

**POLICY FOR RESPECTFUL CCO SPACES**

GENERAL STATEMENT

Counterpoint Community Orchestra (CCO) has a special commitment to providing spaces to rehearse and perform that are safe, respectful, inclusive and diverse, with a strong emphasis for doing so for those in the 2SLGBTQIA+ community.

Everyone has the right to be treated with safety, dignity and respect when engaging in any CCO activities. We are all responsible for treating each other with respect and dignity, and each of us bears a responsibility to look out for each other. We should always consider both the impact and the intent of our behaviour – they don’t always match up.

This Policy asserts our commitment to providing and maintaining environments for CCO activities that foster a positive experience and are free from harassment, discrimination, and other forms of inappropriate behaviour. Inappropriate behaviour will not be tolerated.

Everyone has the right to speak up about inappropriate behavior. We will provide support for those who have experienced, witnessed, or been harmed through inappropriate behaviour. We will take prompt action to investigate allegations of unprofessional conduct and address inappropriate behavior.

We are also committed to providing environments that are physically safe. In addition to the conditions described in this Policy, the CCO has obligations under the *Ontario Human Rights Code* and the *Occupational Health and Safety Act.* We will be guided by the obligations in that legislation.

WHO IS COVERED BY THIS POLICY?

The protections, provisions and support resources under this Policy apply to everyone when engaged in CCO activities, including CCO members, Directors, contractors (such as the Music Director, the Concertmaster, and others engaged from time to time, such as musicians hired for concerts), and volunteers. It can be invoked where a third party exhibits inappropriate behaviour toward a participant in a CCO activity, such as an employee of a concert vcnue.

WHERE DOES THIS POLICY APPLY?

This Policy applies to all spaces – in person, or on digital platforms – where CCO activities are held. This includes but is not limited to rehearsal and performance venues, locations for CCO meetings or other activities, such as a fundraising or publicity events, as well as social or other activities related to the CCO .

DEFINITIONS OF INAPPROPRIATE BEHAVIOUR

The following is a list of behaviour that would be inappropriate under this Policy, and/or the legislation that governs the CCO:

**Abuse of Position of Power or Perceived Position of Power**

Abuse of position of power or perceived position of power means using one’s formal or informal position of authority in an abusive way. This could include manipulating or coercing another person, with the ability (or perceived ability) to punish them or undermine their performance if they do not comply.

**Bullying**

**B**ullying is a common form of harassment based on power imbalance, where an individual or group with privilege or power intentionally intimidates or causes offence or harm to another person or group.

**Discrimination**

Discrimination is any form of unequal treatment based on a protected ground named in the *Ontario Human Rights Code*\*, identity, or membership, in a group. It may involve direct actions that are discriminatory, or it may involve rules, practices or procedures that disadvantage certain groups.

(\*in Ontario the protected grounds are age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, sex (including pregnancy and breastfeeding, sexual orientation.)

**Harassment**

Harassment is engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. This includes comment or conduct that:

1. causes humiliation, offence or embarrassment;
2. has the purpose or effect of unreasonably interfering with a person’s participating in a CCO activity; or
3. creates an intimidating, humiliating, hostile or offensive work environment.

Ordinarily, repeated comment or conduct is required to demonstrate harassment, however a single act of sufficient severity may also constitute harassment. A person does not have to be the direct target of harassing behaviour to be adversely affected by it.

**Racial or Cultural Discrimination**

Racial or cultural discrimination is any behaviour, intentional or not, that has the effect of singling out, diminishing, or offending persons based on their racialized identity or membership in a cultural group, imposing burdens on them and not on others, or withholding or limiting access to benefits available to others.

**Reprisal**

Reprisal is any action or threat that can reasonably be interpreted as retaliation or punishment for:

i. reporting, addressing, or speaking up about inappropriate behaviour in a CCO environment;

ii. participating in an investigation or legal proceeding relating to the above;

iii. exercising any right as a CCO member, including the right to seek the assistance of a third party to deal with a problem in a CCO environment;

iv.reprisal also includes any action or threat designed to dissuade someone from taking any steps to deal with a workplace problem.

