

B’Nai Shalom v’Tikvah Congregation Discrimination, Harassment, Sexual Harassment and Bullying Policy

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POLICY STATEMENT

The inherent right of all individuals to be treated with dignity and respect is central to Judaic values and beliefs. The Durham Region Reform Synagogue (known as B’Nai Shalom v’Tikvah (BSVT)) is committed to operating a religious institution which fosters mutual respect for the dignity and well-being of all Members, Employees and Visitors to the Congregation. In order to promote a healthy and supportive environment at the Congregation as a workplace, a religious institution and a place of study, worship and assembly, the Congregation fully supports and enforces the right of Members, Employees and Visitors to the Congregation to be free from abuse, either while on the premises or off the premises while engaged in operations, activities and/or programs related to the Congregation.

The abuse of a vulnerable person, whether the victim is a child or an adult, tears at the fabric of family and community life and has far-reaching consequences. A serious incident of abuse can undermine years of dedicated service by an organization, and can lead to declining business, low morale, and a diminished sense of confidence within the community. In the end, it is not just the victims that suffer, but also the people who have committed their lives to caring for them.

BSVT recognizes that all BSVT Members, Employees and Visitors have the right to work and relate with each other in an environment free from unlawful workplace discrimination, harassment, sexual harassment, and bullying.

All BSVT Members, Employees and Visitors have a responsibility to respect the dignity and human rights of all persons in the community. BSVT will not tolerate unlawful harassment, workplace discrimination, or sexual harassment or bullying behaviours.

This document intends to highlight relevant issues surrounding abuse, workplace discrimination, harassment, sexual harassment and bullying and highlights areas that we have reviewed to create an environment that is safe and secure for all. We have prepared this document with protocols that help ensure we are taking all possible steps to ensure that adequate measures are in place to create and maintain a learning and spiritual environment in which all individuals are treated with dignity and respect.

The principles of accountability, confidentiality (to the extent reasonably possible), transparency (in dealing with the involved parties) and avoidance of conflict of interest will guide any actions taken to address a suspected incident.

Any Employee found to have engaged in any type of abuse will be subject to disciplinary sanctions up to and including dismissal for just cause.

Any Member of the Congregation found to have engaged in any type of abuse of; (i) an Employee while attending at the premises and/or in respect of the conduct of operations, activities and/or programs associated with or related to the Congregation; (ii) another Member while attending at the premises; or (iii) a Visitor while attending at the premises, will be subject to sanctions, which may include temporary or permanent loss of membership or being banned from the premises.

Any Visitor to the Congregation found to have engaged in any type of abuse of an Employee, Member or other Visitor while attending at the premises, will be subject to sanctions which may include being banned from the premises.

For certainty, this policy applies to all people performing services, such as delivery, catering, repairs, etc. while they are on the premises or engaged in the Congregation's operations, activities and/or programs.

For the purposes of this policy, being banned from the premises includes being banned from all operations, activities and/or Programs of or related to the Congregation.

The foregoing policy objectives are set out in this Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy (the "Policy").

PURPOSE:

BSVT recognizes the dignity and worth of every person. Our goal is to create a work, learning and spiritual environment which is free from workplace discrimination, harassment, sexual harassment and bullying and where all Members, Employees, Visitors and Guests are treated with dignity, courtesy and respect.

To help achieve this goal, BSVT will:

- * ensure that all complaints of harassment, workplace discrimination, sexual harassment, and bullying are dealt with confidentially and objectively and that the rights of all parties are respected; and
- * provide fair and consistent procedures for dealing with complaints of workplace discrimination, harassment, sexual harassment, and bullying.

(1) SCOPE OF POLICY:

(A) To Whom Does the Policy Apply?

This Policy applies to all BSVT Members, Employees, Visitors and Guests (including full-time, part-time, and casual or temporary employees), contract or commission workers, the Rabbi, members of the Board of Directors (the "Board"), volunteers, and vocational and work experience placements (hereinafter collectively referred to as "Members").

(B) To What Type of Conduct Does the Policy Apply?

