

Human Rights – Discrimination, Violence, and Harassment Policy

COMMITMENT STATEMENT

Max the Mutt Animation School/Inc. is committed to providing an environment free of discrimination and harassment, in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities. The health and safety of our employees and students is paramount.

There will be zero tolerance of any form of discrimination, harassment, violence, or threatening behaviour toward anyone within the Max the Mutt Community.

Under the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*, every person has the right to freedom from harassment, discrimination, and violence. Harassment, discrimination and violence will not be tolerated, condoned, or ignored at **Max the Mutt Animation School/Inc.** If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment (in the case of an employee or instructor), or expulsion (in the case of a student).

Max the Mutt Animation School/Inc. is committed to a comprehensive strategy to address harassment and discrimination, including providing training and education to ensure that everyone knows her or his rights and responsibilities; regular monitoring of organizational systems for barriers based on *Human Rights Code* grounds; providing an effective and fair complaints procedure; and promoting appropriate standards of conduct at all times.

POLICY OBJECTIVES

The objectives of this Policy are to:

1. Ensure that management, employees, instructors, and students of **Max the Mutt Animation School/Inc.** are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization, as well as being a violation of the law.
2. Set out the types of behaviour that may be considered offensive and are prohibited by this Policy.

POLICY APPLICATION

The right to freedom from discrimination and harassment extends to all employees, including full-time, part-time, instructors, temporary, probationary, casual and contract staff, student hires, as well as volunteers, and interns.

It is also unacceptable for members of the **Max the Mutt Animation School/Inc.** community to engage in harassment or discrimination when dealing with students or with others with whom they have professional dealings, such as suppliers or service providers.

This Policy applies at every level of the organization and to every aspect of the workplace and learning environment and to all employment relationships, including recruitment, selection, promotion, transfers, training, salaries, benefits and termination. It also covers rates of pay, overtime, hours of work, holidays, shift work, discipline and performance evaluations.

This Policy also applies to events that occur outside of the physical workplace such as during business trips, company parties, or student field trips.

PROHIBITED BEHAVIOUR

This Policy prohibits discrimination and/or harassment on the basis of the following grounds, and any combination of these grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Gender Identity
- Family status (such as being in a parent-child relationship)
- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies
- The raising of a concern related to harassment or discrimination based on one of the grounds mentioned herein (reprisal).
- Any other words, gestures, threats, or otherwise unwelcome behaviour that demeans, embarrasses, humiliates, annoys, alarms, or verbally abuses a person.

Discrimination: means any form of unequal treatment based on a *Human Rights Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors that affect a decision or action, if discrimination is one factor that is a violation of this Policy.

Harassment: means a course of comments or actions that are known, or ought reasonably to be known to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, unwelcome, or are based on a ground of discrimination identified by this Policy. Harassment can occur on any of the grounds of discrimination.

Examples of Harassment include:

- Epithets, remarks, jokes or innuendos related to an individual's race, sex, disability, sexual orientation, creed, age, or any other ground;
- Display or circulation of offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- Verbal abuse or threats, derogatory or dismissive comments; gestures that are insulting or belittling; circulating, displaying written or pictorial material that is offensive or belittling;
- Singling out an individual for humiliating or demeaning teasing or jokes;
- Comments ridiculing an individual because of characteristics, dress, etc.

The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it does not mean that the behaviour is not harassing, and does not mean that it has been assented to.

Sexual Harassment: is a form of harassment that can include:

- Gender-related comments about an individual's physical characteristics or mannerisms;
- Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility;
- Unwelcome physical contact;
- Suggestive or offensive remarks or innuendoes about members of a specific gender;
- Propositions of physical intimacy;
- Gender-related verbal abuse, threats or taunting;
- Leering or inappropriate staring;
- Bragging about sexual prowess or questions or discussions about sexual activities;
- Offensive jokes or comments of a sexual nature about an employee or client;
- Rough and vulgar humour or language related to gender;

- Display of sexually offensive pictures, graffiti or other materials, including through electronic means;
- Demands for dates or sexual favours.

Sexual Solicitation: this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also prohibited.

Poisoned Environment: is created by comments or conduct that creates a discriminatory work environment, such that it can be said that it has become a term and condition of one's employment to have to be in such a workplace. The comments or conduct need not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

ROLES AND RESPONSIBILITIES

All persons who are part of the **Max the Mutt Animation School/Inc.** community are expected to uphold and abide by this Policy, by refraining from any form of harassment, discrimination or violence and by cooperating fully in any investigation of a harassment or discrimination complaint.

All persons have an obligation to report any incident of harassment, discrimination, or violence whether a witness or victim. Silence is not an option as non-correction of any incident opens the community to an unsafe and unwelcoming environment.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Managers and supervisors are responsible for creating and maintaining a harassment and discrimination-free organization, and should address potential problems before they become serious.

Complainants are encouraged to explain to the person who is harassing or discriminating against them 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, he or she should not be expected to have to directly interact with that person. If a complainant feels that they can safely make it known to the person responsible that the behaviour is unwelcome, of course this may resolve the matter, or may assist them later if they make a complaint, but the complainant should never feel obliged to do so, against their better judgement.

