



## **Policy Prohibiting Discrimination, Harassment and Sexual Violence**

### **1. Policy Application**

This policy applies to all management, employees, contractors, board members, volunteers, visitors, program participants, students, fellows and hosts who are engaged with Toronto Summer Music (the “TSM Community”). The policy also applies to any member of the public or other visitor to TSM premises or events presented and/or sponsored by TSM.

TSM adopted this policy to promote a climate of understanding and respect and to ensure ethical and respectful practices that incorporate equitable treatment for all members of the TSM Community and members of the public or visitors who interact with TSM.

TSM will not tolerate, ignore, or condone any form of discrimination, harassment or sexual violence and is committed to promoting appropriate standards of conduct at all times. All members of the TSM Community are responsible for respecting the dignity and rights of other members of the TSM Community and members of the public or other visitors with whom they interact.

This policy prohibits sexual violence, as well as discrimination and harassment based on any ground protected by the human rights laws in Ontario, including but not limited to: race, ancestry, place of origin, colour, religion, sex, sexual orientation, age, marital status, family status and disability. Discrimination, harassment and sexual violence are serious forms of misconduct which may result in disciplinary action up to and including discharge from employment or engagement and/or exclusion from events or programs.

### **2. The Scope**

The policy applies to complaints of discrimination, harassment or sexual violence that occurred at TSM premises or at a TSM event or function. This policy applies not only during work or teaching, rehearsal or performance hours but also to any activities on or off TSM premises which could reasonably be associated with TSM (e.g., performances, events and billeting).

### **3. Purpose and Intent**

All members of the TSM Community and members of the public or other visitors engaged with TSM have a right to an environment free of discrimination, harassment and sexual violence. This document sets out TSM's policy on discrimination, harassment and sexual violence, defines prohibited behaviours, and outlines reporting and investigative processes.

Nothing in this policy prevents a person from exercising her or his rights under any applicable legislation or to pursue any other legal avenues that may be available to her or him.

#### **4. Policy Objectives**

TSM is committed to providing an environment in which all individuals are treated with respect and dignity. TSM is committed to the prevention of discrimination, harassment and sexual violence from all sources and the maintenance of health and safety for all those engaged with TSM. Discrimination, harassment and sexual violence will not be tolerated from any person in the TSM Community or from members of the public or other visitors who interact with the TSM Community.

To that end, TSM will provide a copy of this policy to all members of the TSM Community (and any member of the public or other visitor who makes a request).

When a complaint has been made under this policy, TSM will take all reasonable steps to respond, investigate, and remedy the situation including:

- a. Determining whether the incident should be referred immediately to the police;
- b. Responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- c. Assisting people who have experienced sexual violence in obtaining counselling and medical care;
- d. Providing people who have experienced discrimination, harassment or sexual violence with information about reporting options.

#### **5. Definition of Harassment and Discrimination**

“Harassment” for the purposes of this policy means engaging in a course of vexatious comment or conduct against an individual that is known or ought reasonably to be known to be unwelcome. Harassment and discrimination can take many forms, examples of which include:

- a. Making disparaging comments or using offensive slang or other expressions that denigrate or debase a person or which are based on a personal characteristic or belief listed in the applicable provincial human rights laws;
- b. Making slurs, jokes, or insults in the workplace related to a person’s race, religion, colour, etc., or related to an employee’s manner of dress or other religious observances;
- c. Displaying or circulating cartoons or other demeaning depictions about a particular ethnic group;
- d. Treating a person in a different manner because of that person’s race, religion, disability or other protected characteristic;
- e. Making negative comments related to an employer’s accommodation of religious observances; or
- f. The conduct described in section 6 below.

## **6. Definition of Sexual Harassment**

Sexual harassment is a particular form of harassment based on sex, includes gender-based harassment. References to “harassment” in this policy, include sexual harassment, unless otherwise noted. Sexual harassment may include:

- a. Any derogatory comment or conduct of a sexual nature that is unwelcome;
- b. Offensive jokes or comments of a sexual nature;
- c. Displaying of pornographic or sexist pictures or materials, including online;
- d. Suggestive or offensive remarks;
- e. Unwelcome language related to gender;
- f. Remarks, jokes, innuendos, propositions, or taunting about a person’s body, attire, sex, or sexual orientation;
- g. Leering or inappropriate staring;
- h. Bragging about sexual prowess;
- i. Physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and
- j. Sexual solicitation or advances made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

