



## **Elephant Thoughts Policy on Workplace Harassment, Assault and Abuse including that of a Sexual Nature**

Elephant Thoughts is committed to providing and maintaining a work environment that is free from harassment and abuse including harassment and abuse of a sexual nature. For this purpose, Elephant Thoughts has adopted the following policy that applies to all employees and volunteers.

\*\*note

The following policy addresses all forms of harassment and abuse including sexual and violent.

In short, Elephant Thoughts has a zero tolerance harassment policy. Employees and volunteers must adhere to the following postulates.

1. Elephant Thoughts will not tolerate any form of harassment, assault or abuse within the workplace, on overseas and domestic assignments, or within the context of any of our programs. That includes harassment or assault at or by action of management, employee, volunteer, or participant.

### Harassment Definition

Harassment means any unwelcome and inappropriate conduct, comment or gesture that, in view of its persistent, repeated or excessive character, is likely to cause an employee to feel uncomfortable, intimidated, offended or humiliated or that might, on reasonable grounds, be perceived by that employee as being abusive or hurtful and as placing a condition on employment or on any opportunity for training or promotion within Elephant Thoughts.

This may include but is not exclusive to:

- verbal abuse or threats
- unwelcome remarks, jokes, innuendoes or taunting
- practical jokes which cause awkwardness or embarrassment
- belittling or making others feel less than competent
- interfering in a colleagues work or causing situations where it is difficult to complete tasks
- physical assault
- not respecting the privacy of fellow colleagues
- causing any employee to feel unsafe or excessive pressure or stress

### Sexual Harassment Definition

Sexual harassment is understood to be: any comments, propositions and contacts of a sexual nature repeated and not desired which any person may find unacceptable or offensive. These may or may not be in hindrance to carrying out the roles in the Elephant Thoughts mandate and general delivery.

Sexual harassment may involve the following conduct:

- verbal abuse or threats
- unwelcome remarks, jokes, innuendoes or taunting
- displaying pornographic or other offensive or derogatory pictures
- practical jokes which cause awkwardness or embarrassment
- unwelcome invitations or requests, whether indirect or explicit
- intimidation
- use of profanity written, displayed, or spoken
- inappropriate discussions of a sexual nature
- leering or other gestures
- unnecessary physical contact such as touching, patting, pinching, punching

### Sexual Assault Definition.

Sexual assault is understood to be: any aggression on the integrity of a person with sexual intention accompanied or not by physical violence. Any action in which a fellow employee, volunteer, or student feels unsafe or threatened.

2. All employees and volunteers must respect the dignity, self-esteem, honour and reputation of their colleagues and students, irrespective of whether they are their subordinates, supervisor, superior or fellow employees or volunteers.
3. In accordance with this policy, every employee is entitled to employment free of harassment and Elephant Thoughts will not tolerate any form of harassment. Therefore, any employee who engages in conduct that constitutes harassment will be subject to severe sanction up to and including termination of employment.
4. Harassment motivated by a person's gender, handicap, colour, pregnancy, civil status, religion, race, political convictions, ethnic origin, language, sexual orientation or social condition, in the form of unwanted advances, gestures or actions, of derogatory or hostile comments, jokes or insults, or of demeaning or degrading posters, drawings, innuendos or slurs is prohibited by this policy.

**In accordance with Elephant Thoughts' commitment to make every reasonable effort to ensure that no employee is subjected to harassment, the following procedure will apply:**

- a) any complaint of harassment must be filed in writing and handed in an envelope marked "confidential" to either the General Manager, Executive Director, or President of Elephant Thoughts, whomever the alleged victim feels most comfortable reporting to. If the alleged victim does not feel comfortable writing a complaint, they may verbally express their concerns to either the General Manager, Executive Director, or President of Elephant Thoughts who will then write a report for their own files.
- b) the complaint must state the name of the alleged offender and briefly describe the offending harassment;
- c) Elephant Thoughts will not disclose to anyone the name of the complainant nor the circumstances related to the complaint except where the disclosure is necessary for the purposes of investigating the complaint or taking any appropriate measure in relation thereto;
- d) Elephant Thoughts will investigate the complaint and where an offence is established, Elephant Thoughts will take such measures as deemed appropriate having regard to all the circumstances. If the complaint in any way suggests sexual assault has taken place, or any bodily harm has taken place, local authorities must be involved immediately.
- e) The organization will terminate the employment or contract of any employee or contractor who admits to, is convicted of, or is otherwise found to have engaged in sexual abuse or sexual harassment. This will be done without any financial consequence to the organization and all employee pay will be immediately terminated, and all financial remuneration of contracts will be forfeit.
- a. A non-employee or contractor who admits to, is convicted of, or is otherwise found to have engaged in sexual abuse or sexual harassment must be prohibited from working with Elephant Thoughts operations of any kind, permanently.
- f) If an investigation into a claim of sexual abuse or sexual harassment is inconclusive, then, for the safety of protected persons and the protection of the respondent, additional safeguards must be put into place to assure the protection of any youth with whom the respondent may have future contact. If there are subsequent claims of sexual abuse or sexual harassment, the respondent shall be permanently prohibited from working with the organization in any capacity. Regardless of criminal or civil guilt, the continued presence of the respondent could be detrimental to the reputation of Elephant Thoughts and could be harmful to protected persons. It can also benefit the respondent in preventing additional accusations from others. A respondent who is accused but later cleared of charges may apply to be reinstated to their position. Reinstatement is not a right, and no guarantee can be made that he or she will be granted re-instatement.

