

Unacceptable Interactions Policy

Unacceptable Interactions Policy (“**Policy**”) means this Policy established by the Board of Directors of Oakville Community Foundation (“**Foundation**”), as the same may be amended from time to time, with respect to unacceptable interactions with Foundation Representatives initiated by Third Parties.

Purpose

The purpose of this Policy is to establish a process to be used by Foundation Representatives when they are exposed to unacceptable interactions with Third Parties.

This Policy may be used in conjunction with, or separately from the Foundation’s Human Resources policies related to Discrimination and Harassment, which establishes procedures to protect Foundation Representatives from behaviour that conflicts with the spirit or intent of the Ontario Human Rights Code, including behaviour from donors, other volunteers and community partners.

This Policy may also be used in conjunction with, or separately from the Foundation’s Occupational Health and Safety Policy providing the Right to Refuse Unsafe Work. If a Third Party’s behaviour threatens the health, safety or security of staff, the Foundation’s staff have a right to refuse unsafe work without fear of reprisal or reprimand in accordance with the Ontario Occupational Health and Safety Act.

Definitions: When used in this Policy:

“**Foundation Representatives**” means all persons employed by, or serving as a member of the Board of Directors or Committee member of the Foundation.

“**Interaction**” means any interaction with a Third Party and includes an enquiry, complaint, or other communication received by any Foundation Representative from a Third Party.

“**Pattern of Conduct**” occurs when the Third Party engages in one or more of the following:

- 1) Interactions concerning an issue which a Foundation Representative has already responded to; and/or;

- 2) Interactions concerning an issue which is substantially similar to an issue which a Foundation Representative have already responded to.

“Third Party” means an individual who is not a Foundation Representative. This may include, but is not limited to, volunteers, vendors, sponsors, donors, donor advisors, Fundholders, and community partners.

“Unacceptable Interaction” means an interaction initiated by a Third Party with the intent to embarrass, bully, intimidate, coerce or intentionally annoy the recipient, is disrespectful or unfair to the Foundation Representative, or is a part of a Pattern of Conduct by the Third Party that amounts to an abuse of power towards the Foundation Representative. Examples of Unacceptable Interactions include, but are not limited to:

- 1) Interactions made without reasonable grounds or basis in fact (e.g., complaint based on speculation, unknown or unsubstantiated proposition, or false premise); and/or
- 2) Making unreasonable demands such as expecting an outcome that is unrealistic or disproportionate; demanding a response on something that is out of scope; and/or
- 3) Asserting unreasonable arguments including exaggerating issues; presenting non-relevant information; misrepresenting the Foundation’s stated position; misrepresenting a response received from the Foundation; asserting unfounded conspiracy theories; and/or
- 4) Conduct that is abusive of the Foundation’s Representatives and/or the Foundation generally including, but not limited to:
 - i. verbal abuse, defamatory or derogatory remarks about the Foundation and/or the Foundation Representatives;
 - ii. statements or remarks which are intended or have the effect of intimidating a Foundation Representative;
 - iii. threats of violence or other abuse, verbal or physical, against Foundation Representatives;
 - iv. rude or aggressive conduct;
 - v. derogatory comments on the character or personal attributes of the Foundation Representatives;
 - vi. making excessive or multiple lines of enquiry regarding the same issue (e.g., pursuing a complaint with staff in multiple departments);
 - vii. repeatedly challenging the findings of a response by or from the Foundation, complaining about the outcome and/or denying that an adequate response has been given because the complainant disagrees with the response;

- viii. refusing to accept that an issue falls outside the scope of the Foundation's mandate;
- ix. making unreasonable demands on Foundation Representatives, for example, insisting on response to inquiry within an unreasonable time frame;
- x. making statements or providing representations that the Third Party knows or ought to know are incorrect or persuading others to do so;
- xi. making outrageous or unsupported assertions and posing them as questions;
- xii. demanding special treatment from staff, for example, immediately demanding to speak to senior management;
- xiii. changing the basis of the inquiry or complaint as the issue progresses and/or denying statements he or she made at an earlier stage;
- xiv. refusing to cooperate with a process while still wanting his/her inquiry or complaint to be resolved;
- xv. failing to clearly identify the precise issues of an inquiry or complaint despite reasonable efforts of staff to help him/her clarify his/her concerns;
- xvi. use of hyperbole, sarcasm, or unnecessarily negative rhetorical questions; and/or
- xvii. misrepresenting his/her identity.

