

ARRAYMUSIC ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND COMPLAINTS PROCEDURE

1. Commitment to Inclusion and Non-Discrimination

As a core value, Arraymusic (Array) is committed to providing an employment and creative space that is inclusive, respectful and free from discrimination or harassment, including sexual harassment.

2. Purpose of the Policy

This policy is intended to

- ensure that everyone involved in Array programs is aware that discrimination and harassment are unacceptable practices and will not be tolerated,
- ensure that Array is in compliance with its obligations under the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*.
- provide a fair and effective procedure for bringing complaints of discrimination or harassment to the attention of Array management so complaints can be addressed promptly and fairly.

3. Application

This policy and complaints procedure apply to directors, staff and volunteers of Array, to renters of the Array Space and to performers, composers, mentors, lecturers, audience members and participants at Arraymusic rehearsals, workshops, events or co-productions.

Complaints relating to workplace personal or non-*Code* harassment can only be brought by Array staff, volunteers or performers.

4. Responsibilities and Expectations

Everyone involved in Array activities is expected to uphold and abide by this policy by promoting inclusion, refraining from any form of harassment or discrimination and by cooperating fully in any investigation of a harassment or discrimination complaint.

The General Manager has primary responsibility for administering this policy and ensuring that it is amended as required. In the event that the General Manager is

personally involved in a complaint under this policy, the Chair of the Board or his/her delegate will assume the General Manager's responsibility.

The Artistic Director, General Manager and Board of Directors have added responsibility for ensuring that Array's policies and practices further this policy and that potential complaints are addressed promptly.

This policy will be reviewed annually by Array and amended as required to achieve its objective of providing a safe, respectful and non-discriminatory employment and creative space.

5. Definition of Discrimination & Harassment

Discrimination means any form of unequal or negative treatment based on a ground protected by the *Ontario Human Rights Code* (sex, sexual orientation, gender identity, gender expression, family status, marital status, disability, race, ancestry, place of origin, ethnic origin, citizenship, colour, record of offences, association or relationship with a person identified by one of the above grounds).

Code-based Harassment is a specific form of discrimination under the *Ontario Human Rights Code* and is defined by a course of comments or actions that are known or ought reasonably to be known to be unwelcome (offensive, embarrassing, humiliating, demeaning or unwelcome) based on any of the above grounds of discrimination and includes sexual harassment.

Sexual Harassment is a form of sex discrimination that is prohibited by the *Ontario Human Rights Code* and also by the *Occupational Health and Safety Act*. It includes negative comment or conduct related to sex/sexual orientation/gender identity/gender expression. It also includes sexual solicitation or advances; particularly where the person making the advance is in a position to confer or deny a benefit and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Personal or Non-Code Harassment is improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. Workplace harassment includes, but is not limited to: offensive comments or jokes, bullying or aggressive behaviour.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

6. Communication

The existence of this policy should be clearly communicated to employees, volunteers, composers, mentors, lecturers, performers, workshop participants and renters so that they are aware of their rights and obligations under the policy.

Employees and volunteers will receive a copy of the policy or be given electronic access and sign an acknowledgement of their responsibilities which acknowledgement will be kept on file with their personnel records.

Renters should be directed to the policy as part of the booking process and should be required to acknowledge that they have read the policy and understand that they must abide by it as a condition of the rental.

A sign advising of the existence of the policy and the complaints procedure will be posted in a prominent location in the entrance to the Array Space and offices.

The Policy will be posted on the Arraymusic website.

7. Complaints Procedure

a) Direct action encouraged

Where possible and appropriate, the person who has experienced or witnessed behaviour that would violate this policy is encouraged to inform the person that his/her behaviour is unwelcome.

b) Right to Complain

Where direct personal action is not appropriate or where there is no resolution, the person who has experienced or witnessed discrimination or harassment contrary to this Policy can make a complaint. There will be no reprisal and no negative consequences for complaints made in good faith or for participating in an investigation.

Where someone who has not directly experienced or witnessed behaviour but has been informed about behaviour that could be a breach of this policy, that person can bring the concern to the attention of the General Manager. When such a concern has been communicated, the General Manager will attempt to verify the factual basis of the concern and, if verified, to encourage the potential complainant to make a written complaint. Further steps will be taken, only where the potential complainant agrees to disclosure of her/his identity and the specifics of the complaint. Where the behaviour of concern involves the General Manager, the concern should be communicated to the Chair of the Array Board.

c) Complaints must be in writing

Complaints must be made in writing to the Array General Manager, unless the complaint involves the General Manager, in which case the written complaint should be directed to the Chair of the Array Board. If the complaint involves the Chair of the Board, the complaint should be directed to the Secretary of the Board.

Complaints should be made as soon as possible. If the complaint is delayed beyond three months, the complaint should explain the reason for the delay in reporting the incident(s).

Written complaints should include a concise description of the timing and nature of any alleged incident(s) of discrimination or harassment, information as to any witnesses, and should indicate the response or resolution that is being sought. The complaint should be signed and dated.

If, because of language or literacy issues, a complainant is unable to prepare a written complaint, assistance from Array in drafting the complaint will be provided.

d) Investigation

The investigation will be normally be carried out by the General Manager, who may, at her/his discretion request assistance from the Chair of the Board.

Where the investigation involves a complaint by or against the General Manager, it will be carried out by the Chair of the Board, or by his/her delegate. In the event that there is a complaint against the Chair of the Board, the remaining Board members will, in their discretion, appoint an internal or external investigator.

Within five working days of receiving a complaint the investigator, as determined above, will initiate the investigation process. Where the General Manager is the investigator, s/ he will at the same time, inform the Chair of the Board that a complaint has been filed.

As soon as possible after receiving the written complaint, the investigator will notify any individuals named in the complaint (the respondent(s)). All respondents have a right to receive a copy of the written complaint and to provide a written reply to the allegations against them.

The investigator will investigate the allegations by interviewing the complainant(s), the respondent(s) and any witnesses.

e) Mediation

With the consent of the complainant(s) and the respondent(s) the investigator may attempt to mediate a settlement of the complaint at any point during the investigation.

e) Findings and Recommendations

Once the investigation is complete, the investigator will prepare a written report summarizing the findings and including, if warranted, recommendations for any remedial or corrective action. Where possible, every effort will be made to identify a resolution that is satisfactory to the complainant(s) and respondent(s)

In some cases, the investigator will need to refer intended remedial action to the Board of Directors for approval.

Both the complainant(s) and the respondent have the right to review and comment on the investigation findings with the investigator and the Chair of the Board or his/her delegate before the findings and any remedial action are finalized.

d) Confidentiality

Except to the extent necessary to carry out the investigation or as otherwise required by law, Array will treat an investigation under this policy with confidence. It is expected that individuals involved in a complaint investigation will ensure that the matter remains confidential.

e) Complaints before the Ontario Human Rights Tribunal

The Array internal procedure is available to individuals to resolve complaints of discrimination or harassment in violation of this policy. Nothing in this Policy or Complaints Procedure prevents an individual who has alleged a violation under the *Ontario Human Rights Code* violation pursuing a complaint to the Ontario Human Rights Tribunal (OHRT). However, once a complaint is filed with the OHRT, any investigation or mediation process under this policy will be discontinued.