This Policy applies to the following types of conduct:

i) Harassment

Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonable to be known to be unwelcome. It can take the form of thoughtless remarks, inconsiderate communication, inappropriate touching and/or bullying. It can include, but is not limited to, the following:

- Discriminatory treatment or comments in respect of any prohibited ground of discrimination pursuant to the Ontario Human Rights Code;
- Letters, emails, texts, electronic postings, blogging, phone calls or visits of a sexually harassing or intimidating nature;
- Displaying of pornographic or other offensive or derogatory pictures, cartoons and graffiti;
- Coercive behaviour that asserts control and/or influence over the victim;
- Slurs or negative stereotyping;
- Obscene or offensive jokes;
- The circulation of written or electronic material that shows aversion to an individual or group;
- Panhandling;
- Any other aggressive and verbal behaviour that is demeaning to the victim;
- Name-calling;
 - * obscene or offensive jokes;
 - * Racial or ethnic slurs;
 - * Rude behaviour or gestures;
 - * Obscene or offensive graffiti;
 - * Avoidance or exclusion (when this avoidance is contrary to job requirements);
 - * Threats;
 - * Unwanted physical contact or physical violence;
 - * Physical Abuse -- May consist of just one incident, or it may happen repeatedly. It involves deliberately using force against an individual in such a way that the person is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting an individual with a weapon. It also includes holding a person under water, or any other dangerous or harmful use of force or restraint.

Harassment can occur under this Policy whether or not it is based on a prohibited ground under the Ontario *Human Rights Code* (the “Code”).

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

ii) Sexual Misconduct

Sexual misconduct – offensive conduct of a sexual nature that may affect the integrity or security of the person. It is an overarching term that encompasses sexual abuse, sexual exploitation of a ministerial or professional relationship, and sexual harassment by any

employee or volunteer who is part of the Congregation.

a) Sexual abuse – sexual activity that may be criminal in nature. This may be any kind of sexual activity that is defined either as “child abuse” under the Child and Family Services Act of Ontario or as sexual offence under the Criminal Code of Canada. Sexual abuse includes sexual involvement or contact with a minor, with an adult without his or her consent, with an adult who is forced to engage in sexual behaviours, or with an adult who is legally incompetent.

b) Sexual Exploitation of a Ministerial Relationship – a betrayal of trust by any individual who is in a Leadership Position or engaged by the Congregation who engages in inappropriate sexual conduct with a person with whom that person has a “ministerial” relationship of trust including without limitation, a fiduciary relationship.

c) Sexual Exploitation - Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. It includes, but is not limited to, such activity as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions of sexual involvement, or demeaning sexual comments. The apparent consent of a possible victim does not determine whether there has been sexual exploitation, because the imbalance of power between the member, staff or volunteer and the person in a “ministerial” relationship undermines the validity of apparent consent.

d) Sexual Harassment – Unwelcome sexual comment or conduct against a Member, Employee or Visitor where the course of conduct or comment is known or ought reasonably to be known to be unwelcome and interferes with an individual’s performance of duties or creates an intimidating, hostile or offensive environment. Sexual harassment includes, but is not limited to, sexually-oriented humour or language, questions or comments or gestures about sexual behaviour, preference, orientation, gender identity or gender expression, unwelcome or undesired physical contact, leering or inappropriate staring, inappropriate comments about clothing or physical appearance, expressing bias on the basis of sex through derogatory or denigrating remarks or repeated requests for social engagements in a situation where there is an employment relationship or a collegial relationship.

iii) Discrimination

Discrimination includes, but is not limited to, any distinction, exclusion or preference based upon prohibited grounds (as detailed below), which nullifies or impairs equal treatment or opportunity in employment or membership or equality of terms and conditions of employment or membership.

This Policy recognizes three kinds of discrimination:

- Direct: granting or denying rights to certain individuals or groups.
- Adverse impact: the policies or practices appear neutral and apply equally to all community Members but have a discriminatory impact on persons protected by a

prohibited ground.

- Systemic: the policies and practices entrenched in established institutions that result in the exclusion or promotion of particular groups.

Prohibited Grounds

Every Member of BSVT has the right to work, learn and worship in an environment free from harassment and discrimination based on the following grounds listed in the Code:

- * gender;
- * sexual orientation;
- * race;
- * ancestry;
- * place of origin;
- * ethnic origin;
- * citizenship;
- * colour;
- * creed (religion/beliefs);
- * age (of 18 years or more);
- * marital status;
- * record of offences (if a pardon for a criminal offence has been granted);
- * family status;
- * handicap;
- * same-sex partnership status; and
- * disability.