## **Suggested process for dealing with harassment situations**

The following is for use by ET management to help guide them when dealing with harassment cases.

### 1. **Support for the victim:**

Support for the victim shall always be the first and most important priority. That includes when necessary or requested:

- active listening, same sex support/counselling, professional resource person as seems necessary
- victim's feelings should be validated, emotional support given
- determine risk factor, security of victim and explore possible action to take
- any complaints related to such a form of harassment or assault will be treated with the utmost confidentiality possible. Settling of the complaint will lean towards removing the aggressor rather than the person being harassed.
- document the case including background info, nature, frequency (actual times and dates) and impact of incidents, statements of victim and alleged offender
- ascertain need of professional medical care, make report concerning this
- discuss victim feelings and preferences regarding potential courses of action to be taken. Decisions regarding action must keep victim's safety as principal consideration, as well as confidentiality

**N.B.:** If a sexual assault takes place, the first concern is the health and safety of the victim; during the period of inquiry victim and alleged aggressor must be physically separated.

The nature of the "inquiry" would be determined by victim's wishes and Elephant Thoughts legal opinion.

### **Working with the alleged offender:**

- the alleged offender is advised to stop the behaviour which has been found offensive; such advice must include a thorough discussion of the implications of the situation and of the perceptions of the individuals concerned.
- advise Executive Director of the situation;

- The alleged offender is separated from the victim in all aspect of the job including being put on suspension until an investigation or inquiry is satisfied.
- If suspension is necessary, it is understood that it will be unpaid suspension unless it is identified that the alleged offender is innocent of the claims against him/her.

## **Procedures to minimize the risk of harassment, sexual harassment, and sexual assault cases.**

1. Elephant Thoughts employees shall always avoid being in a position of being one on one with any child in an empty room **or** otherwise.
2. Elephant Thoughts has a no touch policy between teacher/volunteer/staff and students. Touching of students should be avoided as much as possible. Often an innocent pat on the back can lead to serious outcomes.
3. Elephant Thoughts instructors shall strictly adhere to an open door policy. In other words, when working with small groups of children, the classroom door shall at all times remain open.
4. All Elephant Thoughts employees, contractors, administration, and volunteers must have a criminal record check performed with attention to the vulnerable sector check and be found free from any charges. This must be performed no less than once every 12 months.
5. Whenever possible, when instructors are paired for out of town assignments, same gender partners will be assigned. When opposite gender partners are assigned for out of town assignments, they will be offered separate hotel rooms. The exception to this rule must come with verbal consent from each partner.
6. All employees, contractors, and volunteers who are working on long term projects must sign the sexual harassment policy indicating that they have read and understood the policy and are aware of the consequences of not adhering to it.
7. Any employee, contractor, or volunteer is required to report any instance where they have witnessed harassment, sexual harassment, or sexual abuse at the hands of any other employee, contractor, or volunteer to either a student or colleague.

### **Legal recourse**

In an organization such as Elephant Thoughts it is obvious that legal action is not desirable either in Canada or in one of our partnering countries.

If a criminal act takes place in the Elephant Thoughts programming activities, it should be dealt with by due process of the law where the act took place. While we as an organization stress the preventive aspects of sexual harassment, it is not unlikely that harassment leads to sexual assault.

In such a case the treatment of the victim, medical and psychological should include the option of redress under the law. Advice, information and informed counsel should be provided to the victim. (Note that any such possible financial commitment can only take place with the approval of Elephant Thoughts General Manager, President, or Executive Director - it is not an automatic process.)

Any moves towards legal action must be approved by the Executive Director of the organization or within his/her absence, the President of the organization.