# HackLab Club Toronto Inc.

Anti-Harassment Policy

## STATEMENT

* Provide an inclusive environment and culture free of harassment or threat.
* Support the productivity, personal goals, dignity and self-respect of the membership and guests.
* Promote sensitivity and understanding of individual differences.
* Members are encouraged to seek resolution to conflict in a peaceful and respectful manner at the time of incident if possible and appropriate.
* To protect against genuine instances of harassment and not impede or otherwise discourage intellectual discourse or civil debate.
* To espouse community standards and ensure civil membership conduct.
* To encourage members to communicate and work out personal differences and conflict between themselves, using this Policy only as a last resort or in gross violation.

## REFERENCE DOCUMENTS AND RESOURCES

1. Criminal Code (R.S.C., 1985, c. C-46)[[1]](#footnote-1)
2. Ontario Human Rights Code (R.S.O. 1990, c. H.19)[[2]](#footnote-2)
3. Canada Labour Code (R.S.C., 1985, c. L-2)[[3]](#footnote-3)
4. Trespass to Property Act (R.S.O. 1990, c. T.21)[[4]](#footnote-4)
5. HackLab Club Toronto – Anti-Harassment Policy[[5]](#footnote-5)
6. HackLab Club Toronto – Diversity Statement[[6]](#footnote-6)

## **DEFINITIONS**

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| **Term** | **Definition** |
| HackLab (“HackLab Club Toronto”) | Hacklab Club Toronto Inc. A makerspace and Not-For-Profit Ontario corporation. |
| Policy (“the Policy”) | The Anti-Harassment Policy, HackLab Club Toronto Inc. This document and policy. |
| Prohibited Ground(s) | The following are considered prohibited grounds   * 1. Age   2. Familial Status   3. Racial Background   4. Marital Status   5. Sex and Sexual Orientation   6. Gender, Gender Expression and Gender Identity   7. Religion, Spiritual and Religious Beliefs   8. Pardoned Conviction(s)   9. National and Ethnic Origin   10. Mental and Physical Disability   11. Political Affiliation |
| Community Standards | Community standards are a set of local norms bounding acceptable conduct of a community and/or society. While these norms may be itemized into a list there are sometimes behaviours and manners of conduct which escape itemization though still deemed to be unacceptable, inappropriate and/or damaging to an individual and/or their community. The conduct and behaviour of a person should fall within the commonly accepted conventions of their community and/or society. A common test of community standards can be said to be "I'll know it when I see it.". |
| Member | A member is defined as any member of HackLab Club Toronto in good standing. |
| Guest | Any visitor of HackLab; a person who is not a member of HackLab Club Toronto Inc. |
| Random Selection | A non-bias method of randomly selecting members. One such proposed method is to select, in order, member entry from the premises entry logs (door log). |
| Community | Fellowship with others, as a result of sharing common attitudes, interests, and goals. The membership base of the HackLab Club Toronto Inc. |
| The Board (“Board of Directors”) | The Board of Directors of HackLab Club Toronto Inc. |
| Peace Officer | Peace Officer; Police. Example: Toronto Police Service; 911. |

## SCOPE

* This policy applies to all HackLab members, officers, directors and guests.
* This policy describes the organization’s objectives, policies and remedy regarding maintaining a harassment free culture and safe environment that protects human rights and dignity.
* This policy aims to encompass all aspects of harassment such as but not limited to those defined by the Prohibited Grounds.
* This policy serves to augment and extend upon existing Canadian and Provincial laws providing HackLab membership with a richer expectation of conduct and community quality.
* This policy also aims to outline remedial and disciplinary action as well as the handling of incidents where this policy applies.
* This policy empowers members to seek remedy to abuse, assault and human rights violations through due process.
* This policy ensures that Human Rights are observed, respected and enforced in a just manner with education and understanding.

## NOTWITHSTANDING

This Policy was not designed to suppress discussion or inhibit people from speaking honestly.  Nor is it designed to foster an environment where one feels they are “walking on eggshells” with everyday conversation and/or interaction.  People should feel free to have conversation, discussion and discourse as well as civil arguments about difficult and charged subject matter.

At times these charged discussions can take a turn into disrespectful name-calling and/or strong language; situations which fall within that context do not as a rule constitute harassment but are an unfortunate result of passionate disagreement. In those situations, allow cooler heads to prevail and use methods of informal resolution as outlined in the Preamble section of this Policy.

This Policy shall not be used as a means to silence dissent, discussion or the various other types of debate aforementioned. The balance and consideration in determining if a complaint falls under this Policy shall be deemed to be a matter of community standards and appropriate Canadian Law.

