

NATIONAL SOCIETY OF INTIMACY PROFESSIONALS
ANTI-HARASSMENT
POLICY
Teacher & Student

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NSIP
NATIONAL SOCIETY OF INTIMACY PROFESSIONALS



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NSIP would like to acknowledge the Canadian Actors Equity Association for guidance and language in the creation of this policy.

Purpose

This document sets out NSIP’s anti-harassment policy and response procedures including sexual harassment, and ensures that those who experience harassment have their rights respected.

Commitment

Everyone working or training with NSIP has a right to culturally safe workplaces free from abuse of power, bullying, discrimination (including, but not limited to, acts of ableism, ageism, racism, homophobia, transphobia or sexism), harassment or sexual harassment, reprisal or violence.

All reported incidents of harassment will be addressed in a manner that ensures a fair process, and those who use this policy should feel comfortable about making a report about harassment. We recognize that students who have experienced harassment may experience emotional, academic or other difficulties.

■ NSIP IS COMMITTED TO:

- a.

Assisting those who have experienced harassment by providing resources including but not limited to referral to counseling or other appropriate academic accommodations;

b.

Ensuring that all involved have a right to dignity and respect throughout the process of disclosure, investigation and institutional response;

c.

Ensuring that those who need it, have a safety plan, and that all reasonable and necessary actions are taken to prevent further unwanted contact with the alleged harasser(s);

d.

Addressing harmful attitudes and behaviours (e.g., adhering to myths of harassment that reinforce that the person who experienced harassment is somehow to blame for what happened);

e.

Educating the NSIP community about its harassment policies and procedures;

f.

Contributing to the creation of an atmosphere in which harassment is never tolerated;
- g.

Monitoring and updating NSIP policies and procedures to ensure that they remain effective and in accordance with other existing policies and best practices.

h.

Providing training on the Anti-Harassment Policy and procedures to:

i.

NSIP’s Board of Directors

ii.

Volunteers

iii.

Faculty

Overview of Process

- Step 1: Formal complaint is filed.

Step 2: Formal complaint reviewed by harassment representative.

Step 3: Support is planned for the complainant.

Step 4: The respondent is notified of the complaint.

Step 5: Harassment representative reviews complaint and response material, mediation offered, and meeting with both parties.

Step 6: Decision notification and report to the Board of Directors.

■ APPEAL PROCESS

- Step 1: Appeal of a decision is filed with the Chair of the Board.

Step 2: Board of Directors reviews all submitted material and a potential meeting with both parties if required and/or Special Meeting of the Board to hear the appeal.

Step 3: Notification to the complainant and respondent of the final appeal decision.

Jurisdiction

In order to be covered under this policy the incident/s of harassment must take place during class or training time. Incidents that happen outside the classroom but are related to what happens inside the classroom, may be considered as part of this policy. For clarity, class time refers to the time a teacher is preparing, teaching or debriefing instructional material in the real or virtual classroom space.

Behaviours That Violate This Policy

Behaviours ranging from microaggressions to harassment are covered under this policy, including but not limited to:

- Abuse of power
- Bullying
- Discrimination (including but not limited to acts of ableism, ageism, racism, sexism, etc.)
- Harassment or sexual harassment
- Reprisal
- Violence

Please see definitions at the end of this document

Behaviours That Do Not Constitute Harassment

- a. respectful expressions of differences of opinion; offering constructive and authorised feedback,
- b. guidance, or advice about behaviour while in a learning environment;
- c. making legitimate complaints about someone’s conduct through established procedure;
- d. filing a formal complaint against someone.

Reporting Harassment To NSIP

Each stage of the process is expected to be completed as expeditiously as practicable.

Anyone who makes a formal complaint is called the *Complainant*.

The faculty member or student subject to the formal complaint is called the *Respondent*.

TIMELINES

In order to ensure timeliness, NSIP urges impacted individuals contact the Harassment Representative as soon as possible in order to determine the best course of

action. Once a class has ended, it becomes increasingly difficult to respond effectively.

The time limit for filing a formal complaint with NSIP is 2 (two) years from the incident taking place.

Confidentiality

Confidentiality requirements may change once the Complainant decides to file a formal complaint. However, confidentiality does not mean anonymity. A fundamental principle of fairness in a formal complaint proceeding is that the accused (Respondent) must be able to knowledgeably address the details of a formal complaint against them, and that involves informing them of the identity of the Complainant/s. Anyone who agrees to be part of any formal complaint process can not be anonymous to the Respondent.