If the situation cannot be resolved by speaking to the person responsible, a complaint may be made by speaking to either: (1) a manager or supervisor, or (2) the Health and Safety representative, or (3) the General Manager.

Where possible, the complaint should be made in writing, including details of:

- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Who saw it happen – the names of witnesses, if any

The person receiving the complaint will notify the person(s) complained against (“the respondent(s)”) of the complaint and provide the respondent(s) with a copy of the written complaint.

If it is necessary, the complainant or the respondent will be placed on a paid leave of absence, moved to a different location within the organization, or provided with alternative reporting relationships. The decision will be made on a case-by-case basis having regard to the principle that the complainant will not be penalized for making the complaint.

DOCUMENTATION

Every person who believes he or she has 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, as well as maintaining any relevant written documentation.

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 assisting in the resolution of a complaint. It is a violation of **Max the Mutt Animation School/Inc.** Policy to discipline or punish a person because he or she has brought forward 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 Policy, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment or expulsion from school.

DISPUTE RESOLUTION AND INVESTIGATION

Where appropriate, the ***person receiving the complaint*** will offer the parties an opportunity to mediate the complaint. No person will be required to undertake mediation. Mediation will be conducted by a neutral third-party (approved by all involved). Mediation may take place at any stage during the complaint process.

Where mediation is not appropriate or is not successful, the person receiving the complaint will refer the complaint to a neutral investigator. The investigator's neutrality should be agreed upon by both parties.

The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the complainant, the respondent(s), and relevant witnesses, as well as gather documents relevant to the matters in the complaint.

All staff are required to cooperate with the investigator.

The investigator will, whenever possible, complete the investigation within 7 days of receiving the assignment.

At the conclusion of the investigation, the investigator will prepare a written report summarizing the allegations and the investigation results, and will forward the report to the General Manager.

Complainants and respondents are entitled to seek representation of their own choice, including legal counsel, during the complaints process, at their own expense.

POTENTIAL OUTCOMES

Based on the findings in the investigator's report, the General Manager shall make a decision as to whether the Policy has been violated.

If it is determined that the Policy has been violated, the General Manager shall determine the appropriate consequences for person(s) who have been found to have violated the Policy. These may include:

- An apology
- Counselling
- Education and/or training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Suspension from class
- Withdrawal from class
- Academic penalty
- Transfer

- Termination of employment or expulsion from the School

In determining the appropriate consequences, the General Manager shall take into account the nature of the violation of the Policy, its severity, and whether the individual has previously violated the Policy.

Where a violation of the Policy is found, the General Manager shall 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 General Manager shall be responsible for monitoring the outcome of the complaint.

COMMUNICATION

The complainant and the respondent(s) shall each be provided with a copy of the investigator's report and with the General Manager's decision regarding outcomes.

Where a complainant is dissatisfied with the outcome of the complaint, he or she shall be reminded of his or her rights under the Ontario *Human Rights Code*.

CONFIDENTIALITY AND PRIVACY

In accordance with the **Max the Mutt Privacy and Confidentiality Policy** 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, and documents related to the complaint, will be securely maintained by the General Manager, separate from personnel files.

ADDITIONAL INFORMATION

Nothing in this Policy prevents or discourages the right of any person to exercise his or her rights under the Ontario *Human Rights Code*, within the time limits specified by that legislation.

Human Rights – Accommodation Policy and Procedure Policy

A copy of this policy is posted on the employee bulletin board. Every employee is also required to sign-off that they have read, understood, and will abide by this policy. Any questions regarding this policy should be directed to your supervisor.

COMMITMENT STATEMENT

Max the Mutt Animation School/Inc. is committed to providing an environment that is inclusive and that is free of barriers based on age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, record of offences, marital status, family status, and disability.

Max the Mutt Animation School/Inc. commits to provide accommodation for needs related to the grounds of the Ontario *Human Rights Code* unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission's *Policy on Disability and the Duty to Accommodate*.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. **Max the Mutt Animation School/Inc.** will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

POLICY OBJECTIVES

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that all members of the organization are aware of their rights and responsibilities under the Ontario *Human Rights Code* with respect to accommodation;
- Set out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

POLICY APPLICATION

This Policy and Procedure applies to all employees, management, and staff. It also applies to all students, prospective students, and individuals who are applying for employment.

It applies at all stages and to all aspects of both the employment relationship (including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence) and the School's relationship with its students.

All new and existing employees will be provided with a copy of this Accommodation Policy and Procedure. All job applicants who are selected for an interview will be notified of the

Accommodation Policy and Procedure prior to the interview. Students will be provided with a copy in their Student Handbook.

REQUESTS FOR ACCOMODATION

Requests for accommodation should be made to the employee's supervisor or the General Manager.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The *Human Rights Code* ground with respect to which accommodation is being requested;
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation;
- The specific needs related to the *Human Rights Code* ground.

