

# **Mirror Mountain Film Festival - Code of Conduct**

Adopted January 8th 2021

## **Introduction**

This Code of Conduct describes the standards of conduct and behaviour that Mirror Mountain Film Festival expects from its Members, Board of Directors, Officers, employees, sponsors, business partners, volunteers, featured artists and guests, along with an outline of procedures to be undertaken in resolving issues of conflict or misconduct. Enforcing these policies is essential to providing a safe and respectful environment for everyone who wishes to participate in our community. The Code of Conduct represents a commitment to upholding the highest standards of behaviour, encouraging the good-faith reporting of complaints concerning harassment, discrimination, bullying and violence, and cooperating in the investigation of such complaints.

## **Definitions**

In this Code of Conduct:

1. "Board" means the board of directors of the corporation;
2. "By-laws" means the by-laws of the corporation, which are, from time to time, in force;
3. "Corporation" and "MMFF" both mean Mirror Mountain Film Festival, which is a not-for-profit corporation;
4. "Director" means an individual occupying the position of a director on the board of the corporation;
5. "Member" means a member of the corporation;
6. "Members" means the collective membership of the corporation; and
7. "Officer" means an officer of the corporation.

## **Standards of Conduct**

The following standards of conduct apply to the behaviour of all persons participating in the festival, whether they be at a physical site or location like a theatre, or in a virtual environment, such as online events and social media pages.

### **A) Inclusivity**

MMFF shall endeavour to foster an environment free of discrimination and harassment, and create a welcoming space for all persons, regardless of age, sex, gender identity or expression, race, ancestry, ethnicity, place of origin, language, culture, citizenship, religion or creed, sexual orientation, marital or family status, socio-economic class, housing status, education, physical or mental health, physical appearance, ability, or any other protected status under federal or provincial legislation. Courtesy and respect should be the guiding principles in how participants in our community treat one another.

MMFF shall not discriminate in hiring, issuing memberships, selecting films, commissioning artworks, or in any of its other activities based on grounds prohibited by applicable law. Furthermore, MMFF shall

endeavour to create a workforce, governance and programming that reflects the diverse community in which it operates.

#### B) Vulnerable Persons

MMFF shall endeavour to protect vulnerable persons from harm by instituting procedures as required by law. Vulnerable persons include children, youth, senior citizens, persons with physical, developmental, social, emotional or other disabilities, as well as persons who are victims of crime or harm. The vulnerability may be a temporary or a permanent condition. It is the responsibility of all persons participating in the festival to conduct themselves in a manner which is suitable to the presence of vulnerable persons and respectful of their sensibilities.

#### C) Violence and Harassment

All persons participating in the festival must treat one other with respect for their physical and mental well-being. Violence and harassment will not be tolerated in any capacity. Violence includes, but is not limited to, any behaviour which intentionally threatens or causes physical harm to another person.

Harassment includes, but is not limited to:

- Repeated verbal, visual, written or physical contact, or simulated physical contact, without consent or after a request to cease;
- Failure to respect personal boundaries, when those boundaries have been clearly expressed;
- Requesting or assuming inappropriate levels of intimacy with others;
- Unwelcome sexual attention;
- Inappropriate or gratuitous comments, remarks, jokes, questions, texts or gestures;
- Harassing photography, recording, monitoring, stalking, cyber-stalking or following of a person;
- Offensive, derogatory, aggressive, intimidating or silencing behaviour;
- Slander, libel or public humiliation;
- Deliberate 'outing' of any aspect of a person's identity without their consent;
- Deliberate misgendering or use of a person's 'dead' or rejected names;
- Publication of private communication without consent;
- Behaviour which can be clearly interpreted as a threat or action against the physical, mental or social well-being of another person, or which jeopardizes their sense of security and safety;
- Discriminating, bullying or demeaning behaviour; and
- Sustained disruption of discussions, events, programs or space functionality.

Incidents of violence or harassment should be reported immediately to an employee or Director. If the incident takes place on-site at a physical event, the complainant will be encouraged to fill out an incident report form.

In the event of violence, emergency personnel and/or police will be contacted, and the Board will determine any further course of action. In the event of harassment, the Board will determine the course of action, which, depending on the severity, may include reporting to police. If the complainant is uncomfortable

with police intervention, they should voice this while reporting the incident to the employee or Director. In these cases, the employee or Director will assist the complainant to the best of their ability within the confines of the law, which may include a referral to third party resources and supports such as counselling, support groups, mental health services and sexual assault supports.

