

ICHTHYS Theatre Productions
Policy on Harassment and Abuse
September 2008

Adopted by the Executive, September 9, 2008

Endorsed by the Board, November 1, 2008

ICHTHYS Theatre Productions

Policy on Harassment and Abuse
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ICHTHYS Theatre Productions (ICHTHYS) is fully committed to respecting and protecting the personal dignity and human rights of our volunteers, employees, participants and patrons. We are committed to providing a challenging and fulfilling environment for education, recreation, volunteering and employment. Harassment or abuse in any form is against everything we stand for and will not be tolerated.

APPLICATION

This policy applies to all members, directors, officers, employees, volunteers and participants of ICHTHYS. It applies to harassment that may occur during the course of all our business, activities and events.

DEFINITIONS

“CFS Act” means *The Child and Family Services Act*, a statute in the Province of Ontario.

“CHILD” means a person under the age of eighteen years.

“COMPLAINANT” means to any person who makes a complaint that he or she has experienced harassment or abuse.

“COMPLAINANT’S REPRESENTATIVE” means any person who acts on behalf of a complainant during an investigation and until the resolution of the complaint.

“EMPLOYEE” means any person receiving a salary or fee for service from ICHTHYS.

“HARASSMENT” means any comment or conduct, directed toward an individual or a group of individuals, that is insulting, intimidating, humiliating, malicious, degrading or offensive. Behaviours that constitute harassment include, but are not limited to:

- written or verbal abuse or threats, including by electronic media;
- the display of visual material that is offensive or that one ought to know is offensive;
- unwelcome remarks, jokes, comments, innuendo or taunting about a person’s looks, body, attire, age, race, religion, sex or sexual orientation;
- condescending, paternalistic or patronizing behaviour that is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- practical jokes that cause awkwardness or embarrassment, endanger a person’s safety or negatively affect performance;

- physical or sexual assault;
- Retaliation against an individual for having:
 - invoked this policy on behalf of oneself or other individuals; or,
 - participated or co-operated with any investigation under this policy; or,
 - been associated with a person who has invoked this policy or participated as a witness.

“ICHTHYS” means ICHTHYS Theatre Productions.

“PATRON” means any organization or any person, other than an employee or a volunteer, supporting ICHTHYS by attending performances or by providing financial or other material assistance.

“RACISM” is a form of harassment and includes, but is not limited to:

- offensive interpersonal behaviour such as name calling, derogatory remarks, gestures and physical attacks;
- racial bias in ICHTHYS decisions such as cast or crew selection, program access, and participation in activities and decisions related to productions, programs or other ICHTHYS activities;
- racial bias in administrative decisions, assignments, promotion, holidays, leave, salary increases;
- stereotyping language which universalizes experience and ignores the differences between people and cultures;
- discriminatory language which denotes a stereotyped view of a subject or which has offensive overtones.

“RESPONDENT” refers to any person against whom a complaint under this policy is made.

“SEXUAL ABUSE” means the use of one’s authority or power, either explicitly or implicitly, to coerce, threaten, force or persuade another person into sexual activities or to punish a person for his or her refusal to participate in sexual activities.

“SEXUAL HARASSMENT” means any unwelcome, unwarranted, unsolicited or offensive sexual conduct, sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature that is directed at a person or persons by one in a position of leadership, authority, or power when:

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- submitting to or rejecting this conduct is used as the basis for making decisions that affect the individual; or,
- such conduct has the purpose or effect of interfering with an individual's performance; or,
- such conduct creates an intimidating, hostile or offensive environment.

Sexual harassment may involve two or more persons of the opposite or of the same gender, and may describe a single incident or several incidents over a period of time.

Sexual harassment does not apply in a relationship of mutual consent or in the expression of affection between friends as long as one's behaviour is not imposed on another. However, it is stressed that where one person holds power over another, either in fact or perceived, a relationship of mutual consent may be impossible to achieve.

- sexual comments that are offensive;
- unwelcome jokes with sexual overtones;
- subtle innuendo or open taunting regarding perfections or imperfections about a person's body;
- unwelcome displays of sexually offensive material such as pictures, photographs, sexually manipulative objects or sexual desire stimulants;
- sexually offensive gestures or facial expressions;
- sexually humiliating, insulting or intimidating behaviour including, but not limited to, boundary or space intrusion to obtain sexual favours;
- unwelcome physical contact
- unwelcome sexual flirtations, advances, requests or invitations
- Unwelcome invitation, direct or in person, by mail or through any other form of communication to engage in behaviour of a sexual nature;
- Prolonged, sexually suggestive staring;
- Unwelcome pressure for dates;
- Indecent exposure.

"VOLUNTEER" means any person serving or representing ICHTHYS in any capacity without remuneration.

CONFIDENTIALITY

ICHTHYS recognizes that it can take courage for an individual to come forward with a complaint of harassment or abuse and that it can also be devastating to be wrongly accused of harassment or abuse. Confidentiality will be respected, except where the law demands otherwise, or where others are deemed to be at risk.

