

REPORTING PROCESS

See also:

Code of Conduct Policy: outsidethemarch.ca/the-mission

Online Reporting Form: outsidethemarch.ca/reportingform

It is our hope that the following reporting process presents a clear set of steps for all parties. If you have questions or suggestions for how this process can be improved, please contact Managing Producer Katherine Devlin Rosenfeld or fill out the online reporting form.

Contacts

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Artistic Director Mitchell Cushman: mitchell@outsidethemarch.ca

Board of Directors Safe Workplace Representative Eloise Ballou: eloiseballou@gmail.com

Introduction

The following is OtM's process for reporting incidents of harassment and/or discrimination in our workplace. The reporting steps below are not necessarily sequential. A complainant is not required to address the offending party before lodging a formal complaint, for example. Instead, these steps are meant to provide company members with an array of clearly-delineated avenues for addressing any kind of infringement of OtM's Code of Conduct.

Unless otherwise noted, all Code of Conduct-related business, including consultation, complaints, internal investigation and internal mediation are handled jointly by Outside the March's Managing Producer Katherine Devlin Rosenfeld and our Board of Directors Safe Workplace Representative (Board Rep.) Eloise Ballou. In the case of a complaint or Code-related infringement by the Managing Producer, business will be handled jointly by Outside the March's Artistic Director Mitchell Cushman and the Board Rep.

Both the Managing Producer and Board Rep., as well as any other advisors, investigators, mediators and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process. All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, will be securely maintained separate from personnel files. Complainants and respondents have OtM's assurance that all complaints made in good faith will be handled in as sensitive, confidential and timely a manner as possible.

Definitions

Company member:

all employees (including full-time, part-time, temporary, probationary, casual and contract and independent contract staff), clients, Board members, associates, volunteers and Outside the March stakeholders of any kind.

Complainant:

company member who has submitted a formal complaint.

Respondent:

company member who is the subject of a formal complaint.

Reporting Steps

STEP 0 – Maintaining a proactively inclusive, safe work environment.

The company encourages company members to be open, honest and proactive about their boundaries and level of comfort with any work-related activity, in rehearsal, performance or any other company-related context.

STEP 1 – Attempt Direct Conflict Resolution

In the case of harassment, discrimination or any infringement on a member's level of comfort, they may explain, in person or in writing, to the offending person that the conduct is unwelcome, but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the harassment or discrimination, or to safety risks, company members should not be expected to have to directly interact with that person. If an individual feels they can safely make it known to the person responsible that the behaviour is unwelcome, of course this may resolve the matter. However, they should never feel obliged to address their harasser against their better judgement.

STEP 2 – Consultation and Information

Independent of or prior to filing a complaint, at any time company members may consult with a company representative to obtain information, discuss an incident or explore direct conflict resolution options. This is a good way to get more information about our Code of Conduct and the reporting process. Company members may also request the presence of a company representative in pursuing direct conflict resolution. Company representatives may include 1) the Managing Producer; 2) The Board Rep.; 3) the Artistic Director; 4) the head of Stage Management for complaints in a production context.

Consulting with an advisor does not mean that a complaint is being lodged, nor does it preclude submitting one. Company representatives will create a written record of the consultation and will inform the Managing Producer and Board Rep. (or the Artistic Director and Board Rep. in the case of an incident involving the Managing Producer). Company representatives will to the utmost extent possible maintain the confidentiality of the company member.

In some circumstances Outside the March will take action even when a formal complaint has not been filed. That being said, the company won't necessarily take action based on a consultation, and in all cases the company's actions will be guided to the utmost extent possible by the wishes of the inquiring company member.

Members of Canadian Actor's Equity Association (CAEA) may also consult with their association through a Respectful Workplace Advisor (RWA 1-800-387-1856) and obtain advice and avail themselves of the CAEA reporting process.

STEP 3 – Submitting a complaint

At any time, individuals can submit a complaint using the reporting form at outsidethemarch.ca/reportingform. Once submitted, the form will be sent to the Managing Producer and the Board Rep., who will promptly coordinate a conversation with the complainant.

