted Sexual Behaviour

- Unwanted physical contact
- Insistently asking someone out despite their stated refusal or silence
- Exposing others to material with a sexual connotation without their consent
- Taking or sharing sexual images of a person without their consent
- Trying to kiss or press up against someone without consent
- Pressuring someone for an intimate relationship or sex despite their refusal
- Attempting to have sex without consent
- Non-consensual sex

² Definition taken from the Report from the Task Force on Policies and Procedures Pertaining to Sexual Harassment and Violence (GT-PHS) by the Bureau de Coopération interuniversitaire

³ Ibid.

⁴ Table taken and translated from the research report entitled PIECES: Violences sexuelles en milieu collégial au Québec

Sexual Violence³

Sexual Coercion

- Offering rewards in exchange for sexual favours
- Imposing negative consequences for refusing sexual advances
- Creating an environment where reprisals may follow a refusal to engage in sexual activity
- Threatening to publish sexual material online
- Promising a promotion in exchange for sexual activity
- Creating a climate of fear around refusing to engage in sexual activity

Victim and Survivor

Any individual who has experienced a form of sexual violence or psychological harassment. The terms survivor and victim are used interchangeably, as individuals may prefer one term over the other.

Respondent

Individual accused of committing an act of psychological harassment or sexual violence under this Policy.

Building

Within this Policy, Building is understood to mean each building that UTILE owns. It includes all UTILE properties.

Building's Community

Everyone who rents or works in an UTILE building.

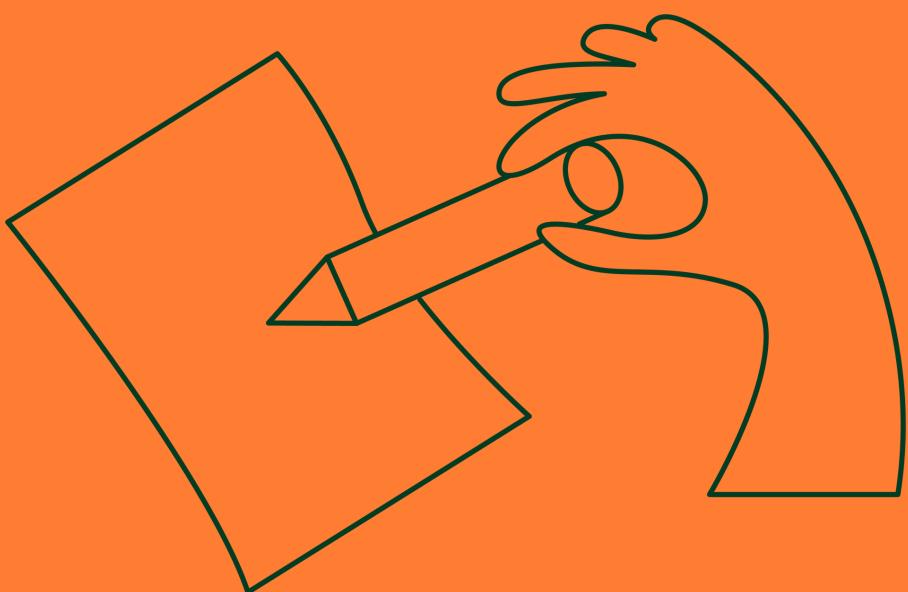
Lease Period

The period from the start to the end of a residential lease held by a tenant in the Building. For most of UTILE's buildings, this period runs from July 1 to June 30 of the following year. However, buildings in their first year of operation can have a different start date for their leases.