DUTY TO REPORT SUSPECTED ABUSE OR NEGLECT OF CHILDREN

The Child and Family Services Act, an Ontario statute, places a clear onus on **any person** who has reasonable grounds to suspect that a child is or may be in need of protection to report their suspicions directly to the children's aid society. The person must not rely on any other person to report on his or her behalf.

The duty to report imposed by the statute exists whether that person is an employee or a volunteer of ICHTHYS or merely a member of the public.

The duty to report applies not only to harm or the risk of harm that a child may suffer or has suffered while participating in ICHTHYS-related activities, but also to harm or risk of harm that arises outside of any involvement with our organization, including in the child's home. For example, any person who becomes aware of a pattern of suspicious injuries or bruises on a child's body and has reasonable grounds to suspect that they were caused by the child's parent, must personally make a report to the children's aid society.

The CFS Act recognizes that people who work closely with children are potentially more aware of signs of child abuse and neglect and therefore have a special responsibility to report these. Consequently, professionals, including youth and recreation workers, but not volunteers, whose normal work involves interaction with children, are guilty of an offence and liable on conviction to a fine of up to \$1,000 if they fail to report a suspicion that a child is or may be in need of protection, and where the information on which such suspicion was obtained in the course of their official duties.

PREVENTION

ICHTHYS shall be responsible to discourage abuse or harassment through a continuing program of education of volunteers, staff and persons in positions of authority. Where an activity leader or person of authority becomes aware of a situation of possible abuse or harassment, that person shall intervene and if necessary initiate the complaint procedure described below. Participants in our activities are encouraged to report any situations of harassment or abuse of which they become aware.

All employees, volunteers and participants shall review this harassment and abuse policy and agree in writing to abide the

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policy as a condition of employment or service. A signed Acknowledgment Form (Appendix: B) signifies that the person signing it has read and reviewed ICHTHYS's harassment and abuse policy, understands it, and agrees to abide by the conditions set out therein.

Corporate officers of ICHTHYS and activity leaders are responsible for discouraging harassment or abusive behaviours and for ensuring that all members, employees, volunteers and participants are aware of our policy concerning harassment and abuse.

COMPLAINT PROCEDURE

A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to ICHTHYS's policy.

If this is not possible, or if after confronting the harasser, the harassment continues, the complainant should make initial contact with a member of ICHTHYS's leadership team (i.e. President / Vice President, Administration / Vice President, Operations / Secretary / Treasurer / Artistic Director). If this is not possible, the complainant should consult any other Corporate director. Confidential contact information for all these individuals is posted on our website (www.ichthystheatre.ca).

All complaints of harassment or abuse shall be taken seriously and addressed promptly. A respondent shall be presumed innocent until proven guilty. **A complaint of actual or threatened violence or, pursuant to the CFS Act, a suspicion on reasonable grounds that abuse or neglect of a child has occurred or will occur shall be reported to civil authorities immediately.**

ICHTHYS may suspend our own investigative and disciplinary procedures pending completion of any criminal proceedings. Nothing must be done to interfere with a criminal investigation.

The ICHTHYS leader initially contacted by the complainant shall engage another neutral ICHTHYS leader as a co-referee in the matter. Together, they will serve in an unbiased capacity to receive the complaint and to assist in its resolution. If the complainant is a minor, the referees shall contact the child's parent or guardian.

The referees shall meet with the complainant to discuss the matter. Minors must be accompanied by their parent or guardian; complainants over 18 years may attend with a supportive companion.

The referees shall accurately document the complaint, by creating a record that includes

- the date the complaint was given
- the complainant's name

- the name of the person or persons against whom the complaint is made
- the date(s) of the harassment or abusive incident(s)
- the nature of the alleged harassment or abuse

This initial meeting has three possible outcomes:

- it may be determined by the referees that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;
- the complainant may decide to pursue an informal resolution of the complaint, in which case the referees will assist the two parties to negotiate an acceptable resolution of the complaint; or
- the complainant may decide to lodge a formal written complaint with one of the referees who shall advise the Board of Directors of ICHTHYS.

Formal complaints

Formal complaints of harassment or abuse shall be in writing and signed by the complainant, the alleged victim's representative or a third party. Complaints shall be recorded on ICHTHYS's "Formal Complaint Form" (Appendix A) and directed to the President of ICHTHYS unless the complaint involves that person in which case the complaint shall be directed to the Vice President, Administration, or to the Vice President, Operations, who shall advise the Board of the details of the complaint.

At the discretion of the Board, the respondent may be suspended from any or all involvement with ICHTHYS, pending the results of the investigation.

The Board shall appoint from outside ICHTHYS an independent reviewer with appropriate experience dealing with confidential inquiries to investigate the complaint thoroughly and with sensitivity.