The conversation will help inform any future action and will to the utmost extent possible take into account the complainant's wishes. It is our hope to make this process as clear and unbiased as possible as we navigate the delicate nature of our community/work environment and the unique nature of each situation.

If further steps are to be taken, the Managing Producer and Board Rep. will meet with the respondent and provide a copy of the complaint and an opportunity to respond.

In the case of a complaint or Code-related infringement by the Managing Producer, in all reporting steps below the Managing Producer is to be replaced by the Artistic Director (the reporting form below includes an option to alternatively send to the Artistic Director and Board Rep.). In any case directly involving the Managing Producer or Artistic Director, the Board Rep., with consideration of the complainant's wishes, may also determine that it is appropriate to hire a third-party to manage the complaints process.

The online reporting form includes an option to submit anonymously in case the complainant wishes to inform the company of some pertinent piece of information but does not want to be involved further. While provided for the sake of the complainant's safety, submitting anonymously prevents the company from directly helping the complainant and severely reduces the company's ability to pursue consequences if there's been a Code violation.

STEP 3.1 – Formal Mediation

Where appropriate, the Managing Producer and Board Rep. may offer the parties an opportunity to mediate the complaint at the expense of Outside the March. No person will be required to undertake mediation. Mediation may be conducted by a neutral and expert third-party mediator. Mediation may take place at any stage during the complaint process.

STEP 3.2 – Investigation

The Managing Producer and Board Rep. may decide to conduct an investigation themselves or may hire an expert external investigator depending on the nature and severity of the complaint. The Managing Producer and Board Rep. may decide to temporarily suspend the respondent during the investigation.

The investigators are responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigators will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant and respondent(s), as well as gather documents relevant to the matters in the complaint. All staff of the organization are required to cooperate with the investigator. The investigator will, wherever possible, complete the investigation within 30 days of receiving the assignment. At the conclusion of the investigation, the investigators will prepare a written report summarizing the allegations and the investigation results.

As per the CAEA Canadian Theatre Agreement (CTA), for all complaints that are brought to the OtM by an Equity member, or at the specific request of a non-member, OtM will provide to Equity a summary report of the actions and findings. The CTA states that the CAEA will treat any information in the report as confidential.

STEP 3.3 – Outcomes

Based on the findings of the investigators, the Managing Producer and Board Rep. will decide whether the Code has been violated. If the Code has been violated, the Managing Producer and Board Rep. will determine the appropriate consequences for the respondent(s). The Managing Producer and Board Rep. may consult with the complainant about the nature of those consequences. In the case of a violation by the Managing Producer or Artistic Director, the Board Rep. may decide to involve the Board in determining outcomes. Consequences may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Termination of employment.

In determining the appropriate consequences, the Managing Producer and Board Rep. will take into account the nature of the violation of the Code, its severity and whether the individual has previously violated the Code. Where a violation of the Code is found, the Managing Producer and Board Rep. will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization. The Managing Producer and Board Rep. will be responsible for monitoring the outcome of the complaint.

The complainant and the respondent(s) will each be provided with a copy of the investigation report, and with the Managing Producer's decision regarding outcomes. Where a complainant is dissatisfied with the outcome of the complaint, they will be reminded of their rights under the Ontario Human Rights Code; CAEA members will be referred to their association.

Representation

The people involved in an internal complaint resolution process may have someone represent them if they wish, during mediation and/or investigation. Representatives may include union stewards or a colleague. Complainants and respondents are entitled to seek representation of their choice, including legal counsel, during the complaints process, at their own expense. In order to mitigate bias and potential reprisal, complainants and respondents may, within reason, register concern about the other party's chosen representation with the mediator and/or investigator.

Reprisal

Every person has a right to claim and enforce their right to a workplace free of harassment and discrimination. No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or helping to resolve a complaint. It is a violation of OtM policy to discipline or punish a person because they have brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.

Documentation

Every person who believes they have experienced harassment or discrimination, as well as every person who has been notified of a complaint against them, is advised to create and keep written notes about the events at issue and to maintain any relevant written documentation.