Annex 2

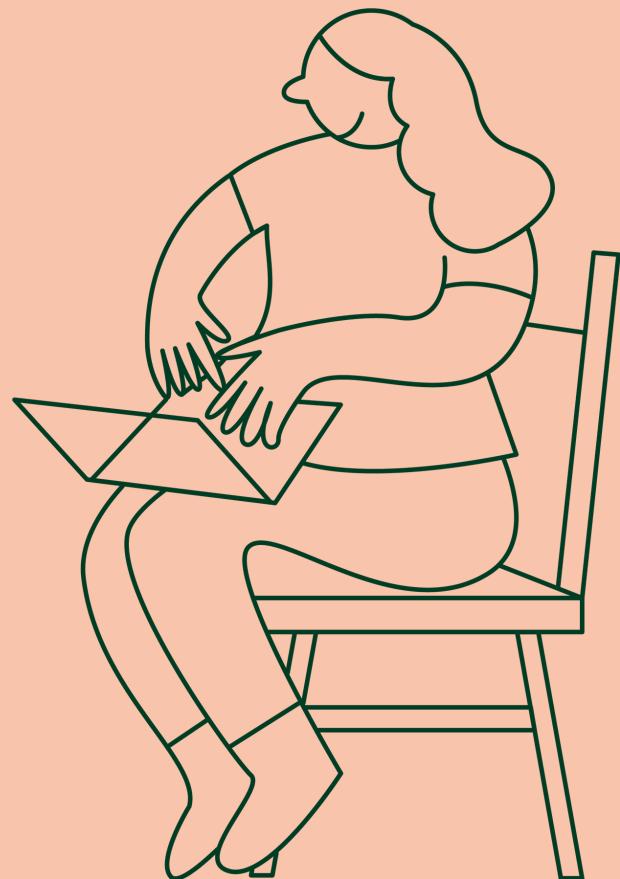
Online Disclosure Form

[Link to the Disclosure Form](#)



Annex 3

Code of Conduct for Receiving and Listening



Code of Conduct for Receiving and Listening

The following table summarizes helpful attitudes to adopt when receiving disclosures.

Table 2: How to Receive Disclosures (Helpful Attitudes)⁵

Ensure confidentiality (close the door, explain the framework for the meeting, explain your role)

Identify needs and emotions (Have I understood correctly that you need X? Are you feeling afraid?)

Reassure the person that they are not to blame.

The only person responsible for what happened is the person who committed that act of violence. It is crucial that you believe the victim and clearly communicate that fact to them (I believe you).

Listen without judgment, while respecting the discloser's level of comfort (provide them with information and, if they don't want to pursue any further action, don't insist) (sit comfortably back in your chair, keep your feet well anchored on the ground; it may be difficult to hear some of the things they might share)

Receive the disclosure without amplifying or minimizing it (consider carefully which words you use and your non-verbal, emotional responses)

Let the discloser explain what happened for themselves. Avoid asking questions as much as possible. Make it clear that they don't need to share every detail (where, when, who, with whom), only the information needed to determine the urgency of the situation or if they wish to make a formal complaint.

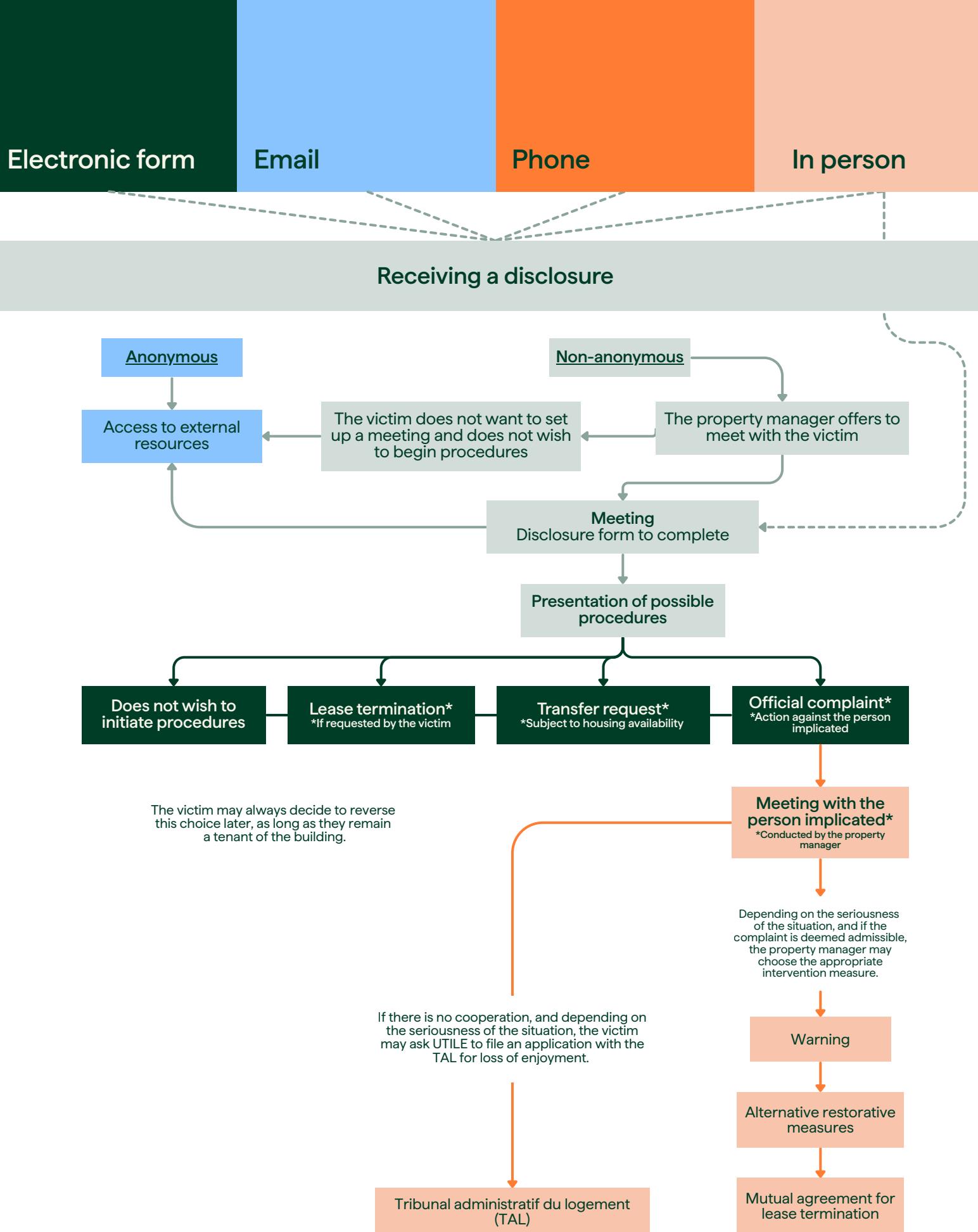
Refer to resources, both internal and external.
Inform them of their rights under the Policy.