Note that a right to non-discrimination is not infringed where a requirement, qualification or factor results in exclusion or preference based on a prohibited ground but the requirement, qualification or factor is reasonable and *bona fide* in the circumstances.

iv) Bullying

BSVT is also committed to an environment free of bullying and therefore when bullying occurs, BSVT is committed to taking action appropriate to the specific incident. Depending on the severity of the incident, the person(s) involved will be disciplined or their membership/employment with BSVT may be terminated

Bullying is defined as acts or verbal comments that could hurt or disconnect a person 'mentally' in the Synagogue. It can involve negative physical contact as well. Bullying normally involves a pattern of behaviour that is deliberate and intimidates, offends, degrades or humiliates a particular person or group of people.

Bullying can be obvious or subtle and can involve, but is not limited to, one or more of the following types of conduct:

- creating a feeling of uselessness;
- intimidating a person;

- excluding or isolating someone socially;
- spreading malicious rumours and gossip;
- expecting your colleagues to do unreasonable favours (i.e. covering for continuous tardiness and/or early departure from work);
- undermining or deliberately impeding a person's work;
- physically abusing or threatening abuse;
- withholding necessary information or purposefully giving the wrong information;
- making jokes that should be known to be offensive, whether by spoken word or in writing;
- intruding on a person's privacy by pestering, spying or stalking;
- yelling or using profanity;
- criticizing a person persistently or constantly;
- belittling a person's opinions; and
- tampering with a person's personal belongings or work equipment.

This Policy applies whether or not the offender is conscious of the fact that the offender's behaviour is offensive and prohibited under this Policy.

A reasonable action taken by an employer or supervisor or director relating to the management and direction of workers and members in the workplace/Synagogue is not bullying.

(C) Where/When Does This Policy Apply?

Locations and situations where behaviour will be subject to this Policy include, but are not limited to:

- * BSVT premises;
- * BSVT-related functions, including social functions and celebrations, workshops, conventions, meetings whether on or off-site;
- * In the course of Synagogue-related assignments outside of BSVT facilities;
- * During Synagogue-related travel;
- * At Synagogue-related conferences or training sessions; and
- * In Synagogue-related communications between Members or communications that arise out of the Synagogue or involve the use of BSVT equipment. Such communications may be by telephone or other means of electronic written communication including, but not limited to, e-mail, voicemail, internet, fax and/or text messaging.

(2) SPECIAL PROGRAM EXCEPTION

The Code allows for special programs designed to assist disadvantaged persons or groups in achieving equal opportunity in employment and accommodation. BSVT may, from time-to-time, introduce special programs in accordance with the Code. These special programs do not constitute unlawful harassment or discrimination under this Policy.

(3) GOVERNANCE

3.1 This policy applies to all persons under the jurisdiction of BSVT.

3.2 All matters related to sexual misconduct and harassment under this policy are dealt with by the Misconduct Policy Administrator (the “MPA”).

3.3 The President of the Congregation (the “President”) acts as the final adjudicator of complaints under this policy. To maintain as much objectivity and impartiality as possible, the President will not initiate or encourage any form of communication with complainants, accused persons, or their advocates until they have received a report and recommendations from the MPA that follows the procedures as set out in this policy.

(4) APPOINTING PERSONS TO ADMINISTER THIS POLICY

4.1 Misconduct Policy Administrator (MPA) - The MPA shall be an individual appointed by the Board of Directors. It is the role of the MPA to notify the Congregation’s insurer of the incident that is being investigated of all situations for which legislation requires mandatory reporting.

4.2 Misconduct Advisory Team (MAT) - The Board may appoint a team of up to five people who are qualified by training and/or experience to act as advisors to the MPA in administering the policy. The members of the team may also be appointed by the MPA to act as:

- investigators or support persons in investigations of a complaint of sexual misconduct,
- facilitators in informal processes dealing with complaints of harassment,
- intervenors in providing crisis intervention.

