

# UKRAINIAN SHUMKA DANCERS – POLICY AND PROCEDURES TO ADDRESS COMPLAINTS OF DISCRIMINATION AND HARRASSMENT

## I. INTRODUCTION - PURPOSE

1. The Ukrainian Shumka Dancers (“Shumka”) is committed to providing an environment based on honesty, respect, and dignity of the person, which is free from discrimination, harassment, and sexual harassment and bullying. Individuals have the right to work, volunteer, dance, and learn in a safe environment.
2. This Policy defines and describes *discrimination* based on the Alberta Human Rights Act, R.S.A. 2000 c. A-25.5, as amended; and, *harassment (including sexual harassment and bullying)* based on the Alberta Occupational Health and Safety Act S.A. 2017 c. 0-2.1. Nothing in this Policy prevents anyone from contacting appropriate officials to report a violation under the Alberta Human Rights Act, the Alberta Occupational Health and Safety Act, or other applicable laws. This Policy does not override applicable provincial or federal laws. Where there are inconsistencies, the applicable laws will prevail.
3. Shumka maintains the exclusive right to amend this Policy.

## II. SCOPE

4. This Policy contains definitions of discrimination and harassment (including sexual harassment and bullying), and outlines the expectation for reporting an incident(s); options for resolution; investigation of a complaint; and, corrective or disciplinary responses, if warranted.
5. Shumka will enforce this Policy within all levels of the company, including dancers, employees, Board members, volunteers and contractors that perform work or assist with the operations of Shumka.
6. This policy applies to Shumka whether at Shumka facilities or at another site.
7. This Policy applies to all interactions and communications, including, but not limited to:
  - a) Board meetings and Committee meetings;
  - b) Rehearsals;
  - c) Classes and workshops;
  - d) Performances;
  - e) Shumka authorized events;
  - f) Travel, arrivals and departures from rehearsals, classes, performances or events.

### III. DEFINITIONS:

8. The following definitions apply under this Policy:

“Artistic Team” means the group, under the direction of the Senior Creative Director, responsible for training dancers, rehearsing choreography, and choreographing or creating new works.

“Board of Directors” (Board) means the group responsible for providing governance and oversight of the management and operations of Shumka.

“Bullying” means acts that include repeated incidents, or a pattern of behaviour, intended to create fear, intimidate, ridicule, degrade, devalue, humiliate, embarrass, undermine, or isolate a person or group of people. Bullying is often used in conjunction with harassment; however, there can be subtle differences.

“Complainant” means the party or parties described in Section VI of this Policy.

“Discipline Committee” means a group appointed by the Board to make decisions under Section IX of this Policy.

“Discrimination” means any act, omission, threat, or policy based on the grounds of race, colour, ancestry, place of origin, religious belief, gender, gender identity, gender expression, sexual orientation, age, physical disability, mental disability, marital status, family status, or source of income. Under this Policy, discrimination is differential treatment based on protected characteristics. Discrimination exists where it cannot be demonstrated that actions were reasonable and justified in the circumstances.

“Executive Director” means the position appointed by Shumka under the authority of the Board.

“Harassment” is any single incident or repeated incidents of objectionable or inappropriate conduct, comment, gesture, or action by a person that knows or ought reasonably to know will or would cause offence or humiliation to another person. The behaviour need not be intentional to be considered harassment.

**Harassment includes any form of bullying, personal harassment or sexual harassment.**

**Common examples of bullying and personal harassment include, but are not limited to:**

- a) verbal abuse, swearing, yelling;
- b) name-calling, epithets, slurs, gestures, derogatory jokes or comments;
- c) engaging in rumours and gossip;
- d) innuendo or teasing about a person’s looks, body, attire, age, race, religion, gender, gender identity, or sexual orientation;
- e) condescending, patronizing, threatening or punishing actions that undermine self-respect, diminish participation, or endanger a person’s emotional safety;
- f) physical blocking of normal dance movement or interfering with work;
- g) refusing to work with or have contact with persons.

**Common examples of sexual harassment include, but are not limited to:**

- a) unwelcome or uninvited remarks, gestures, requests or demands to engage in behaviour of a sexual nature, whether explicit or indirect;
- b) unwelcome or unnecessary physical contact including, touching, patting, rubbing or pinching;
- c) visual conduct such as staring or leering;
- d) displaying or circulating pornographic or explicitly discriminatory material such as derogatory or offensive pictures or graffiti;
- e) displaying or circulating sexually suggestive posters, photographs, cartoons, drawings, emails, texts, or other social mediums;
- f) threats, intimidation, or use of physical force or violence;
- g) any form of physical assault;
- h) any form of sexual assault.