#### D) Misconduct

All persons participating in the festival shall refrain from engaging in misconduct. Depending on the severity of the incident, misconduct may lead to disciplinary action by the Board, removal from event spaces, or reporting to emergency personnel and/or police.

Examples of misconduct include, but are not limited to:

- Theft, destruction, infringement, neglect or misuse of property;
- Harassment, discrimination, bullying or violence;
- Falsification of information or accounts;
- Breaches of confidentiality or privacy;
- Engaging in activities or making statements injurious to the festival's reputation;
- Misuse of alcohol or drugs;
- Intoxicated behaviour;
- Abusive language or treatment;
- Exhibition of disruptive behaviour; and
- Inciting conflict or violence.

#### E) Use of Property and Assets

It is the responsibility of all Directors, Officers, employees and volunteers to protect the property owned or entrusted to the Corporation from theft, destruction, infringement, neglect or misuse. The usage or expenditure of MMFF's assets by Directors, Officers, employees and volunteers must be responsible, limited and recorded.

#### F) Health and Safety

MMFF shall endeavour to conduct its business in a way that most effectively protects the safety and health of all persons. This includes, but is not limited to, respect for individual ability and health, adherence to health and fire code regulations, adherence to applicable federal, provincial, and municipal laws, ensuring servers have Smart Serve training whenever possible, taking appropriate precautions with food handling and preparation, undertaking periodic safety audits of facilities, and creating exit plans and other emergency event procedures.

#### G) Accessibility

MMFF shall, within its available resources, endeavour to accommodate all guests who wish to engage in the festival's events and activities, and work towards removing social and physical barriers that prevent or restrict access.

#### H) Integrity of Programming

MMFF shall endeavour to maintain a transparent jury process for the selection of artists and films, and to give each official, formally submitted film or artist proposal a fair and balanced assessment. MMFF shall not knowingly select for exhibition or display any artwork that will cause harm or distress to its guests. If a guest raises a concern about the suitability of an artwork, the Board will review their concern in good faith, and subsequently may or may not resolve to remove said artwork from the festival.

#### I) Disagreement and Dispute Resolution

When issues of personal disagreement or dispute arise, if appropriate, the parties involved should first approach the problem on an individual basis and resolve the issue with respect for one another. In the event that a dispute cannot be resolved in private meetings between the parties, then, as an alternative to instituting a lawsuit or legal action, and in accordance with the Corporation's By-laws, the persons involved should contact the Chair of the Board, and the dispute or controversy shall be settled with mediation and/or arbitration by a third party. MMFF may seek the counsel and support of external consultants, educators, community leaders, support persons, complaint investigations or other experts. If the Chair is party to the conflict or complaint, it will fall to the remaining members of the Board to determine the appropriate course of action.

#### J) Conflicts of Interest

MMFF shall endeavour to avoid conflicts of interest. A conflict of interest is defined as any situation where the personal interest of Directors, Officers or employees interferes with the interests of the Corporation.

Directors, Officers and employees shall:

- Base decisions made for MMFF on merit and in the best interest of the Corporation;
- Not take part in or influence any decision that might result in a personal financial advantage;
- Conduct business with suppliers, sponsors, donors, services, community organizations and other partners in a fair and professional manner;
- Not form business relationships based on favouritism, prejudice or personal gain;
- Give or receive business-related gifts or hospitality only when there is a benefit to MMFF, and never when it may compromise or appear to compromise the ability to make objective decisions;
- Distribute business-related gifts or hospitality suitably within the community;
- Be clear that they are not speaking or acting on behalf of MMFF when serving as a representative for another organization, or when participating in political activity;
- Not abuse their position, role or power in order to exert influence over Members, featured artists, guests or other corporations in order to obtain personal benefit or reward; and
- Disclose any potential conflict of interest, whether perceived or actual, whenever they are in any way directly or indirectly interested in a contract or transaction, or proposed contract or transaction, with the Corporation. Except as provided by the Ontario Not-for-Profit Corporations Act, no Director shall attend any part of a meeting of Directors or vote on any resolution to approve any such contract or transaction.