4.3 Communications Coordinator - The Board of Directors may appoint a person of sufficient authority and seniority to act credibly as a public spokesperson for the Congregation in matters related to sexual misconduct and harassment (the “Communications Coordinator”). The Communications Coordinator will work in consultation with the President, the MPA and police and child protection officials in cases of alleged child abuse. The Communications Coordinator is responsible for ensuring that, to the extent appropriate, information about allegations of sexual misconduct or harassment is provided to members, members of clergy, staff and volunteers, anyone else affected by allegations of sexual misconduct or harassment and the general public.

(5) COMPLAINT PROCESS

A person who believes that they have been subject to unlawful harassment, sexual harassment, discrimination, or bullying (“the complainant”) may bring the matter to the attention of the person responsible for the conduct (“the respondent”).

However, where the complainant does not wish to bring the matter directly to the attention of the respondent, or where such an approach has been attempted and does not produce a satisfactory result, the complainant may follow one or more of the following avenues:

- a. Informal Complaint; and/or
- b. Formal Complaint.

These options are described in greater detail in the following paragraphs.

(a) Informal Complaint Process

The goal of this Policy is to stop unlawful discriminatory, harassing, sexual harassing or bullying behaviour as soon as it occurs. Wherever possible, BSVT will seek ways to resolve any complaints before they escalate to the level of a formal complaint.

Anyone may seek an informal resolution to a complaint. However, all Members of BSVT are required to act to prevent and stop harassment, sexual harassment, discrimination, or bullying if there is an indication that harassment, sexual harassment, discrimination, or bullying has occurred.

Once a complainant has sought the advice of the MPA, the President or MPA will provide the complainant with a copy of this Policy and advise the complainant of:

- a. the fact that the President or MPA will keep confidential the discussion with the complainant, subject to the exceptions discussed in the confidentiality section of this Policy, and unless the President or MPA is of the opinion that they must take action based on the information provided by the complainant;
- b. the fact that the President or MPA will keep a written record of the discussion with the complainant and that this record will be kept confidential unless the President or MPA is of the opinion that they must take action based on the information provided by the complainant;
- c. the need for the complainant to avoid discussing their complaint with others because the complaint is confidential;
- d. the right to make a formal complaint under the Policy; and
- e. the right to withdraw from any further action in connection with the complaint at any stage (however, even if the complaint is withdrawn, BSVT may nevertheless continue to investigate the complaint if it believes it is necessary to do so in order to meet BSVT's obligations under legislation of this or any other Policy).

The MPA must be notified of all complaints. Where the complainant is an adult alleging abuse, the complainant may elect to attempt an informal process to resolve the complaint. An informal process may be facilitated by a person appointed by the MPA. With the agreement of both the complainant and the accused person, the facilitator may assist in discussions between the parties to attempt resolution. If a resolution is achieved, a resolution agreement will be drawn up, signed by both parties, and ratified by the MPA. A copy of the agreement will be kept in the confidential file of the MPA;

Anyone who is unsure about whether a situation should be reported is encouraged to seek advice from the MPA.

Outcome of Meeting with the President or MPA

No Further Action

Where, after discussing the matter, the complainant and/or the MPA determine that the conduct in question does not constitute harassment, sexual harassment, discrimination, or bullying as defined in the Policy, the complainant and/or the President or MPA will not proceed further under the Policy. The President or MPA shall keep a written record of the discussion without disclosing the content of the complaint to anyone.

Meeting with Witnesses

Where the complainant brings facts to the attention of the MPA which could constitute unlawful harassment, discrimination, or bullying, the MPA may meet with any witnesses identified by the complainant. The MPA shall keep a confidential written record of any discussions with witnesses.

Discussion with Respondent

Where the complainant brings to the attention of the MPA facts which could constitute unlawful harassment, discrimination, or bullying, the MPA may, with or without the complainant present and with or without the complainant's consent, speak to the respondent, and the MPA will keep a confidential written record of that discussion and the outcome of the meeting.

Where the complainant and the respondent are satisfied that they have achieved an appropriate resolution, the MPA will make a confidential written record of the resolution. The MPA will follow up to make sure that the resolution is working. The MPA's confidential written record will be maintained.

If the MPA believes that, notwithstanding the satisfactory resolution between the parties, the resolution has not addressed BSVT's obligations under this Policy, the MPA will consider whether the complaint should be referred to the Board. Similarly, if the MPA is of the opinion that the situation warrants immediate referral of the complaint to the Board, the MPA may do so at the outset, with or without the complainant's consent and without first attempting a resolution between the parties.