## PREAMBLE

* People asked to stop any harassing behavior are expected to comply immediately.
* The first steps before invoking remedy through the Policy should be by informal resolution between the involved parties.
* The goal of both informal resolution and the formal complaint processes is to resolve situations of alleged prohibited conduct as soon as possible, in a fair, constructive and respectful manner.
* We strongly encourage anyone who feels harassed to talk to the alleged harasser about the situation, the alleged harasser should hear the complainant out and that ensure that their attitude and behaviour reflect a commitment to resolution and one of respect.
* Some suggestions for informal dispute resolution are
  + Meet in a quiet location, without interruptions.
  + Treat the issue seriously.
  + Keep in mind that the complainant may feel vulnerable.
  + Listen carefully and patiently; be non-judgmental.
  + Resist letting your own emotions, past experience or the reputation of any party influence your objectivity.
  + Resist the temptation to solve the problem impulsively or to make rash decisions; let cooler heads prevail.
* In the vast majority of cases, using informal resolution such as dialogue or mediation by another HackLab member can offer the possibility of resolving the conflict in a satisfactory manner acceptable to both parties.
* It is within the HackLab community interests to empower members to focus on solution orientated and respectful conflict resolution such that this Policy may not require invocation.
* If you do not feel that you have the ability to implement any of the methods suggested for informal resolution but wish for an informal resolution, do not hesitate to seek out the assistance of a trusted fellow member or a member of the Board.

## MEMBERSHIP RESPONSIBILITIES

1. Members of HackLab are expected to communicate any serious violations of this policy to the Board at the soonest possible opportunity.
2. Members of HackLab who witness or believe to have witnessed a violation of this policy against a fellow member or guest, are asked to assist in the situation if safe to do so; if it is not safe to intervene it is the member’s responsibility to obtain assistance via a fellow member or by contacting a Peace Officer.
3. Hacklab members who have been asked to leave the premises regarding a violation of this policy, whether real or alleged, are required to do so immediately and without further incident.

## BOARD OF DIRECTORS

1. The Board is responsible to make determination of any disciplinary, remediation or redress following violations of this policy by guests or members.
2. The Board may optionally convene a committee by random selection to conduct dispute resolution, remedial action and/or to determine any disciplinary action(s) to be taken.
3. The Board is responsible for overseeing the proper and timely execution of this Policy as well as providing guidance.

## HUMAN RIGHTS

Any contravention of the *Ontario Human Rights Code (R.S.O. 1990, c. H.19)* by a guest or member towards another guest or member shall be deemed to be a violation of the Policy.

## HARASSMENT, COMMON AND SEXUAL

1. No member or guest shall engage in conduct referred to in subsection (2) as well any conduct or behaviour that causes another person reasonably, to fear for their safety or the safety of anyone known to them.
2. Prohibited Conduct is defined as
   1. “Criminal Harassment” as defined in the *Criminal Code (R.S.C., 1985, c. C-46)*;
   2. “Sexual Harassment” as defined in the *Ontario Human (Rights Code, R.S.O. 1990, c. H.19)*;
   3. “Sexual Harassment” as defined in the *Canada Labour Code (R.S.C., 1985, c. L-2)*;
   4. Any conduct, comment, gesture or contact based on any of the prohibited grounds;
   5. Any conduct that is reasonably and likely to cause offence and/or humiliation to any member or guest;
   6. Conduct known or ought to have reasonably been known that the behaviour in question was unwelcome or inappropriate;
   7. Unwanted and/or unauthorized intrusion into personal items or computer system(s);
   8. Unwanted and/or unwelcomed remarks, jokes, taunts pertaining to prohibited ground(s).
3. Persons found to have committed harassment under this section to a member or guest of the HackLab are subject to disciplinary and/or remedial action as outlined in this policy.
4. This section applies to all members and guests of the HackLab irrespective of the location of incident.

## ASSAULT, COMMON AND SEXUAL

1. No member or guest shall commit assault as defined in subsection (2) or threaten to commit assault against a member or guest of HackLab.
2. Assault is defined as
3. “Assault” as defined in the *Criminal Code (R.S.C., 1985, c. C-46)*;
4. “Sexual assault” as defined in the *Criminal Code (R.S.C., 1985, c. C-46)*;
5. Unwelcome and/or uninvited physical contact direct or otherwise;
6. Threats of violence or reprisal;
7. Gestures or movements which would be reasonably be perceived as threatening;
8. Physical intimidation, posture and/or behaviour that is expected to reasonably cause the person to fear for their safety and/or security of person.
9. Persons found to have committed assault under this section to a member or guest of the HackLab are subject to disciplinary and/or remedial action as outlined in this policy.
10. This section applies to all members and guests of the HackLab irrespective of the location of incident.