⁵ Drawn from a Reference Guide produced by Collège de Rosemont: "Comment bien aider un.e survivant.e de violence à caractère sexuel" and translated from the original French.

Annex 4

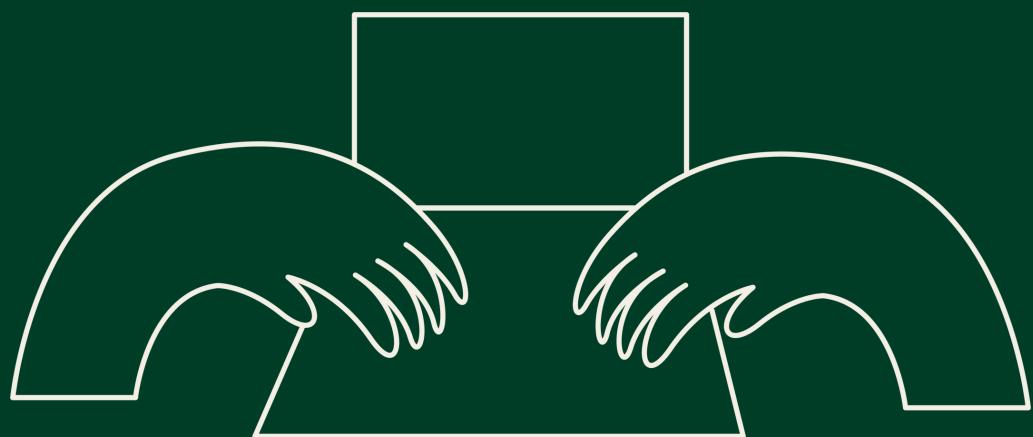
Intervention Procedure





Annex 5

Disclosure Form



Disclosure Form

Date of disclosure:

Disclosure received by:

Method of disclosure:

Contact details of the Victim (unless anonymous)

Name (pronouns) _____

Unit # _____ Phone number _____

Information regarding the incident of sexual violence or psychological harassment

Name of the respondent _____

Relationship between the victim and respondent _____

Description of events

- Place and time where the incident(s) took place
- Duration and frequency of the incident(s)
- Other people involved or witnesses

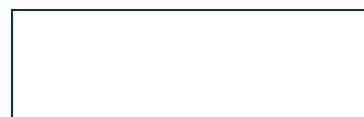
Does the discloser wish to pursue any of the available interventions?

- Resiliation of their lease
- Building transfer
- Formal complaint
- No further action

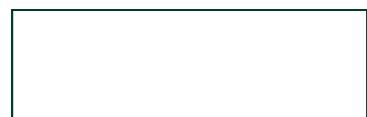
Follow-up measures

- Intervention measures and timeline for implementation

*Update as the situation evolves



Signature of the Discloser



Signature of the Manager