(b) Formal Complaint Process

In some situations, informal conflict resolution techniques may not be appropriate. Examples include incidents of repeat offences and situations where the alleged conduct is particularly offensive, and there is clear intent and knowledge of the nature and impact of the behaviour.

In all cases, it is recommended that the complainant keep a record of the incident(s). The complainant should write down the full details of the incident(s), including dates, times, nature of the offensive behaviour, and witnesses if any. The complainant should include a record of any meetings (formal or informal) where the complainant tried to discuss the

behaviour.

If informal attempts at resolving the problem are not appropriate or prove ineffective, a formal complaint and investigation may be required.

All Members have the right to complain about situations they believe to be unlawful harassment, discrimination or bullying under this Policy.

All Members having knowledge of an offence under this Policy have a right to file a formal complaint. The following steps are to be taken during the Formal Complaint Process:

(i) Reporting a Complaint

A formal complaint by a Member under this Policy must be submitted to the President who will in turn defer the matter to the MPA (or where the President is the subject matter of the complaint directly to the MPA or vice versa). A complaint may first be made verbally. However, a written letter of complaint will also be required. A letter of complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses, if any.

Everyone filing a complaint may be accompanied by an advocate of their choice throughout the complaint process.

Complaints should normally be reported within six months of the incident. Promptness in reporting a complaint protects the rights of both the person making the complaint and the person complained against.

(ii) Investigating Formal Complaints

The MPA and/or their designate(s) will investigate a complaint. It is the expectation that in the normal course, the investigation will be completed within twenty-five working days of receiving the complaint. At the end of that period, a clear written indication of any additional time needed to resolve the complaint will be forwarded to the complainant, the respondent and the responsible Director, if any. The MPA's aim is to resolve the issue no later than forty-five days after receiving the complaint. However, this period can be extended by the President where circumstances warrant.

Where appropriate, BSVT may retain the services of an outside investigator.

Investigative Procedure

Upon receipt of a complaint, the MPA will:

- a. provide the person against who the complaint is made (the "respondent") with an overview of the complaint; and
- b. provide a copy of this Policy to the person making the complaint (the "complainant") and to the respondent.
- c.) will take any interim action necessary to ensure the safety of all parties pending investigation of the complaint.

d.) will designate either an independent investigator(s) to conduct the formal investigation.

Investigation Process

The investigator(s) will interview the complainant to document the details of the complaint and the remedy the complainant is seeking. The investigator(s) will also interview any witnesses identified by the complainant.

The investigator(s) will interview the respondent to document the respondent's perspective of the events in question. If any additional witnesses are identified by the respondent, the investigator(s) will interview those witnesses as well.

Each party may appoint an advocate and/or supporter to be present at any interviews dealing with the complaint. Each party may request cultural, language or other interpreters throughout the process.

The investigation will be conducted in confidence, subject to the exceptions identified below. The investigator(s) will ask those who were interviewed to sign written statements summarizing their evidence.

Investigation Report

The investigator will prepare an investigation report which will include:

- The allegations of harassment, sexual harassment, discrimination or bullying;
- Summaries of the interviews of the complaint, the respondent and each witness;
- The findings of fact; and
- If requested by the President and/or MPA recommendations on appropriate resolutions.

The investigator will provide the final investigation report to the President and/or MPA, as appropriate.

Outcome of the Investigation

Based on the findings of the investigator and in consultation with legal counsel and the Board as appropriate and the President (if the President is the subject of the investigation, by the Board majority) will make a final decision as to whether the Policy has been violated and what action will be taken as a result of the findings, if any.

The parties and the appropriate Directors, if any, will be informed in writing of the outcome of the investigation, the decision made by the President or the Board of Directors as to whether the Policy has been violated and what actions, including corrective actions, will be taken, if any. The parties and Directors are to keep this information confidential. The Directors may disclose information only to the extent necessary to implement the action directed by the President or Board of Directors or as required by law.

If there is sufficient evidence to conclude that harassment, discrimination, sexual harassment, or bullying in breach of this Policy has occurred, BSVT will take appropriate remedial action against the individual(s) responsible as outlined below.