## IMMEDIATE INTERVENTION

* + - 1. Members of the HackLab are empowered and permitted, as agents of the HackLab to legally remove anyone from premises under the following circumstances

1. They believe a severe situation warrants the removal of the person in question; or
2. They believe the removal of the person is required to diffuse a severe situation and/or to prevent a violation of this policy; or
3. They have witnessed or believe in reasonable and good faith to have witnessed the person in violation of this policy; or
4. They have been harassed and/or assaulted by the person in contravention of this policy.
   * + 1. Anyone failing to vacate the HackLab premises upon instruction to do so over alleged or real violations of this Policy, will be considered in Trespass (per Ontario - *Trespass to Property Act (R.S.O. 1990, c. T.21)*). In the unlikely event of this situation it is encouraged to contact a Peace Officer to attend and have the individual removed from the premises. Additionally, please contact a Board member directly in person or by phone for assistance.

## RECOURSE

1. Members may seek remedy to Policy violations using the following recommended chain of action
   1. If it is appropriate, the member should tell the person whom is acting in an unacceptable manner that it is offensive and request that they immediately stop.
   2. If (a) is inappropriate to address directly or if the issue cannot be resolved to satisfaction, then the member should advise an Officer or Director of HackLab forthwith.
   3. The member will be asked to prepare a written complaint, outlining the nature of the allegations and any important details or facts; including the name(s) of the alleged harasser(s)/aggressor(s), any witnesses present, date(s) and locations of the incident(s). This complaint is to be submitted to the Board of Directors by common means such by email to [board@hacklab.to](mailto:board@hacklab.to).
   4. Upon receipt of the complaint, the Board, in accordance with this Policy will begin an immediate investigation or convene a committee by random selection should the situation warrant it.
   5. The Board or Committee will exercise its discretion as to whether an internal investigation is warranted and to determine the scope of the investigation.
   6. Any such investigation being conducted must be conducted by an impartial manner by member(s) whom are not in conflict of interest with any aspect of the complaint or the subject(s) of the investigation.
   7. Any investigator, be it a delegate of the Board or convened committee, shall report to the Board upon completion of their investigation in a timely fashion.
   8. Action(s) shall then be carried out in the manners outlined in the respective sections of the Policy “RESOLUTION BY BOARD” or “RESOLUTION BY COMMITTEE” respective of the manner undertaken.

## REDRESS

1. Where remedial action is recommended, it shall be implemented as soon as reasonably possible after the conclusion of a thorough internal investigation.
2. Depending on the circumstances, there may also be long-term initiatives, such as the development and implementation of Corporate and/or community wide education and/or training initiatives.

## PROTECTION FROM REPRISAL

1. Any member raising a concern relating to this policy, in good faith, will not be subject to any form of retaliation and/or reprisal for reporting their concern and will be protected from any reprisal.
2. Threatening, intimidating or otherwise acting against a person for invoking this Policy and/or for participating in any related investigation process is strictly prohibited and they will be deemed to have violated this Policy.

## CONFIDENTIALITY

1. All matters relating to harassment, sexual harassment, assault and sexual assault will be dealt with as confidentially as reasonably possible.
2. A member’s identity, or the circumstances regarding any concern or complaint, will not be disclosed unless disclosure is necessary for the purposes of conducting an investigation or for taking disciplinary action.
3. Members involved in any investigation or committee under this policy are required to protect and maintain confidentiality to the best of their ability.

## RESOLUTION BY BOARD

1. The Board is required to ensure that no conflict of interest exists at any point of the resolution process.
2. If a member reasonably calls into question the impartiality or ability of a Director to participate the resolution process, that Director shall be encouraged to yield participation in the process at whole.
3. The Board is required to conduct an impartial and thorough investigation before making a determination.

## RESOLUTION BY COMMITTEE

1. Members may be invited to participate in a committee to resolve violations of this Policy by the Board; a member may decline this request without providing a reason as it is entirely voluntary.
2. Any member in conflict of interest must not participate and yield any invitation to participate in a resolution committee under this Policy.
3. Committee members are required to conduct an impartial and thorough investigation before making a determination.
4. The Board may optionally modify committee disciplinary recommendations only if a conflict of interest does not exist.
5. If a committee was appointed to resolve a violation it will investigate and communicate their findings and recommendations to the Board in a timely fashion.