All members of the NSIP community who are involved in receiving, addressing or investigating a formal complaint, will treat the matter as discreetly and confidentially as practicable, within the context of their roles in implementing this policy. Information will only be shared to the extent necessary to carry out responsibilities under this policy or as required to provide a fair process during the investigation and decision-making process.

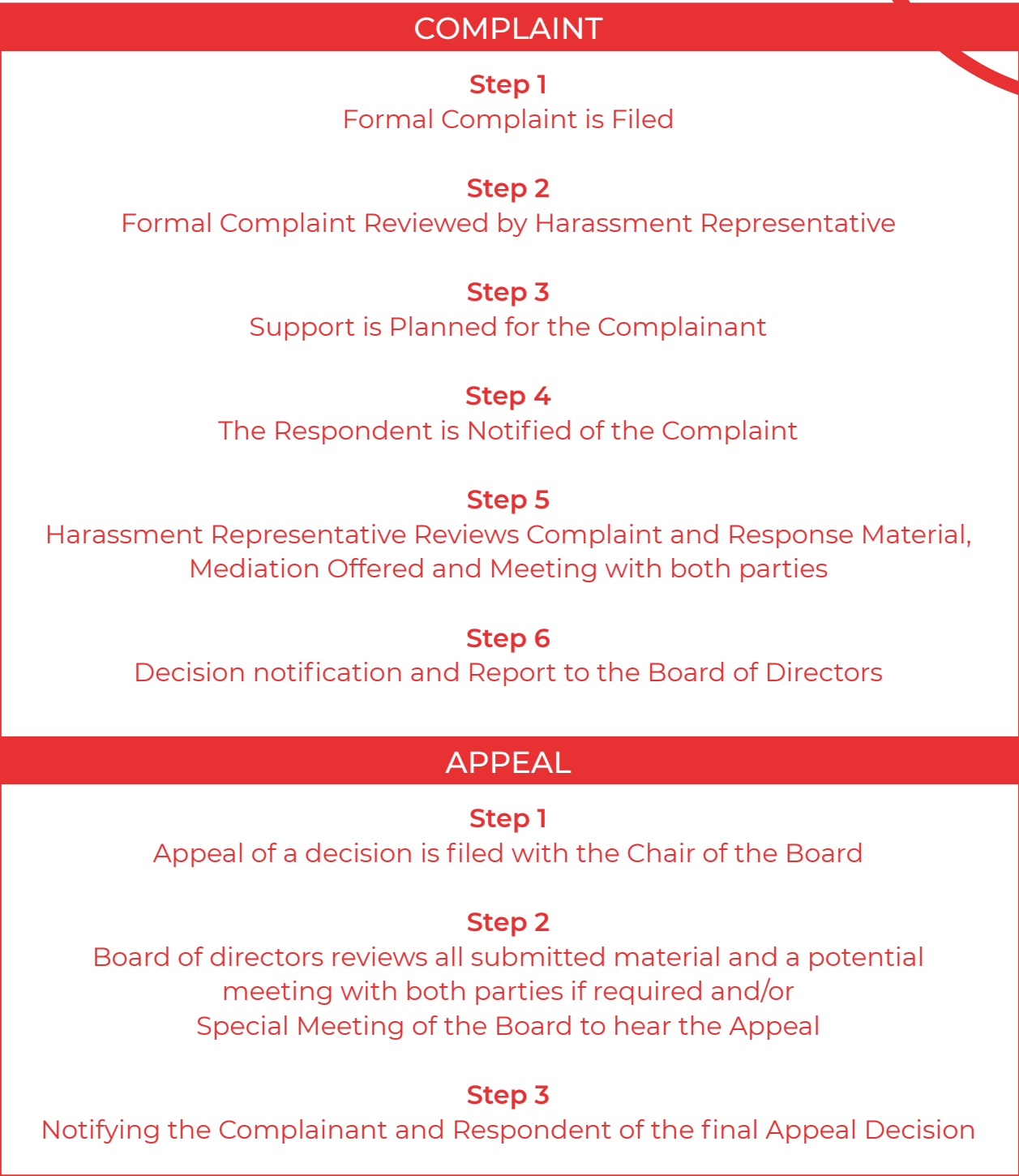
While the investigation is ongoing, the Complainant, the Respondent and any witnesses should refrain from discussing the incident, sharing information or details of the complaint or the investigation with anyone unless necessary to obtain advice about their rights.

Unsubstantiated Or Vexatious Complaints

If a person, in good faith, discloses or files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the Respondent, may result in sanctions and/or discipline against the Complainant.