**Examples of what is not considered harassment:**

- a) A single or isolated incident such as an inappropriate remark or having an abrupt manner.
- b) Actions that are part of a manager's or supervisor's functions, including changing assignments, scheduling, assessing and evaluating performance, and implementing health and safety measures; all of which, if done reasonably and fairly, should not be considered harassment.
- c) Reasonable actions considered to be part of a manager's or supervisor's work functions that include corrective or disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause, should not be considered harassment.
- d) Social interaction based on mutual respect, consent and attraction where no intimidation is involved.
- e) Mutually acceptable friendly gestures such as a hug or pat on the back.
- f) A social relationship welcomed by both individuals.
- g) Mutually acceptable flirtation is not sexual harassment.
- h) To help dancers improve, Artistic Team members, SSD Instructors, or Studia Instructors may adjust a dancer's or student's form or massage a dancer's muscles to help break up lactic acids. Any excessive touching, unwanted touching or unwelcome massaging out of these contexts is inappropriate.

"Investigator" means a third party appointed by the Board pursuant to Section VIII of this Policy.

"Mediator" means a third party appointed by the Board pursuant to Section VII of this Policy.

"President" means the person elected to the position of President under the Bylaws of the Ukrainian Shumka Dancers.

"Respondent" means the party or parties described in Section VI of this Policy.

“Senior Creative Director” means the position that provides creative direction and leadership to the Artistic Team. This position reports to the Executive Director.

“Shumka School of Dance (SSD) - Principal” means the position responsible for overall operations of the school and summer dance camps. This position reports to the Executive Director.

“Shumka Studia Director” means the position responsible for overall operations of Studia. This position reports to the Executive Director.

“Standards Committee” means three dancers elected to the Shumka Standards Committee.

#### **IV. CONFIDENTIALITY**

9. Shumka recognizes the sensitive and private nature of discrimination and harassment (as defined under Section III). It can be extremely difficult to come forward with a complaint. It can be devastating to be wrongly accused of such conduct. Shumka recognizes the interests of the Complainant and the Respondent in maintaining confidentiality (as defined under Section III).
10. Under this Policy, or as required by law, Shumka will maintain confidentiality, to the greatest extent possible, of all personal information of those involved in a complaint, an investigation, and resolution, including any decisions in such investigations. Shumka may make an exception in circumstances where the Executive Director, the Senior Creative Director, a member of the Artistic Team, or a member of the Standards Committee believes that a person is at immediate risk of self-harm or harm to others.
11. Shumka will maintain and retain all records pertaining to a complaint in compliance with Section XI and in a confidential manner, except to the extent that any disclosure of information is necessary for the purposes of investigating the complaint, or taking corrective or disciplinary action, or as required by law.

#### **V. REPORTING DISCRIMINATION OR HARASSMENT (WITHOUT FEAR OF RETALIATION)**

12. It is unlawful to retaliate against anyone who, in good faith, makes a complaint of discrimination or harassment, or anyone who has given evidence in support of, or against, a complaint. This applies whether, under Section VIII, an Investigator determines a complaint to be founded, unfounded or unsubstantiated.

#### **VI. PROCEDURE FOR ADDRESSING A COMPLAINT**

13. A person who experiences discrimination or harassment (defined in Section III as the “Complainant”) is first encouraged to address the harasser or harassers (referred to in Section III as the “Respondent”) and request that the behaviour stop. If the behaviour continues, or if this is not possible, the Complainant is encouraged to report the incident

or incidents to the Executive Director or the Senior Creative Director. Should the Senior Creative Director be the first to receive the complaint, the Executive Director must be advised immediately.