## MISUSE OF ANTI-HARASSMENT POLICY

*The Anti-Harassment Policy is a powerful and broad policy designed to protect individual rights, dignity, safety and security of person. Due to the wide reaching scope of the Policy and the open and diverse nature of the HackLab membership base, it is important to stress that peaceful resolution be reached in a civil manner befitting community standards. Abuse of process damages the community and does a disservice to those who have been legitimately wronged and harmed.*

1. The Policy must not be used as a means to censor or silence civil discourse and/or discussion so long as community standards are observed.
2. Except under extraordinary circumstances to be determined by community standards, the goal of resulting remediation and disciplinary action should be focused on education, communication and understanding; notwithstanding gross violations of the Policy.
3. Obvious abuse of this Policy in and of itself shall be considered harassment and thusly any member found to be abusing the Policy shall be deemed in violation of the Policy. Determination of Policy abuse shall be determined by Board or member committee consensus.

## VIOLATION OF THE ANTI-HARASSMENT POLICY

1. An alleged violator of the Policy may have their membership and/or access to the Hacklab administratively suspended by the Board until such time as an investigation and/or remedy can be rendered.
2. Members found in violation of this Policy can be subject to any number of disciplinary and/or remedial actions including but not limited to
   1. Be required to write a formal apology to the victim(s) of the violation.
   2. A third-party mediator may be appointed at the Board’s discretion to resolve the dispute through arbitration.
   3. Be required to cease and desist all current and future communication and interaction with the victim(s) of the violation.
   4. Be required to undertake *Ontario Human Rights 101 e-Learning*[[7]](#footnote-7) in cases where a Human Rights contravention has occurred.
   5. Be required to undertake in cases where a Human Rights contravention has occurred.
   6. Probation of Membership, with a term to be decided by Board majority or member committee recommendation.
   7. Suspension of Membership, with a term to be decided by Board majority or member committee recommendation.
   8. Termination of Membership, with immediate effect.
   9. Barred from any and all HackLab premises (per Ontario - *Trespass to Property Act (R.S.O. 1990, c. T.21)*[[8]](#footnote-8)) permanently or for a term to be determined by Board or member committee recommendation.
3. Guests found in violation of this Policy can be subject to any number of disciplinary and/or remedial actions including but not limited to
   1. Be required to write a formal apology to the victim(s) of the violation.
   2. Be required to cease and desist all current and future communication(s) and interaction with the victim(s) of the violation.
   3. Be required to undertake *Ontario Human Rights 101 e-Learning*[[9]](#footnote-9) in cases where a Human Rights contravention has occurred.
   4. Barred from the HackLab premises (per Ontario - *Trespass to Property Act (R.S.O. 1990, c. T.21)*) permanently or for a term to be determined by Board or member committee recommendation.
4. Where a remedy has been imposed upon a person requiring them to carry out an action, they may be barred from the HackLab premises until they have carried out the required actions to the determining bodies’ satisfaction.
5. Any and all remediation and/or disciplinary actions will be discussed with the victim(s) prior to being imposed. The focus of this requirement is to ensure that the victim(s) is/are included in the remedial phase and to ensure that proper scope and impact of the violation are taken into account.

## DOCUMENT HISTORY

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| Revision | Date | Author | Comment |
| 2.2017.0 | 16-Jan-2017 | Daria Juniper | Initial draft of newly improvised Anti-Harassment Policy. |
| 2.2017.1 | 17-Jan-2017 | Daria Juniper | Member consultations and minor document revisions. |
| 2.2017.2 | 21-Jan-2017 | Daria Juniper | Member consultation revisions – Post Diversity/AHP Meeting. |
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1. Criminal Code (R.S.C., 1985, c. C-46) <http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html> [↑](#footnote-ref-1)
2. Human Rights Code (R.S.O. 1990, c. H.19) <https://www.ontario.ca/laws/statute/90h19> [↑](#footnote-ref-2)
3. Canada Labour Code (R.S.C., 1985, c. L-2[) http://laws-lois.justice.gc.ca/eng/acts/l-2/]()%20http://laws-lois.justice.gc.ca/eng/acts/l-2/) [↑](#footnote-ref-3)
4. Trespass to Property Act (R.S.O. 1990, c. T.21) <https://www.ontario.ca/laws/statute/90t21> [↑](#footnote-ref-4)
5. HackLab Club Toronto Anti-Harassment Policy <https://knowledge.hacklab.to/wiki/Anti-Harassment_Policy> [↑](#footnote-ref-5)
6. HackLab Club Toronto Diversity Statement <<IN DRAFT - UNADOPTED>> [↑](#footnote-ref-6)
7. Ontario Human Rights Commission – Human Rights 101 <http://www.ohrc.on.ca/en/learning/human-rights-101> [↑](#footnote-ref-7)
8. Ontario *Trespass to Property Act (R.S.O. 1990, c. T.21)* <https://www.ontario.ca/laws/statute/90t21> [↑](#footnote-ref-8)
9. Ontario Human Rights Commission – Human Rights 101 <http://www.ohrc.on.ca/en/learning/human-rights-101> [↑](#footnote-ref-9)