Complaint Process Flowchart



CONTACT INFORMATION:

Harassment Representative - vicechair@intimacysociety.com

If the Harassment representative has a conflict of interest or is the alleged harasser, the individual should file the complaint to:

Chair of the Board of Directors - chair@intimacysociety.com

Definitions

1. AGE OF CONSENT

Youths sixteen (16) and seventeen (17) years old may legally consent to sexual acts with someone who is NOT in a position of trust or authority. It is illegal for anyone in a position of authority to engage in sexual conduct with anyone of or under the age of eighteen (18).

2. PERSONAL HARASSMENT

Personal harassment means engaging in a course of vexatious comment or conduct that is unwelcome or hurtful. This includes comments or conduct on any grounds that:

- causes humiliation, offence or embarrassment for someone;
- has the purpose or effect of unreasonably interfering with someone's work; or
- creates an intimidating, humiliating, hostile or offensive work environment for someone.

Ordinarily, repeated comment or conduct is required to demonstrate harassment, however single acts 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.

Bullying (in any form) is a type of personal harassment.

3. SEXUAL HARASSMENT

Sexual harassment is harassment of a sexual nature. It includes:

- engaging in a course of vexatious comment or conduct related to a person's sex, sexual orientation, gender identity or gender expression, that is known or ought reasonably to be known to be unwelcome or hurtful; or
- 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, opportunity or advancement; and
 - the recipient could reasonably understand the solicitation or advance and the potential for benefit or disadvantage as being connected.

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

4. COERCION

In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

5. CONSENT

The voluntary and explicit agreement to engage in the activity in question. It is the act of willingly agreeing to engage in a specific behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in the mutually agreed upon activity.

a. Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.

b. A person is incapable of giving consent if they are asleep, unconscious, under the influence, or otherwise unable to communicate.

c. A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the activity is not consenting to it.

d. A person may be unable to give consent if they have an intellectual disability preventing them from fully understanding what they are consenting to.

e. The fact that consent was given in the past does not mean that consent is deemed to exist for future activity.

f. A person can withdraw consent at any time.

g. A person is incapable of giving consent to a person in a position of trust, power or authority.

h. Consent cannot be given on behalf of another person.

6. DISCRIMINATION

Discrimination is the unfair or prejudicial treatment of people based on their personal characteristics. Legislation, federally and in each province or territory, details the grounds on which workplace discrimination is prohibited. The grounds most commonly-cited in these documents are:

- national or ethnic origin
- colour
- religion
- age
- sex
- sexual orientation
- marital status
- family status
- disability
- a conviction for which a pardon has been granted or a record suspension has been ordered

Where applicable legislation or an NSIP agreement adds to these grounds, then those will also apply.

7. RACISM AND DISCRIMINATION

In this policy, the term "racism" broadly includes any act of discrimination or harassment in which race is a factor. Racial Discrimination includes any action, intentional or not, that has the effect of singling out persons based on their race, and imposing burdens on them and not on others, or withholding or limiting access to benefits available to other members of society, in areas covered by the Code. Race only needs to be one factor in a situation for racial discrimination to have occurred." Racial Harassment is a form of racial discrimination and can include comments, jokes, name-calling, display of pictures or behaviour that insults, offends or puts a person down because of their race and other related grounds.

Systemic racism or discrimination includes policies, practices, procedures, actions or inactions that may appear neutral, but which effectively create conditions of

discrimination or harassment. These practices are often embedded in the "ordinary practices" of an institution or sector, even if the injury or disadvantage may not be immediately evident to an affected community or person.

These terms are based on material published by the Ontario Human Rights Commission, but are common to many similar bodies.

8. ABUSE OF POSITION OF POWER OR PERCEIVED POSITION OF POWER

Abuse of Power is the use of one's formal or informal position of authority in a way that could include manipulating or coercing someone with the ability to punish them, or undermine them or the performance of their work. This applies also in cases where the target of the abuse believes the abuser to have that power.

This term is based on material published by the Government of Canada's Harassment tool.

9. REPRISAL

Reprisal involves any adverse action taken against an individual because they reported unwelcome behaviour, filed a complaint about unwelcome behaviour in the workspace/classroom, or participated in an investigation or legal proceeding relating to a complaint, including as a witness. Reprisal also includes any preemptive action or threat designed to dissuade someone from taking any of these steps to deal with an issue.

Reprisal is any action or threat that is intended as retaliation or punishment for:

- reporting or speaking up about inappropriate behaviour;
- participating in an investigation relating to such a report, including as a witness;
- not complying with the desired wishes of the abuser

10. VEXATIOUS COMPLAINT

A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.