

POLICY AREA: Universal
SUBJECT: Harassment & Discrimination
POLICY NUMBER U.1

Date Approved: February 2020
Date Reviewed:
Date Revised:

1. RESPECTING YOU

Statement

Our success at the Palace Theatre Arts Commons (PTAC) hinges on our ability to draw upon the unique talents of each and every one of our stakeholders – volunteers, sponsors, artists, audience, board, staff, and members.

Fair and equitable treatment of others is everyone's responsibility. All are accountable for providing an organization free of harassment and discrimination and are expected to treat others as they would like to be treated. Likewise, PTAC will ensure all interactions result in the fair and equitable treatment of both current and prospective stakeholders.

Founding Principles

Each individual stakeholder endorses and practices respect for human rights in relationships with each other. The organization recognizes the right of individuals to equality of opportunity, based on their qualifications and interests, and is committed to providing an environment in which all people are treated with dignity and respect.

Each individual stakeholder supports the principles of, and complies with, all applicable human rights legislation. PTAC will not tolerate behaviour in any of its gatherings or workplaces that is contrary to applicable human rights legislation. Unlawful discrimination and harassment by any stakeholder is prohibited.

Complaints

To ensure an environment which values diversity is maintained, stakeholders who experience or witness any form of discrimination or harassment at PTAC commit to advising the person that the behaviour is unacceptable and request that they stop or alter their behaviour. PTAC does not tolerate discrimination or harassment, or reprisals against anyone who brings forward a discrimination or harassment concern.

Should harassment or discrimination be experienced at PTAC that is not resolved by addressing the individual directly, please refer to the "Steps to Address a Complaint of Harassment or Discrimination" in Appendix A of this policy.

Alleged retaliation or reprisals are subject to the same complaint procedures and discipline as complaints of discrimination and harassment. Complaints will be kept confidential with disclosure only occurring if deemed necessary to adequately resolve issues.

Complaints issued that are found to have been made in bad faith will be subject to disciplinary action up to and including dismissal.

2. PROHIBITED GROUNDS OF DISCRIMINATION AND HARASSMENT

PTAC is committed to maintaining an environment that is free from unlawful discrimination and harassment. The prohibited grounds of discrimination and harassment include those set out under Ontario's Human Rights Code and/or any other grounds protected by law.

For greater certainty, the Prohibited Grounds include:

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| a. Race | h. Sexual orientation |
| b. Nationality or place of origin | i. Physical or mental disability |
| c. Ethnic background or origin | j. Marital or family status or same sex partnership status |
| d. Religion or creed, or religious belief, association, or activity | k. Colour |
| e. Age | l. Ancestry |
| f. Sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy | m. Citizenship |
| g. Gender-determined characteristics or circumstances | n. Record of offences |
| | o. Source of income |
| | p. Political belief, association, or activity |

3. DISCRIMINATION POLICY

Definition:

Discrimination is differential treatment of an individual based upon their membership in a particular group (real or perceived), rather than on their personal merit. One form that discrimination may take is harassment.

Discrimination also includes the failure to reasonably accommodate the special needs of an individual or group whose special needs are based on any of the Prohibited Grounds - unless the accommodation would create an undue hardship for the organization.

The Board of Directors is committed to ensuring that PTAC is free from discrimination in all interactions and decisions, thereby ensuring equal opportunities for all stakeholders and contractors. This non-discrimination environment applies to all terms and conditions of stakeholder involvement.

4. HARASSMENT

Definition:

*"Engaging in a course of vexatious (unwanted) comment or conduct that is known or ought reasonably to be known to be unwelcome." **

**As defined in Ontario Human Rights Code*

For the purpose of this policy, harassment includes verbal, written, visual, or physical conduct that relates to any Prohibited Ground, where such conduct has the purpose or effect of unreasonably interfering with an individual's involvement with PTAC, creates an intimidating, hostile, offensive or poisoned environment, and/or otherwise adversely affects an individual's opportunities to participate.

PTAC will not knowingly permit, and will take all reasonable steps to terminate, any harassment occurring at its gatherings or in its venue or workplaces, or with any activity associated with the organization. It is the organization's responsibility to provide an environment free of harassment. Any stakeholder, regardless of position, who harasses other stakeholders, will be disciplined up to and including immediate termination of that person's connection and involvement with PTAC. The Harassment Report Board (HRB; see Appendix B), supported by the Board of Directors, will address any acts of harassment that occur.

The following list provides some examples of acts that may constitute harassment:

- a. Verbal or physical abuse or threats
- b. Offensive or derogatory remarks, jokes, innuendoes, or taunts about a person's body, beliefs, or background
- c. Displaying pornographic, racist, or offensive pictures
- d. Practical jokes that cause awkwardness or embarrassment
- e. Singling a person out for unduly harsh or abusive treatment
- f. Imitation or objectionable gestures
- g. Unnecessary physical contact
- h. Outright physical assault

Prohibited conduct may occur not only through personal contact, comments, visual displays or observation, but also through exposure to media such as e-mail, display of Internet sites or other material or information on computer monitors, or radio or television programs or other broadcasts containing sexually explicit, vulgar, profane or otherwise offensive language. Prohibited conduct includes sexual harassment as defined below.