14. A complaint brought against the Executive Director will be directed to the Board President and managed in accordance with this Policy and the Executive Director's contract.
15. A complaint brought against a volunteer, the Senior Creative Director, an employee, or a contractor (other than a dance instructor), will be dealt with by the Executive Director in accordance with this Policy and the person's contract.
16. If the Standards Committee, the SSD Principal, or the Studia Director is approached with a complaint, the Complainant will be directed to the Executive Director or Senior Creative Director.
17. Within five calendar days after the initial report, the Complainant will provide a written, signed, and dated statement setting out the date or dates of the alleged discrimination or harassment; the location; the facts of the complaint; the name of the Respondent; and, the names of possible witnesses. The Complainant will deliver their statement to the Executive Director, who will then provide the statement to the President of the Board as notification of a complaint.
18. A copy of the complaint will be provided to the Respondent as soon as possible (after being received by the Executive Director).
19. The Respondent will provide to the Executive Director, within 14 calendar days, a written and signed response to the Complainant's statement ("Response").
20. The Executive Director will provide a copy of the Response to the Complainant immediately.
21. Should circumstances require a time extension under Sections VI, VII, VIII or IX, the person requesting an extension must document the reason for the extension and the additional period required. The Executive Director will review and may approve a request for extension. The Board President will review and may approve an extension for a complaint against the Executive Director.
22. Considering the role of the Standards Committee in handling day-to-day issues of conduct, the Executive Director will advise the Standards Committee that a complaint was received and is being managed in accordance with this Policy, including the provisions of Confidentiality. The names, written statements, and response will not be provided to the Standards Committee.
23. The limitation period for reporting a complaint of discrimination or harassment is two years from the date of the alleged conduct.

## **VII. MEDIATION**

24. Mediation is a voluntary and confidential step in an attempt to resolve a complaint in a mutually agreeable manner.
25. The Board shall appoint a third party with appropriate training and experience to act as Mediator to resolve a complaint. The Board may consult with the Executive Director when appointing a Mediator.
26. The Senior Creative Director may, if requested by the Mediator, assist the Mediator in obtaining necessary dance-movement information. The Executive Director will assist the Mediator in obtaining necessary documents as requested.
27. The Complainant and Respondent each have the right to be accompanied and assisted by another person, of their choosing, during mediation. A parent or guardian will accompany a minor.
28. Once a Mediator is appointed, the process will be completed within 60 calendar days, unless it is necessary to extend this period. If resolved sooner, the Mediator will advise the Executive Director immediately.
29. The Executive Director will report to the President every 30 calendar days until the complaint is resolved or immediately upon resolution.

## **VIII. INVESTIGATION**

30. In the event the complaint cannot be resolved through mediation, or if mediation is inappropriate, as determined by the Mediator, and within seven calendar days of mediation not being resolved, the complaint will proceed to an investigation.
31. The Board will appoint an Investigator. The Executive Director will assist the Board by providing the Investigator with a copy of the written Complaint and written Response.
32. The Investigator will be a third party who has appropriate training and experience when dealing with complaints of discrimination and harassment. The Investigator will interview the Complainant, Respondent, and witnesses or parties with knowledge of any incidents pertaining to the complaint. All parties involved will have the ability to review their statement for accuracy, as recorded by the Investigator.
33. Together with the Executive Director, the Investigator will provide a possible period within which the report may be completed. The Investigator's Report will include, at minimum:
  - a. A description of the allegation;
  - b. A description of the Complaint and the Response. The Investigator may attach a copy of the signed statement from the Complainant and Respondent;
  - c. A summary of the information obtained from the Complainant, the Respondent, and witnesses;

d. A finding, based on a balance of probabilities, of founded, unfounded, or unsubstantiated.

34. The Investigator's findings will be submitted to the Board President within seven calendar days of completion.

## **IX. DISCIPLINARY MEASURES**

35. If the Investigator finds the Respondent did engage in conduct that is discriminatory or constitutes harassment, immediate disciplinary or corrective action will be taken in accordance with this Policy.

36. The Board shall appoint three members from the Board to a Discipline Committee. The Discipline Committee will consist of at least two community Board members to consider and decide appropriate disciplinary measures. There shall be at least one male and at least one female on the Discipline Committee.

37. The Discipline Committee will determine and document corrective or disciplinary measures within seven calendar days of receiving the Investigator's report.

38. Disciplinary measures may include, but are not limited to:

- a. A request for a written apology by the Respondent to the Complainant;
- b. A request to alter placement in choreography;
- c. Reassignment of work or volunteer duties or tasks;
- d. Restricted access to facilities, rehearsals or performances;
- e. Suspension from Shumka for a defined period of time;
- f. Expulsion from Shumka;
- g. Any other action deemed appropriate in the circumstances.

39. The Complainant and Respondent will receive a copy of the Investigator's report and subsequent corrective or disciplinary measures within 14 calendar days of the Discipline Committee's decision.

## **X. APPEAL**

40. There is no right of appeal.

## **XI. RECORDS RETENTION**

41. This policy will comply with Shumka's Records Retention Policy and Records Retention Schedule.

## **XII. REVIEW**

42. This policy will be reviewed every two years, or more often as deemed necessary by the Board.