Dealing with Non-Cooperation

Employees refusing to cooperate will be subject to discipline up to and including termination of employment. Members refusing to cooperate will be subject to discipline up to and including termination of membership.

REMEDIAL AND DISCIPLINARY ACTION

Members, regardless of status, seniority, influence or position, who are found to have engaged in conduct constituting harassment, sexual harassment, discrimination, or bullying contrary to this Policy may be severely disciplined and/or restricted from access to services provided by BSVT. In certain cases the individual may be subject to criminal charges.

The following are specific measures based on the type of association with BSVT:

- * Persons working for BSVT – severe discipline up to and including dismissal from employment.
- * Board Members – serious remedial action including recommendations for removal from their Board position and/or termination of membership.
- * Others (congregants, visitors, volunteers, contractors, etc.) – access to BSVT premises may be limited or completely barred; a permit may be revoked or not renewed, or a contract may be terminated or not renewed, and a congregant may have his or her membership terminated by the Board.

(6) HOW THE CONGREGATION RESPONDS TO COMPLAINTS OF ALLEGED CHILD ABUSE

6.1 In Ontario, anyone who suspects, on reasonable grounds, that a child may be in need of protection must immediately report this to a Children's Aid Society.

In Ontario a "child" is a person up to the age of 16 years, unless the child is in the care of a Children's Aid Society, in which case the age rises to 18 years.

Ontario places a special obligation on professionals to report suspected child abuse. The obligation to report a child in need of protection overrides the obligation to confidentiality. The term "professionals" specifically includes members of the clergy.

Anyone who is unsure about whether a situation should be reported is encouraged to seek advice from the MPA.

6.2 Any member of clergy, staff or volunteer who has actual knowledge or reasonable cause to believe that a child may have been sexually abused or is in danger of sexual abuse must advise the MPA. The incident must be reported to a Children's Aid Society.

6.3 Where the complaint involves alleged past sexual abuse of a child, adult complainants will be encouraged to make a report to appropriate civil authorities for investigation. If information

related to past sexual abuse of a child indicates that other children may currently be at risk, the MPA must report this to child protection authorities.

6.4 The Congregation will cooperate fully in any child protection investigation.

6.5 Any Congregation clergy, staff or volunteer who is the subject of a criminal or child protection investigation related to sexual abuse will be placed on administrative leave.

As a result, Clergy and Directors must bring criminal behaviour and/or harassment, sexual harassment, discrimination, or bullying contrary to the *Code*, the *Occupational Health and Safety Act* (the “*OHS*”), or this Policy to the attention of the President (or where that person is the subject matter of the complaint, the MPA), who must in turn notify police and/or investigate the complaint as appropriate in the circumstances. In addition, information may also have to be disclosed where required by law, for example, in grievance proceedings, proceedings before the Human Rights Tribunal of Ontario or in criminal proceedings.

(7) HOW THE CONGREGATION RESPONDS TO ALLEGATIONS OF CONDUCT THAT MAY CONSTITUTE A SEXUAL OFFENCE UNDER THE CRIMINAL CODE OF CANADA

7.1 Where an adult alleges conduct that may constitute a sexual offence under the Criminal Code of Canada, the complainant will be informed of their right to make a report to the police.

7.2 The Congregation will cooperate fully with any police investigation.

7.3 If a complainant declines to report to the police, any action deemed necessary by the President and/or MPA, as applicable, will be taken to ensure the safety of the Congregation. This may include reporting to the police or instituting an internal investigation, and placing accused person(s) on administrative leave or suspension of membership pending the outcome of the investigation.

*** (8) DECISION MAKING BY THE BOARD OF DIRECTORS AND DISCIPLINE**

8.1 Any person under this policy who is the subject of a criminal or child protection investigation will be placed without prejudice on paid or unpaid administrative leave, pending the completion of all legal proceedings.

8.2 Any person who is the subject of a complaint of sexual harassment or sexual exploitation of the ministerial relationship may be placed on paid or unpaid administrative leave.

8.3 Where there is a finding that no sexual misconduct has occurred, there will be no notation made in the personnel file of the accused person, but a complete copy of the investigation report and the written findings will be kept in the confidential file of the MPA.

