

TCDSB STAFF ARTS POLICY REGARDING HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION

INTRODUCTION:

1. TCDSB Staff Arts policy regarding harassment and discrimination draws primarily from the TCDSB H.M. 14 Policy Guidelines: The Respectful Workplace: Addressing Harassment and Discrimination, 2016. In addition, it draws from: The OECTA Handbook 2018/2019; Anti-Harassment, Anti-Violence, Anti-Discrimination Policy, Toronto Fringe Theatre, 2017; Anti-Harassment, Non-Discrimination Policy, Bad Dog Theatre Company, Toronto, 2018; and Harassment Policy, Powerhouse Theatrical Society, British Columbia, 2017. It is also subject to the terms of the Ontario Human Rights Code.
2. TCDSB Staff Arts policies regarding harassment and discrimination have undergone review by the Coordinator of Conflict Resolution, Human Resources Department, TCDSB. TCDSB Staff Arts policies regarding record retention have been made on the advice of the Senior Manager, Freedom of Information and Privacy, and Archives and Records Management, TCDSB. In both references, TCDSB Staff Arts policies are consistent with Board policies.
3. TCDSB Staff Arts policies apply to all participants and stakeholders in any and all Staff Arts productions.
4. TCDSB Staff Arts Executive Board members are obligated to receive complaints of harassment and discrimination, to take such complaints seriously and where requested and/or appropriate to attempt **Dispute Resolution** as outlined by TCDSB guidelines, The Respectful Workplace, or, alternatively, to refer such matters to the appropriate staff of the TCDSB. TCDSB Staff Arts Executive also has the authority to remove any participant from its productions if it feels such persons contravene its principles or policies on the matter of harassment, sexual harassment or discrimination.

PRINCIPLES:

TCDSB Staff Arts is committed to:

- Providing a safe, secure and respectful environment that is free from harassment and discrimination
- Fostering good will and trust among all of its members
- Promoting mutual respect, cooperation and understanding among its members
- Neither tolerating nor condoning behaviour that undermines the dignity or self-esteem of its members or the integrity of relationships
- Neither tolerating nor condoning any violence, threats, intimidation or harassment at any of its sponsored events or activities.

DEFINITIONS:

Harassment: Is any vexatious behaviour, which includes comments, actions or displays that are known, or ought reasonably to be known, to be unwelcome, offensive, intimidating, threatening, embarrassing,

humiliating or demeaning. It normally involves a course of conduct but a single act of a serious nature may constitute harassment.

Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person’s race, ancestry, place of origin, ethnic origin, colour, gender identity, gender expression, sex, disability, sexual orientation, creed, age, family status, marital status, association or relationship with a person identified by one of the aforementioned grounds
- Derogatory comments, slurs, taunts, written or verbal abuse, bullying, abuse of authority
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail, texting or other electronic means
- Singling out a person for humiliating or demeaning “teasing” or jokes, practical jokes or ridicule.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is acceptable. The behaviour could still be considered harassment under this policy. Further, all members of Staff Arts who witness harassment or discrimination have a moral responsibility to uphold the policy and are encouraged to report.

Sexual and gender-based harassment: sexual harassment is a form of harassment that can include:

- Gender-related comments about a person’s physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility
- Unwelcome physical contact including unnecessary touching or patting
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy or unwelcome sexual invitations or requests
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive and degrading jokes or comments of a sexual nature about other company members
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours.

Sexual Solicitation: this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes directors, producers or members of the Board of Staff Arts, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

Discrimination: The unfair treatment because of race, sex, colour, ancestry, place of origin, ethnic origin, marital status, sexual orientation, age, disability, citizenship, family status, record of offences, religion (creed), gender identity, and gender expression.

RESPONSIBILITIES OF THE BOARD OF STAFF ARTS:

The Chair, Vice-Chair and President of Staff Arts, in consultation with the Board members, are responsible for:

- 1) The administration of this policy; reviewing this policy annually, or as required; and making necessary adjustments to ensure that this policy meets the needs of the organization
- 2) Ensuring that this policy is applied in a timely, consistent and confidential manner
- 3) Inquiring into all allegations of harassment or discrimination: “a duty of inquiry”
- 4) Determining whether or not allegations of harassment or discrimination are substantiated
- 5) Determining what corrective action is appropriate where a harassment or discrimination complaint has been substantiated
- 6) Determining if the matter should be brought to the attention of other agencies such as the Coordinator of Conflict Resolution at the TCDSB for consultation or intervention.

IDENTIFYING HARASSMENT OR DISCRIMINATION:

When an individual is considering whether they have been subjected to harassment or discrimination, or when a respondent has been accused, they need to ask: Was the behaviour unwelcome? Was the behaviour personally threatening, intimidating, demeaning, humiliating or embarrassing? Was it deliberate? Has the behaviour created a negative environment? Has it been a course of behaviour over time? Has the complainant let the respondent know the behaviour is unwelcome?