**Sexual Harassment**

Sexual harassment is harassment of a sexual nature where the behaviour is known, or ought reasonably to be known, to be unwelcome, including but not limited to:

i. engaging in a course of vexatious comment or conduct related to a person’s sex,

sexual orientation, gender identity or gender expression; or

ii. making a sexual solicitation or advance from a position of power, where the

person being propositioned could reasonably infer that their response will have

repercussions of benefit or disadvantage.

Ordinarily, repeated comment or conduct is required to demonstrate harassment, however single acts of sufficient severity may also constitute sexual harassment.

**Unprofessional Conduct**

Unprofessional conduct is behaviour in a CCO environment that is not expressly prohibited but which a diverse sample of experienced CCO members, acting reasonably and in good faith, would likely find to be unprofessional in the circumstances, such as

i. intoxication (of any sort) while at rehearsals or performances;

ii. disregard for member safety in a CCO environment; and

iii. theft of personal property.

**Violence in the Workplace**

Violence in the Workplace is any act or threat of physical violence and/or intimidation, as well as verbal intimidation.

WHAT IS NOT INAPPROPRIATE BEHAVIOUR?

• Respectfully expressing differences of opinion.

• Respectfully offering direction, feedback, guidance, or advice related to musical performance and interpretation, issued by someone with the authority to do so.

• Making a legitimate complaint about inappropriate behaviour through a prescribed process.

• Reasonable actions taken to ensure people fulfil their contractual obligations.

• The Board of Director’s right to take action to ensure everyone complies with this Policy.

PROCEDURE FOR MAKING A COMPLAINT

Each year, the Board will name from among the elected Directors a Respect & Safety Officer who has, or will receive, additional training under this Policy. The name and contact information for the person appointed for a particular year is in the Attached Appendix A and can also be found in the Policy posted on the CCO website, About Us portal.

The role of the Respect & Safety Officer is to hear concerns about inappropriate behaviour that may breach this Policy, ensure the person raising the concern has a copy of the Policy, answer questions about the process under the Policy, and convey the information about the inappropriate behaviour to the Board where the Directors will make decisions jointly on how to deal with the concern raised.

When subjected to inappropriate behaviour in a CCO environment, if an individual feels comfortable and it is safe to do so, they may attempt to address their concerns directly, in person or in writing, with the individual whose behaviour concerns them. The individual may choose to have this conversation in the presence of a third party, such as a friend or colleague.

Members of the Board of Directors cannot receive a complaint of inappropriate behaviour in a CCO Environment and then be asked to keep the complaint particulars confidential and not take any action. Directors have an obligation to maintain safety and respect in CCO environments; when a Director observes inappropriate behaviour or receives a good faith complaint of inappropriate behaviour, the Director must report it to the Respect & Safety Officer, who will raise the concern with the Board. The Board has an obligation to maintain safe and respectful CCO environments and will decide what, if any, action is appropriate in the circumstances.

A Complaint is made with the expectation that some action is required of the CCO’s Board. Usually, a written complaint is required. If a verbal complaint is received, the Respect & Safety Officer will discuss next steps with the individual who has complained (the Complainant), and may request a written complaint.

All members of the Board of Directors will maintain confidentiality of the fact of a Complaint, the names of the involved persons, and the particulars to the extent this is possible, recognizing the need to give a Respondent sufficient information to know the case they must meet. The Respect & Safety Officer can discuss confidentiality with the person filing the Complaint.

Providing a written complaint is important to the process. It fixes the particulars so that the Board is clear on the facts and any investigator who is appointed can conduct an effective investigation. The particulars of a Complaint are:

* name of the person initiating a complaint (the Complainant)
* name of the person alleged to have acted inappropriately (the Respondent)
* names of witnesses
* a statement of what happened including place, date, time, and general description of the conduct
* what the Complainant sees as an appropriate remedy for the conduct.