Procedures

If a Foundation Representative believes that an Interaction is an Unacceptable Interaction, the employee shall consult with his or her manager, and provide any supporting evidence (e.g., communications materials received from the Third Party, summary of the main points of contention) and advise the manager of the steps that have been taken to resolve the issue(s) raised by the Third Party. The manager will review the supporting material to determine whether or not this particular interaction also falls within the HR Discrimination and Harassment Policy. If it does, the Manager will then review that policy to determine any additional next steps. If the manager agrees that the Interaction is an Unacceptable Interaction, then the matter should be escalated to the Chief Executive Officer, Chief Financial Officer, or Board Chair, whichever is appropriate in the circumstances.

If a Board member believes that an Interaction is an Unacceptable Interaction, they shall consult with the Chief Executive Officer and/or Board Chair, and provide any supporting material.

Interactions will be uploaded to a Tracking Summary that is maintained by Foundation staff and reviewed by the CEO. If, after reviewing the circumstances, the CEO and/or the Board Chair determines that action under this Policy should be taken, they will determine the appropriate action in accordance with this Policy. A warning letter (or email) drafted in collaboration with the Honorary Solicitor (or similar legal advisor) will be sent to the Third Party setting out the behaviour(s) considered unacceptable and indicating that the actions outlined in the letter will be put into effect if the Unacceptable Interactions continue.

Actions available under this Policy may include, but are not limited to:

- limiting the Third Party's future correspondence to a particular format, (e.g., email only), time (e.g., telephone calls only at specific times and days of the week), or duration (e.g., conversations may last no longer than 10 minutes);
- limiting the Third Party to a particular point of contact at the Foundation and informing the Third Party who that point of contact is (where possible, other staff members should be advised not to respond to the Third Party but refer him/her to the point of contact);
- informing the Third Party of how often they will receive a response to their inquiries (e.g. once a week for all interactions received in that week).
- requiring any face to face interactions between the Third Party and staff to take place in the presence of an appropriate witness;
- requiring the Third Party to produce full disclosure of documentation or information before staff will proceed with further steps;
- instructing staff not to respond to further correspondence with the Third Party regarding the matter raised by the Third Party or a substantially similar issue;
- instructing staff not to investigate any complaints regarding an issue that has already been investigated, or is substantially similar to an issue which has already been investigated; and/or
- in extreme circumstances, instructing staff to severely reduce or completely cease interactions with the Third Party.

If the Third Party disregards the warning letter(s) and continues interactions assessed to be Unacceptable Interactions, the Chief Executive Officer and the Board Chair will determine which of the actions outlined in the warning letter(s) will take effect. This warning letter will also clearly stipulate that the Third Party will only be able to request a review after six months of receipt of the warning letter.

If a Third Party engages in behaviour so egregious that immediate action is needed, the



Chief Executive Officer, in consultation with the Board Chair, may elect to move to immediate action without issuing a warning letter. In this case, a letter outlining the actions and reasons for them will be provided to the Third Party.

Interactions on a separate or new issue from a Third Party who has come under this Policy will be treated on their individual merit (unless all communication has been terminated – see below). The Chief Executive Officer will decide if any restrictions which are currently in effect should be applied to the new interaction.

If a continuing Pattern of Conduct is such that a significant portion of the interactions are Unacceptable Interactions or it is apparent that the Third Party is unlikely to modify his or her unacceptable behaviour, then the Third Party may be advised of this conclusion and advised that all future contact will be terminated and future correspondence will be returned marked “unread.”

Every effort should be made to maintain records of interactions with Third Parties falling under this policy in a Tracking Summary maintained by Foundation staff. This Tracking Summary will assist in developing a management briefing for the Board on an annual basis. Management should be reporting regularly to the Board about the use of this Policy. Based on management’s report, the Board will consider any issues coming out of this process.

Revision History:

Approved by Board February 26, 2020