#### K) Sensitive and Confidential Information

MMFF shall not knowingly disclose sensitive or confidential personal information, and endeavour to respect individual privacy. Sensitive information is defined as proprietary, financial, business or personal information that requires confidentiality, and must be protected to ensure the Corporation's assets, obligations and interests, and to preserve the privacy of Members, Officers, employees and business partners. MMFF will not divulge confidential information relating to the Corporation, Members, Officers, employees or business partners unless approval from the individual(s) concerned is obtained.

#### L) Finances, Accounting and Reporting

When incurring or approving business expenses, Directors, Officers and employees must exercise prudence and sound judgment. Expenses must be reasonable and necessary for the business of the Corporation, in accordance with financial planning, policy and applicable By-laws. When conducting financial, accounting or reporting business, Directors, Officers and employees shall not engage in any practices which may jeopardize the Corporation's status or reputation. Directors, Officers and employees must not establish undisclosed funds or accounts, and handle all cash and transactions in an appropriate and legal manner that avoids suspicion of infringement or impropriety. All documents must accurately and clearly represent the relevant facts and relevant information of a transaction. These documents may include but are not limited to affidavits, payroll, sales reports, financial reports, invoices, HST filing and tax accounting.

#### M) Sponsor, Donor and Patron Rights

Individuals, businesses, other corporations and unincorporated collectives may be invited to become a sponsor, donor or patron of MMFF, or participate in other fundraising activities.

Sponsors, donors and patrons shall have the following rights in interacting with MMFF:

- To know the identity of the Corporation's Board, Officers and employees;
- To expect that Directors, Officers and employees shall act with transparency, integrity and discernment in implementing MMFF's mission and purpose for the best interests of the community;
- To have access to the Corporation's annual financial statements;
- To know how donations directly or indirectly contributed to the Corporation are distributed;
- To receive appropriate acknowledgment and recognition for their contribution;
- To confidentiality regarding their personal information and facts about their donations;
- To expect that all relationships between MMFF's representatives and the donor will be professional in nature;
- To be informed of the exact nature of the relationship between fundraisers and the Corporation;
- To expect that MMFF will not share or sell a mailing list which includes the donor's name or personal information; and
- In certain cases, to become a non-voting Member of the Corporation.

Sponsors, donors and patrons may at no time be permitted to interfere with or influence MMFF's programming, mission, mandate or vision.

## **Compliance with the Code of Conduct**

To facilitate the implementation of the policies and procedures listed in this document, MMFF shall:

- Ensure that all Members, Directors, Officers, employees, volunteers, sponsors, business partners and featured artists have access to a copy of this document;
- Ensure everyone in the workplace is aware of anti-harassment, discrimination, bullying and violence policies and procedures;
- Post a copy of the Code of Conduct on MMFF's website;
- Share a copy with new Directors, employees and volunteers upon commencement of work;
- Encourage everyone in the workplace to set and respect personal boundaries, and engage in consent-based interactions; and
- Provide safe places where work may be performed.

All persons involved with the festival are expected to review the Code of Conduct, and adhere to it during dealings with MMFF. If at any time the Code of Conduct is updated, notice will be posted on the Corporation's website, and a copy of the revised document will be made available online.

## **Consequences for Misconduct**

The Board has the power to prescribe standards of conduct for Members and employees, and to make decisions as to what constitutes grounds for disciplinary action. Those who do not comply with the standards of behaviour and conduct described in MMFF's Code of Conduct will be subject to disciplinary procedures, as outlined in the Corporation's By-laws, employment contracts, sponsor contracts, artist contracts and in this document.

Each grievance, conflict or occurrence of misconduct will be evaluated on an individual basis, considering all available facts and information. The Board will use the Corporation's By-laws, the Code of Conduct and its best judgement to determine the most appropriate and reasonable course of action needed to reach the best outcome for MMFF and the parties involved. The Corporation shall provide a timely process for the investigation and resolution of complaints.

Available courses of disciplinary action include, but are not limited to:

- Mediation;
- Outside consultation;
- Arbitration;
- Calling a special meeting of Members;
- Remedial action such as counselling and/or training;
- Suspension or refusal of membership;
- Termination of employment;
- Termination of contract;
- Restriction from physical sites like theatres;
- Restriction from virtual spaces like social media pages; and
- Legal action as per applicable laws, including human rights legislation.

MMFF shall endeavour to protect individuals, who in good faith allege harassment, discrimination, bullying and violence, from retaliation or reprisal. In circumstances that require immediate intervention, such as violence, theft or other matters of physical safety and security, emergency personnel and/or police will be notified.