The independent reviewer shall investigate in a timely manner and submit without undue delay a written report to the ICHTHYS Board of Directors. This report shall contain:

- a summary of the relevant facts;
- a determination as to whether the acts complained of constitute harassment as defined in this policy;
- a recommended disciplinary action against the respondent, if the acts are deemed to constitute harassment; and

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- recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.

The complainant and respondent shall each receive a copy of the investigation report and be invited to respond and to answer questions in person before a quorum of the Board. The Board will decide the issue by a majority vote of the Board members present.

To intentionally make a false complaint will be treated in itself as a form of harassment subject to this policy.

If after reviewing the investigation report and hearing evidence presented by the complainant and respondent, the Board determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, they may recommend disciplinary action against the complainant.

DISCIPLINE

When recommending appropriate disciplinary action, the investigator / panel shall consider factors such as:

- the nature and severity of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between the complainant and harasser;
- the age of the complainant;
- whether the respondent had been involved in previous harassment incidents;
- whether the respondent admits responsibility and expresses a willingness to change;
- whether the respondent retaliated against the complainant.

In recommending disciplinary sanctions, the investigator / panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:

- verbal apology;
- written apology;
- letter of reprimand from the organization;
- referral to counseling;

- removal of certain privileges of membership, employment or service;
- demotion or a pay cut;
- temporary suspension with or without pay;
- termination of employment or service;
- expulsion from membership.

Enforcement of the sanctions shall be the responsibility of the Board of Directors of ICHTHYS.

ALTERNATIVE COURSES OF ACTION

The decision to pursue an alternative course of action does not preclude the subsequent initiation of procedures governing discipline outlined elsewhere in this policy.

A complainant also may wish to pursue other courses of action such as:

- filing a complaint with the Ontario Human Rights Commission.
- reporting to the local police department for investigation under the provisions of the Criminal Code any complaints involving assault, intimidation, inappropriate phone calls or electronic messages, criminal harassment or other behaviour causing the complainant to fear for his or her safety.
- taking civil action against the person who caused the injury if mental or physical injury or property damage is deemed to have been suffered.
- employing a mediator for resolution if both parties agree and it is appropriate under the circumstances.

REVIEW AND APPROVAL

This policy was approved and adopted by the Board of Directors of ICHTHYS Theatre Productions on September 9, 2008.

This policy shall be reviewed by the ICHTHYS Board from time to time to ensure it remains current.

date complaint submitted _____

name of person accused _____

ICHTHYS leader receiving complaint _____

COMPLAINANT INFORMATION

name _____

address _____

phone _____ email _____

DETAILS OF COMPLAINT

Describe the incident(s) as accurately as possible. Include dates, times and places.

Continue on the back of this form, if necessary,

Name anyone who knows about or who may have witnessed the incidents. Include addresses and phone numbers, if known.

_____ complainant's
initials

If the complaint involves abuse or assault of a child under the age of eighteen, has this been reported to the civil authorities as required by law? Name the agencies and date(s) reported.

yes no

agency _____ date reported _____

staff name _____ reported by whom _____

agency _____ date reported _____

staff name _____ reported by whom _____

If the incident(s) is criminal in nature, has it been reported to the police?

yes no

police department _____ date reported _____

name of officer _____ reported by whom _____

If sexual abuse or sexual assault is involved, identify independent corroborating physical or medical evidence available.

Are you aware of any other incident(s) where the person accused has harassed or abused other people?

yes no

If so, please provide details.

_____ complainant's
initials

Is there any other relevant information regarding this complaint you wish to disclose that might be useful?

DECLARATION OF UNDERSTANDING AND INTENT

Were you given a copy of ICHTHYS’s Policy on Harassment and Abuse?

yes no

Have you reviewed the procedures for complaint investigations and discipline that are described in ICHTHYS’s Policy on Harassment and Abuse?

yes no

Do you understand the procedure for investigation and discipline which will follow from your complaint?

yes no

I hereby certify that all the statements contained in this complaint are true to the best of my knowledge and belief.

Signature _____

If complainant is under 18 this must be signed by a parent or legal guardian.

- By signing this form, you are indicating that:
- it is your intent to pursue this complaint, and
 - you give your express consent to ICHTHYS and our duly authorized representatives to proceed with an investigation and to seek a resolution of this complaint according to our Policy on Harassment and Abuse.

_____ complainant's initials

[APPENDIX B]

ACKNOWLEDGMENT FORM
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Name (please print) _____

(initial) _____ I have been given a copy of ICHTHYS's Policy on Harassment and Abuse.

(initial) _____ I understand the contents of this policy.

(initial) _____ I understand that I must comply with this policy to be employed by or to serve in any voluntary capacity with ICHTHYS Theatre Productions.

If you cannot check off any of the above statements, or if you have questions about this, please contact ICHTHYS Artistic Director / Vice President, Administration before signing the document.

This form is to be completed and returned to ICHTHYS Artistic Director / Vice President and will be retained in your confidential personnel file.

(Signature)

If participant is under 18 this must be signed by a parent or legal guardian

(Date)