



DISCRIMINATION & HARASSMENT POLICY

1. Introduction

The South Simcoe Theatre (SST) is committed to maintaining a safe and respectful environment, that protects the dignity and self esteem of all persons involved with SST. The SST will promote equal access to opportunities, both on-stage or off-stage, and seeks to represent the diversity of the community in all aspects of its programming.

The *Ontario Human Rights Code* further protects individuals from harassment and other forms of discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, age, record of offences (for which a pardon has been granted), marital status, family status (being in a parent-child relationship), or mental or physical handicap.

2. Policy

Those involved in any aspect of an SST production are entitled to interact in an environment that is free of discrimination and harassment. Individuals and groups involved in any aspect of an SST production are expected to conduct themselves in a way that ensures an environment free of discrimination and harassment. Any actions that might, on reasonable grounds, be perceived by another to be discriminatory or harassing, and is brought forward to the SST as a complaint, will be reviewed and addressed appropriately and in a timely fashion. Discrimination and harassment are serious matters and will not be tolerated.

3. What Does “Harassment” Look Like?

Under the *Ontario Human Rights Code* “harassment” is defined as engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. This includes any behaviour which is offensive, embarrassing and humiliating and which denies individuals the dignity and the respect to which they are entitled. Harassment includes engaging in a course of unwelcome verbal, visual or physical conduct where the person engaging in the conduct knows or ought reasonably to know that such conduct is offensive to or considered unwelcome by the person to whom it is made. Such conduct may include verbal or practical jokes, insults, threats, personal comments, innuendo, unwelcome sexual contact, comments or propositions. It may take the form of posters, pictures or graffiti. It may involve touching, stroking, pushing, pinching or any unwelcome physical contact.

Offensive posturing, such as a condescending attitude or tone that undermines self-respect, leering or similar gestures, can all constitute harassment. A person does not need to have been touched or threatened to have been harassed. Any behaviour that insults or intimidates is harassment if a reasonable person should have known that the behaviour was unwelcome.

Harassment may be a single incident or a series of incidents that continues over a period of time.

4. Process for Filing a Complaint

Individuals are encouraged to report any situation involving harassment or discrimination and to seek assistance by following the steps outlined below.

When an individual involved in any aspect of programming under the auspices of the SST feels that they are the subject of harassment or discrimination, they should consider the following steps:

1. Make it known to the harasser that the conduct is unwelcome or offensive.
2. Ensure that the message is clear and unambiguous.
3. Make notes regarding what happened, who was involved, the date, specific words and phrases and who may have witnessed the incident.
4. Report the incident(s) directly to the stage manager, director, producer, or a board member.
5. A complaint may also be filed directly with the Human Rights Commission. According to the *Ontario Human Rights Code*, complaints to the Commission must be filed within six months from the date the last alleged act of discrimination occurred.

When an individual with a complaint of harassment approaches the stage manager, director, producer or member of the board, the person approached will immediately communicate the complaint to the board of directors so that an appropriate course of action may be determined.

If others involved in any aspect of SST programming observes harassing or discriminatory behaviour, even if it is not directed at them, they are encouraged to report the behaviour to the stage manager, director, producer or a member of the board.

5. Procedure for Investigating a Complaint

Once notified of a complaint, a special meeting of the Board constituting quorum will be convened to discuss the complaint and appoint an investigator from within the board to conduct a prompt and confidential investigation. The initial Board meeting should be scheduled within 3 business days of the receipt of the complaint, and confidential minutes must be kept. All meetings and investigations should take place in person where possible, however virtual meetings are acceptable if this is not possible.

The investigation will include, at minimum, the following:

1. The investigator will provide a copy this Policy and will review same with the complainant, the accused and any witnesses, to ensure that the process is understood by all parties. In particular the section on confidentiality should be reviewed. These individuals will also be advised that they should bring a support person to their meeting with the investigator.
2. The investigator will meet with the complainant and their support person, and will review all aspects of the allegations. Any witnesses to the alleged harassment or persons who can add pertinent information to the investigation should be identified during this initial meeting.
3. The investigator will interview the individual(s) accused of harassment with their support person to obtain their description of the incident(s) and other relevant information.

4. The investigator will interview any other relevant person(s) with their support person, to obtain their description of the incident(s) and other relevant information. All those named in 2, 3, and 4 above will be interviewed separately and will be instructed to keep confidential any information discussed.
5. The investigator may, at their discretion, approach the Board to request the assistance of legal counsel or such other external expertise as they consider necessary.
6. When the investigation is complete, the investigator will review the findings with the Board.
7. Any notes, reports, records and all information gathered during the investigation will be treated as confidential, with disclosure limited to only those with a need to know.
8. If it is determined that a criminal offence may have been committed, the appropriate public authorities will be advised.

The investigator will attempt to complete the investigation within two (2) weeks from the time the investigator is appointed. If it is not possible to complete the process within this time frame, the Board and the subjects interviewed will be notified of a revised timeline.

6. Conclusion of Investigation

If the investigation confirms that harassment or discrimination has occurred, disciplinary action will be taken. Such action may include: a formal apology, a formal reprimand, reassignment, or dismissal.

If the allegations of harassment cannot be verified, the person accused will be so advised. In all instances, the investigator will meet with the complainant, to advise that the investigation has been completed, what conclusions were reached and whether any action has been taken. However, the complainant may not be told the specifics of any disciplinary action.

There will be no reprisals, threat of reprisals or other negative consequences for any individual who, in good faith, complains of, reports or participates in the investigation of any incidence of alleged harassment. Retaliation will not be tolerated. However, an individual who is found to have made trivial, frivolous or bad faith allegations of harassment may face disciplinary action.

Where discipline is imposed on the harasser, it will be documented and kept in a confidential and secure file by the SST on the theatre property. Files on harassment complaints which do not lead to disciplinary action will also be maintained by the SST on the theatre property, in a confidential and secure file.

7. Confidentiality

Confidentiality is important, but cannot always be guaranteed. In certain circumstances, particularly where significant risk to other individuals within a production or environment may exist, the SST may have to disclose information for the investigation to proceed, even if the complainant does not want to be identified. Because of the potential impact on the complainant, great care and sensitivity will be exercised before a decision to disclose is made and even then, disclosure will be limited to the greatest extent reasonably possible. The rights and privacy of an individual accused of harassment or discrimination must be similarly protected to the extent possible, particularly until an investigation is complete. The SST may also be required to disclose the findings

of its investigation to the Ontario Human Rights Commission, or in the course of civil proceedings pursuant to a summons or as evidence during trial. Therefore, the keeping of accurate records of an investigation and its outcome is extremely important.

8. Conclusion

Every individual involved in programming at SST will be directed to this Policy, the most current version of which will be maintained on the SST website. An abbreviated policy statement is also in the SST Guidebook. When an individual completes the membership form and pays their annual fees, it signifies that they have read the Guidebook and agree to abide by the policies and guidelines of the SST, including the Policy on Harassment and Discrimination. An electronic or paper copy of the Policy must be provided to interested parties upon request.

References:

- The *Ontario Human Rights Code* <https://www.ohrc.on.ca/en/ontario-human-rights-code> (Last Accessed: June 18, 2024)
- Theatre by the Bay Harassment Policy (Last Accessed: November 28, 2020)
- Theatre Aurora Respectful Space Policy (Last Accessed: December 1, 2020)