Prohibited conduct may occur either on or off PTAC's event spaces and premises and either during work or non-working hours. Board members, members, volunteers or other stakeholders who engage in prohibited conduct will be subject to serious disciplinary action, up to and including immediate termination of involvement or employment, regardless of whether such conduct rises to the level of unlawful harassment or sexual harassment.

5. SEXUAL HARASSMENT

Definition:

Unwelcome advances, requests for sexual favours, and other verbal, written, visual or physical conduct of a sexual nature are prohibited. Such conduct also constitutes unlawful sexual harassment where:

- 1) *Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's involvement with PTAC in any manner; or*
- 2) *Submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting such individual's involvement or continued involvement; or*
- 3) *Such conduct has the purpose or effect of unreasonably interfering with an individual's involvement or creating an intimidating, hostile, offensive, or poisoned environment.*

Sexually harassing conduct may include conduct between persons of the same gender. Sexual harassment can take the form of verbal, written, visual, or physical conduct, and may include, among other things:

- a. Verbal: Sexually suggestive or obscene comments, jokes, slurs, or innuendo; persistent, unwanted flirtation or invitations for dates or other social activities; sexual advances or passes; comments consistently targeted at only one gender, even if the content is not sexual; teasing or other remarks directed toward a person because of his or her gender.

- b. Written: Sexually suggestive, derogatory, or obscene letters, notes, or invitations; sexually suggestive, derogatory or obscene e-mail communications.
- c. Visual: Sexually suggestive, derogatory or obscene gestures; displaying sexually oriented or derogatory pictures, posters, photographs, drawings, or cartoons; displaying sexually-oriented or derogatory material on computer monitors.
- d. Physical: Offensive touching; intentionally brushing against another's body; impeding or blocking another's freedom of movement.

Sexually harassing conduct may also occur either on or off PTAC event premises and either during work or non-working hours. Any stakeholders who engage in sexually harassing conduct will be subject to serious disciplinary action, up to and including immediate termination of involvement or employment for cause, regardless of whether such conduct rises to the level of unlawful harassment or sexual harassment.

6. PURPOSE AND INTENT

Palace Theatre Arts Commons' Policy and Procedures for resolving harassment and discrimination and discrimination complaints have been developed to:

- Create and maintain an environment free from harassment and discrimination;
- Prevent harassment and discrimination by and against volunteers, sponsors, artists, audience, Board, members and staff;
- Establish impartial, effective and confidential procedures to resolve concerns of harassment and discrimination; and
- Educate stakeholders about their responsibilities with respect to harassment and discrimination.

Policy adapted from: WJ Thompson & Associates (2011); Pillar Nonprofit Network Handbook

U.1 APPENDIX A

Steps to Address a Complaint of Harassment or Discrimination

1. The PTAC Harassment Report Board (defined in Appendix B) shall investigate all reports involving staff or volunteers and related to stakeholders that are submitted in writing.
2. If there is a conflict of interest for any member of the HRB, that member shall be recused from the investigation.
3. If the complainant chooses to remain anonymous the complaint cannot be publicly addressed.
4. Upon receipt of an attributed complaint, the HRB will confirm receipt to the complainant within two (2) business days and will, without undue delay, inform the respondent of the complaint in writing and commence an investigation.
5. The investigation may include interviews with the parties and/or witnesses and a review of emails and other written materials.
6. The HRB will then propose resolution to the involved parties. A record of the complaint and the result of the investigation will remain on the file of the complainant and respondent for a minimum period of three (3) years.
7. The decision as to whether or not to make a police report or to take other action will rest with the complainant.
8. The involved parties have the right of appeal regarding any actions involving themselves or to submit a complaint if they feel they are being treated unfairly, in violation of any applicable statute, or contrary to policy.
9. Any information received by the HRB will be treated with the strictest of confidentiality.

U.1 APPENDIX B

The PTAC Harassment Report Board (HRB) shall:

- 1) Be comprised of a minimum of four members
- 2) Include the Executive Producer as one member and the other members shall be appointed from the Board of Directors
- 3) Ensure gender diversity is represented by the appointed members
- 4) Be appointed by the Board annually at the Board meeting immediately following the AGM
- 5) Within sixty days of appointment refresh member training as a group either formally or informally using outside resources as determined by the HRB
- 6) Summary reports will be made at monthly meetings of the Board of Directors
- 7) The HRB will determine whether an incident is of such a serious nature that immediate reporting to the Board of Directors is required.