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

PROVISION OF INFORMATION

Max the Mutt Animation School/Inc. management may require further information related to the accommodation request, in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a *Code* ground;
- Where further information related to the employee's limitations or restrictions is required in order to determine an appropriate accommodation;
- Where there is a demonstrable objective reason to question the legitimacy of the person's request for accommodation.

Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

Management will maintain the information related to:

- The accommodation request;
- Any documents provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored;

- Any accommodations provided.

This information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with those persons who need the information.

PRIVACY AND CONFIDENTIALITY

In accordance with the **Max the Mutt Animation Privacy and Confidentiality Policy**, the confidentiality of information related to an accommodation requests will be maintained, and will only be disclosed with the consent of the employee or applicant.

ACCOMMODATION PLANNING

Accommodation requests will be dealt with promptly. Where necessary, interim accommodation will be provided while long-term solutions are developed.

Management and the person requesting accommodation and any necessary experts will work together cooperatively to develop an Accommodation Plan for the individual.

The Accommodation Plan, when agreed on, will be put in writing, and signed by the individual requesting accommodation and a management representative.

An Accommodation Plan may include the following:

- A statement of the accommodation seeker's relevant limitations and needs, including any necessary assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports;
- Arrangements for necessary assessments by experts or professionals;
- Identification of the most appropriate accommodation short of undue hardship;
- A statement of annual goals, and specific steps to be taken to meet them
- Clear timelines for the provision of identified accommodations;
- Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary;
- An accountability mechanism.

APPROPRIATE ACCOMMODATIONS

The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include (but is not limited to):

- Workstation adjustments
- Job redesign
- Modification to organizational policies and practices
- Technical aids
- Human support
- Provision of materials in alternative formats
- Counselling and referral services
- Temporary or permanent alternative work
- Modification of performance standards
- Leaves of absence
- Changes to scheduling or hours of work

MONITORING ACCOMMODATIONS

The manager and the person receiving accommodations shall monitor the success of the Accommodation Plan, and shall promptly address any deficiencies or any relevant changes in the workplace or the employee's needs.

UNDUE HARDSHIP

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's *Policy Guidelines on Disability and the Duty to Accommodate*. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the Director of **Max the Mutt Animation School/Inc.**

Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of his or her resource under **Max the Mutt Animation School/Inc.'s Human Rights – Discrimination, Violence, and Harassment Policy** and under the *Ontario Human Rights Code*.

Where a determination has been made that an accommodation would cause undue hardship, **Max the Mutt Animation School/Inc.** will proceed to consider and implement the next best accommodation short of undue hardship.

Health and Safety Policy

A copy of this policy is posted on the employee bulletin board. Every employee is also required to sign-off that they have read, understood, and will abide by this policy. Any questions regarding this policy should be directed to your supervisor.

Max the Mutt Animation School/Inc. is committed to providing a safe workplace and learning environment for all of its employees and students.

We consider the health and safety of each of our employees to be of primary importance. Our objective is to conduct our business in the safest possible manner consistent with the Ontario *Occupational Health & Safety Act*, applicable Regulations and good safety practices.

Max the Mutt is committed to take every reasonable effort to eliminate the hazards that cause accidents and injuries for our staff, instructors, students, and visitors. We encourage everyone to help us promote high health and safety standards **by communicating any and all concerns to management as soon as they are noticed**. We also ask that anytime anyone is injured – no matter how minor the injury may appear to be – they alert the office and complete an incident sheet.

Disregard or willful violations of this Policy by **anyone at any level** may be considered cause for disciplinary action.

Privacy & Confidentiality Policy

A copy of this policy is posted on the employee bulletin board. Every employee is also required to sign-off that they have read, understood, and will abide by this policy. Any questions regarding this policy should be directed to your supervisor.

Max the Mutt Animation School/Inc. expects all of its employees and instructors to respect and protect the privacy and confidentiality of students, employees, instructors and the company itself. Employees and instructors of Max the Mutt Animation School will, in the course of their duties, come into contact with information of a confidential or sensitive nature. This information includes:

- Student academic and disciplinary records (grades, course status, etc.);
- Student financial records and banking information;
- Student medical notes or other personal information;
- Employee or instructor financial, tax, medical, and personal information;
- Information regarding to Human Rights or Accommodation requests;
- Information about Max the Mutt programs or projects still in development; contact and lead databases; **or any other intellectual property** belonging to Max the Mutt;
- Information about school finances, payroll, human resources, and marketing plans;

- Any other information which the release of could potentially damage the reputation, public or internal image, trust, or business of Max the Mutt Animation School, its staff, instructors, or students.

To prevent unwanted releases of information, we expect all employees to follow these guidelines:

- Only disclose sensitive information to which you have been given express written permission to disclose (i.e. in your job description or by approval of a supervisor)
- Do not discuss confidential information in public areas or with people who are not authorized to receive such information
- Do not disclose information contained in student records to anyone who does not have the right to access those records
- Prior to releasing grades or other information to a parent of a student, ensure the student has authorized the parent to access such information on a *Release of Information* form
- Do not leave confidential information lying on desks in open view
- Do not make unauthorized copies, backups, transfers of any confidential or private information
- Report any violations of this policy, issues, or concerns to management immediately