8.4 Where there is a finding that sexual misconduct has occurred, the decision will be placed in the file of the person who has committed the misconduct and the report will be placed in the confidential file of the MPA.

8.5 Where a complaint has been found to be frivolous or malicious the finding will be placed on the file of the complainant and the report will be placed in the confidential file of the MPA.

8.6 If an allegation is substantiated following an investigation, or if the complaint is found to be frivolous or malicious, the MPA and the President will together determine how the matter is to be addressed. The MPA and the President may choose to consult with the MPT and legal counsel prior to rendering a decision.

(9) FREEDOM FROM REPRISAL

For the purposes of this Policy, “reprisal” means a negative action or omission against a member carried out in relation to the member having:

1. invoked this Policy in good faith (whether on behalf of oneself or another individual);
2. participated or co-operated in any investigation under this Policy; or
3. associated with a person who has invoked this Policy or participated in its procedures.

Any form of reprisal against a Member who avails them self of this Policy is not acceptable. Any complaint of reprisal will be investigated and addressed in accordance with the provisions of this Policy and, where appropriate the specific measures set out above with respect to violations of the Policy will apply.

(10) CONFIDENTIALITY

Information obtained by BSVT about an incident or complaint of harassment, sexual harassment, discrimination, or bullying, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or if it is otherwise required by law.

Parties to a complaint should not discuss complaints with other Members as complaints are confidential. All other individuals involved in the investigation must hold all information and documentation in strict confidence, both during and after the investigation. They may not discuss or release information in any form to anyone who is not party to the complaint, subject to the following exceptions.

- a. Information may also have to be disclosed where required by law, for example, in grievance proceedings, proceedings before the Human Rights Tribunal of Ontario or criminal proceedings;
- b. Where a complaint proceeds past the informal complaint stage, each party must be given enough information about the position of the other parties and witnesses to be able to respond; and
- c. In cases of workplace harassment allegations arising under the *Occupational Health and Safety Act*, the investigation findings and a copy of the investigation report may be provided

to the health and safety representative, if any, and may also be provided to other workers.

d. Where a person working for the BSVT Congregation is dismissed from employment as a consequence of a finding that they acted in violation of this Policy, nothing in this Part shall prevent or prohibit the BSVT Congregation from advising a prospective employer that is seeking a reference or making inquiries that a violation of this Policy was the reason for that employee's dismissal, subject to any legal prohibitions on such disclosure including, but not limited to, any agreed upon confidentiality clauses in a settlement agreement.

Confidentiality is not the same as anonymity. The names of people involved in a complaint may have to be divulged in order for the complaint process to proceed fairly.

Breaches of confidentiality on the part of staff members, witnesses, advocates and board members are subject to disciplinary action, up to and including:

- * a written warning or reprimand;
- * suspension; and
- * termination of employment or services.

(11) RECORDS AND DOCUMENTATION

All records of the investigation will be kept strictly confidential and separate from existing files. They will be kept exclusively by the President in a secure location identified by the President.

The President will keep detailed records of all communications that involve or are brought to his or her attention during the investigation of a complaint. This includes informal and formal, and written and documented verbal communication. Clear documentation will also be maintained on agreements and follow-up.

In the case where the President is the subject of the investigation, alternative arrangements will be made.

(12) REVIEWING AND EVALUATING THIS POLICY

This policy will be reviewed and updated as necessary. All staff and board members will be provided with a copy of this Policy annually when the new board is inducted. Each new employee is to be provided with a copy of this Policy upon the commencement of employment.

(13) OTHER/ALTERNATIVE COMPLAINT PROCESS

Although Members of BSVT are encouraged to use the complaint process under this Policy, nothing in this Policy should be interpreted as denying or limiting access to other complaint avenues such as those listed and described below:

Human Rights Tribunal of Ontario: If the discrimination, harassment, sexual harassment, or bullying is based on a prohibited ground under the *Code*, all persons also have the right to file a human rights complaint directly with the Tribunal. The Tribunal usually requires that a

complaint be filed within one (1) year of the alleged discrimination.

Ontario Labour Relations Board: under certain circumstances, Members have the right to file a complaint under the Occupational Health and Safety Act directly with the Ontario Labour Relations Board.

Police Complaint: All persons may pursue criminal charges if, for example, a complaint involves personal property damage, assault or sexual assault.