## **7. Definition of Sexual Violence**

Sexual Violence may include:

- a. Sexual assault which is any type of sexual contact or behaviour that is unwanted, forced, coerced or threatened, that violates an individual’s sexual integrity, from unwanted touching above or under clothes to penetration;
- b. Any sexual act or behaviour that targets a person’s sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, without the person’s consent;
- c. Any type of sexual contact with someone who cannot consent, such as someone who is underage, has an intellectual disability, or is passed out;
- d. Voyeurism or peeping (when someone watches private sexual acts without consent or watches someone who is dressing or undressing);
- e. Exhibitionism (when someone exposes himself or herself in public);
- f. Forcing someone to pose for sexual pictures; and

- g. Stalking, cyber bullying, and sexual exploitation.

## **8. Responding to Occurring or Imminent Sexual Violence**

If you are at risk of being a victim of sexual violence, remain calm, try to withdraw from the violent individual and seek an immediate safe location, and call for help. If you see a person at risk:

- a. **Call 911 for emergency situations.** Policy or emergency responders will assist immediately.
- b. Call the Executive Director (647-430-5699) or contact the Chair of the Board of Directors as soon as reasonably possible.

## **9. Reporting Harassment and Sexual Violence**

In order to prevent or reduce discrimination, harassment and sexual violence, members of the TSM Community are expected to report immediately if anyone, has been subject to, has witnessed, or has knowledge of discrimination, harassment or sexual violence involving any member of the TSM Community.

However, a member of the TSM Community who is a victim may choose not to request an investigation by TSM and has the right not to participate in any investigation that may occur.

All members of the TSM Community may report incidents or make complaints to TSM's Executive Director or the Chair of the Board of Directors. If the person reporting requires, for good reason, an alternate channel of access, the person may report to any member of the TSM Board.

TSM's Board of Directors delegates to the Executive Director the responsibility of the preliminary management of complaints of discrimination, harassment and sexual violence. The Executive Director will provide a report to the Board on formal complaints received under this policy in order to give Board of Directors oversight.

In cases of discrimination and harassment, victims are encouraged to address the incident with the offending individual, either in person or in writing, by telling him or her that his or her actions or words are not welcome and asking him or her to stop. If the discrimination or harassment persists, or if the victim does not feel comfortable addressing the alleged harasser directly, then the victim should reported the alleged harassment to TSM.

## **10. Confidentiality**

TSM will take steps to treat information in reports and complaints of discrimination, harassment and sexual violence in a reasonably confidential manner. Limiting the number of people involved in the investigation is intended to protect confidentiality.

However, disclosure of such information by TSM may occur where appropriate to the purposes of this policy, in any related legal proceeding, or as required by law. Disclosure may also be required in circumstances when TSM believes an individual is at imminent risk of self-harm, or of harming another, or that others on the TSM Community or in the broader community are at risk.

TSM recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, TSM may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent, if it believes the safety of members of the TSM Community or the broader community is at risk.

**11. Investigating Reports of Discrimination, Harassment and Sexual Violence – Informal**

A complaint of harassment or sexual violence may be made by any member of the TSM Community to the TSM designates identified in #9 above, that is, the Executive Director or the Chair of the Board of Directors.

If the victim reporting the alleged incident consents, TSM may respond in an informal manner to resolve the issue. Such informal procedures may include TSM:

- a. Facilitating a meeting between the complainant and the respondent to address and resolve the issue;
- b. Communicating with the respondent on behalf of the complainant; or
- c. Appointing a mediator and attempting to resolve the issue through mediation, provided both the complainant and the respondent consent to mediation.

**12. Investigating Reports of Discrimination, Harassment and Sexual Violence – Formal**

A complaint of discrimination, harassment or sexual violence may be made in writing, with details of the alleged incident, by any member of the TSM Community to the Executive Director or the Chair of the Board of Directors.

Upon receiving a complaint of alleged harassment or sexual violence, TSM will initiate an investigation, including as follows:

- a. Determining whether the incident should be referred immediately to the police;
- b. Determining what interim measures, if any, need to be taken during the investigation;
- c. Meeting with the complainant to determine the date and time of the incident, the persons involved, the names of any person who witnessed the incident, and a complete description of what occurred;
- d. Interviewing the complainant, any person involved in the incident, and any identified witnesses;
- e. Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- f. Informing the respondent of the complaint, providing details of the allegations, and giving the respondent an opportunity to respond to those allegations;

- g. Providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- h. Determining what disciplinary action, if any, should be taken.