PROCEDURES IN MAKING A COMPLAINT:

- 1) A complainant retains the right to determine how to respond to perceived harassment or discrimination. The complainant may wish to speak directly to the person involved in the alleged harassment or discrimination (the respondent). The complainant may choose to do this alone or in the presence of another Staff Arts member, a director, a producer or a member of the Staff Arts Board.
- 2) If the complainant chooses to speak to the respondent, he/she should make a note of the conversation that took place. The complainant should tell the respondent calmly but firmly that the behaviour is unwelcome and must stop.
- 3) The complainant may wish to advise the respondent by written communication.
- 4) Alternatively or subsequently the complainant may file a complaint with the Chair, Vice-Chair or President of Staff Arts or, where appropriate, may raise the matter with the production producer or director, assistant director or musical director. In all such cases, the President, Chair or Vice-Chair should be made aware of the complaint and the actions being taken to address it.
- 5) The complaint may be verbal or in writing. If the complaint is made verbally, the person receiving the complaint will record the details provided by the complainant.
- 6) The complainant should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).
- 7) Complaints should be made as soon as possible but no later than within six months of the last incident of perceived harassment, unless there are circumstances that prevented the person from doing so.

- 8) If the complainant chooses to go through a third party (director, producer, Board member) the person receiving the complaint will tell the respondent, either in writing or in person, that a harassment complaint has been made. The letter or message will also provide details of the allegations that have been made against him or her. If the complaint is being made to a director or producer, he/she may request that the Chair, Vice-Chair or President address the person or persons involved.
- 9) Conversations on these matters or incidents may be better resolved if all parties meet and discuss the incident and consequences. However, the complainant retains the right to determine if he/she will participate in a conversation with the respondent or if he/she wishes the matter to be dealt with separately by the Board or by a director and/or producer.
- 10) Every effort will be made to resolve harassment complaints within one week. Both parties will be advised of the reasons why, if this is not possible.
- 11) If either party to a harassment or discrimination complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact the Chair, Vice-Chair or President.

ANONYMOUS OR CONFIDENTIAL COMPLAINTS:

A member of Staff Arts may seek the advice of a director, producer or member of the Board regarding perceived harassment or discrimination and how to respond to it.

- 1) Where such a report seems credible, the Staff Arts Board has a duty of inquiry. No action is not an option.
- 2) A Staff Arts stakeholder has a right to be informed as soon as practicable if a complaint has been made about him/her and the nature of the complaint.
- 3) If there is no request from the complainant that corrective action be taken, the complaint should not be used as a basis for any future action against the respondent. A record of the complaint however should be filed confidentially by the Chair of the Board.
 - Exceptions to the above: Further action may be taken by the Board, regardless of the request of the complainant, if there is a past history of similar behaviour by the respondent, or it is believed that the incident poisons the environment, or if there are concerns that the harassment if not addressed will be repeated, or if it is perceived that the respondent presents a threat to the company and its members. In such cases, the complainant will be advised that the matter will be pursued further and the reasons why.

RESPONSES TO A SUBSTANTIATED COMPLAINT:

- 1) If a harassment complaint is substantiated, the Executive of Staff Arts (Chair, Vice-Chair, President) will decide what action is appropriate.
- 2) Remedies for the person who was harassed may include an oral or written apology.
- 3) Corrective action for the person found to have engaged in harassment may include: a reprimand; a suspension from the production; removal from the production; suspension or removal from all Staff Arts productions.
- 4) Both parties to the complaint will be advised, in writing, of the decision and corrective actions, if any.

- 5) Other Redress: A Staff Arts member who is an employee of the TCDSB may file a complaint with the TCDSB Conflict Resolution Department or, in the case of an issue with a member of their federation, with their federation representative.
- 6) If either the complainant or the respondent are employees or stakeholders of the TCDSB, and if both parties are agreeable, they may request the assistance of the TCDSB Conflict Resolution Department in mediating the issue.
- 7) If the harassment may be seen to have an impact on the work relationship or performance or environment for either party, they may be referred to the Conflict Resolution Department of the TCDSB.
- 8) All parties have a right of access to the Ontario Human Rights Tribunal or others legal authorities.

RESPONSES TO A NON-SUBSTANTIATED COMPLAINT:

- 1) If a complaint made in good faith is not substantiated, both parties will be informed of the reasons for that decision and the matter will be closed.
- 2) If a complaint is found to have been made in bad faith, malicious, frivolous or vexatious, the complainant will be subject to corrective actions similar to those for a respondent in substantiated cases.

PRIVACY AND CONFIDENTIALITY:

- All parties to a harassment or discrimination complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.
- Any written records of complaints and responses will be filed by the Executive of Staff Arts. Such records will be retained in a dedicated and secure TCDSB Staff Arts filing drawer for the remainder of that current school year plus one school year.

ADDENDUM 1:

The Executive of Staff Arts and all Directors and Producers of Staff Arts productions will be expected to participate in an information and advisory session with the Coordinator of Conflict Resolution in the Human Resources Department of the TCDSB to examine appropriate responses to reports of Harassment and Sexual Harassment.

ADDENDUM 2:

All TCDSB Staff Arts production participants who are not employees of the TCDSB will be required to provide an up to date a Vulnerable Sector Screening Check to the Executive of the TCDSB Staff Arts for all productions which involve youth 16 years of age or under. Further information will be provided to applicable participants.