We encourage individuals to make formal complaints promptly to facilitate finding a prompt resolution since CCO activities and events are frequent, with the same attendees in many cases, and inappropriate behaviour should be addressed promptly.

Complaints may be made via email or phone to the Respect & Safety Officer or by raising a concern with any Director, who will convey the complaint, whether verbal or in writing, to the Respect & Safety Officer.

In the event that an allegation involves a Director (including the Respect & Safety Officer), that Director will be excluded from that part of any Board meetings that deal with the Complaint, and will not be part of the decision on how it should be resolved. A Complaint involving the Respect & Safety Officer can be raised with any Director, who will bring the Complaint to the Board’s attention, without first involving the Respect & Safety Officer.

Initiating the complaint process under the Policy must be done in good faith. Misrepresented information and allegations found to be frivolous or made in bad faith may be subject to consequences for the Complainant under this Policy.

INVESTIGATION OF FORMAL COMPLAINTS

The Board of Directors will ensure that:

* Receipt of a Complaint is acknowledged within a reasonable time
* The Respect & Safety Officer brings the particulars of the Complaint to the first Board meeting following receipt of the Complaint
* Should the Board find that the Complaint does not appear to make out a breach of this Policy, the Respect & Safety Officer will so advise the Complainant as soon as possible after the Board has reached that decision
* Should the Board find that there appears to have been a breach of this Policy, the Board will appoint an Investigator, normally from among the Directors
* The Board will notify the Respondent that a Complaint has been received and an Investigator appointed as soon as possible after that decision is made
* The Investigator will begin the investigation promptly and will complete it in a reasonable time, normally within 30 days of the beginning of the investigation
* The Investigator, and the Board, will ensure the investigation is thorough, involving interviews of the Complainant, the Respondent and witnesses, reviewing relevant documents, such as texts and emails, and taking other steps as appropriate
* The investigation is undertaken through an objective process and is not conducted by an individual involved in the alleged incident
* The investigation is undertaken in a manner which ensures the rights to procedural fairness for all persons involved
* Best efforts will be made to protect the confidentiality of all parties involved throughout the investigation.

The Investigator will provide the Board with a report and make recommendations.

Following the conclusion of the investigation, the Board will:

* Inform the Complainant and the Respondent of the findings of the investigation
* Should the allegations of inappropriate behaviour be substantiated, the CCO will take action to restore a respectful workplace. This may include, but is not limited to:

• Discussion with the Respondent regarding expected and appropriate workplace

behaviour and responsibilities.

• Mediation, if all parties agree.

• Requiring a formal apology from the Respondent.

• Mandatory training or counselling for the Respondent.

• Suspension, termination, or removal of the Respondent from their role with the CCO, from membership, and/or from participating in any CCO activities.

ACKNOWLEDGING RECEIPT AND UNDERSTANDING OF THE POLICY

All members of the CCO, as a condition of membership, must read this Policy and provide to the CCO a signed Acknowledgement indicating that the potential member has done so. The Acknowledgment is at the attached Appendix B.

APPENDIX A

**APPENDIX TO THE POLICY FOR RESPECTFUL CCO SPACES:**

**THE RESPECT & SAFETY OFFICER**

The Director appointed by the CCO Board to be the Respect & Safety Officer for the 2024-2025 season is:

Name: Dr. Russell Westkirk (cello)

Email address: rwestkirk@gmail.com

Phone Number: (647) 921-5319

APPENDIX B

ACKNOWLEDGING RECEIPT AND UNDERSTANDING OF THE POLICY FOR RESPECTFUL CCO SPACES

I have read and understand the terms of this Policy on Respectful CCO Spaces and understand my obligation to use the Policy should I have concerns about safety and respect in any of the spaces where I am involved in activities with the CCO.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please sign and return to a Door Volunteer or any Direcctor a copy of this Acknowledgment with your application for membership forms.

Policy for Respectful CCO Spaces

Adopted by the CCO Board of Directors August 2024