A complainant may ask another person to be present with him or her at each stage of the investigation.

Interim measures during an investigation could include re-assignments and leaves of absence or suspensions.

The investigation may be undertaken by the Executive Director or the Chair of the Board of Directors to whom such authority is delegated by the Board of Directors of TSM. When appropriate, an external investigator may be engaged.

### **13. Disciplinary Measures**

If it is determined by TSM that a member of the TSM Community has been involved in discrimination, harassment or sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment, termination of volunteer status, or expulsion of a program participant.

In cases where criminal proceedings are initiated, TSM will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence, TSM may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

### **14. Making False Statements**

It is a violation of the policy for anyone to knowingly make a false complaint of discrimination, harassment or violence or to provide false information about a complaint. Individuals who violate this policy are subject to disciplinary and/or corrective action, up to and including termination of employment, termination of volunteer status, or expulsion from programs or events.

### **15. No Retaliation**

Any member of the TSM Community, acting in good faith, may make a report or file a complaint under this policy without retaliation or threat of retaliation. Retaliation against a person who makes a report, files a complaint, participates in an investigation, or exercises any right under this policy will not be tolerated and will be treated as harassment against the individual.

**16. Resources**

Appendix 1 lists treatment and counselling centre in cases of sexual assault. Appendix 1 may be subject to revisions/updates without requiring that the full Policy Prohibiting Discrimination, Harassment and Sexual Violence be approved again by the Board of Directors.

**17. Acknowledgement**

This policy has been approved by the Board of Directors of Toronto Summer Music.

Approval Date:

Review Date:

CHAIR, Board of Directors (Signature)

## Appendix 1 – Resources

### Network of Treatment, Counselling and Support Centres

#### **Ontario Network of Sexual Assault/Domestic Violence Treatment Centres**

[www.sadvtreatmentcentres.ca](http://www.sadvtreatmentcentres.ca)

416-323-7327

#### **Oasis Centre des Femmes**

[www.oasisfemmes.org/](http://www.oasisfemmes.org/)

416-591-6565

Courriel : [services@oasisfemmes.org](mailto:services@oasisfemmes.org)

#### **Toronto Rape Crisis Centre: Multicultural Women Against Rape**

[www.trccmwar.ca](http://www.trccmwar.ca)

Crisis: 416-597-8808

Office: 416-597-1171

[crisis@trccmwar.ca](mailto:crisis@trccmwar.ca)

#### **Assaulted Women's Helpline**

[www.awhl.org](http://www.awhl.org)

GTA 416-863-0511

GTA TTY 416-364-8762

TOLL-FREE 1-866-863-0511

Text #SAFE (#7233) on your Bell, Rogers, Fido or Telus mobile phone

#### **FEM'AID E**

[www.femaide.ca](http://www.femaide.ca) (services in French through Ontario)

1-877-336-2433

1-866-860-7082 (ATS)

#### **The Men/Trans Clinic and Women/Trans Clinic**

66 Gerrard Street East · 2nd Floor

Clinic phone: 416 · 922 · 0566

Clinic fax: 416 · 922 · 2018

#### **Support Services for Male Survivors of Sexual Abuse**

[https://www.attorneygeneral.jus.gov.on.ca/english/ovss/male\\_support\\_services/](https://www.attorneygeneral.jus.gov.on.ca/english/ovss/male_support_services/)

Includes a 24-hour, multilingual, toll-free phone line for immediate crisis and referral services at [1-866-887-0015](tel:1-866-887-0015).



## **Hospitals**

### **Women's College Hospital – Mobile Team**

Women's College Hospital Sexual Assault/Domestic Violence Care Centre

Location and contact information: [www.womenscollegethospita.ca/programs-and-services/sexual-assault-domestic-violence-care-centre](http://www.womenscollegethospita.ca/programs-and-services/sexual-assault-domestic-violence-care-centre)

76 Grenville Street, Main Floor, Toronto

Located on the Ground Floor in the Acute Ambulatory Care Unit (AACU)

416-323-6040

Mt. Sinai Hospital (Emergency Room) – Mobile Team

600 University Avenue, Toronto

416-596-4200