

# **Safety, Consent & Inclusion (SCI) Protocol of Intervention Ottawa Swing Dance Society (OSDS)**

Original protocol created by [RDU blues](#). Adapted by Xan Dagenais.

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In order to foster a real culture change in our swing community (and beyond), the mutual commitment of all participants to introspection and solidarity in the face of problematic behaviour is essential. The SCI volunteers, SCI committee and the OSDS executive are here to help!

## **SCI volunteers**

The SCI volunteers are there to listen to and support members of the OSDS community and raise concerns to the Safety committee and OSDS exec. The SCI volunteers are comfortable with intervening to defuse tensions and manage conflicts, initiating dialogue when the situation is appropriate and/or intervening with people who have problematic behaviour. Do not hesitate to talk to them if you have a problematic behaviour to report, if you have a question, need support or would just like to talk to someone.

## **SCI committee**

The SCI committee is a subset of the SCI volunteers. It has the mandate of addressing grave, repeated or unresolved complaints, overseeing the general application of the SCI policy, keeping the policy up-to-date, supporting the SCI volunteers, and strategizing to make the OSDS dances and events a safer place. Its members are comprised of 5 to 7 OSDS executives and SCI volunteers of diverse backgrounds. You can reach the SCI committee at [osds.safety.committee@gmail.com](mailto:osds.safety.committee@gmail.com).

## **OSDS executive**

The OSDS executive is responsible for running the OSDS dances and for all decisions related to its good functioning. A few OSDS exec members will be sitting on the SCI committee to ensure good communication between the two groups, and to ensure decisions made by the SCI committee are aligned with the OSDS exec's responsibilities. If individuals are to be asked to leave, or banned from the dances, temporarily or permanently, OSDS exec members will be involved in making that decision and will deliver said decision to the individuals in question.

The OSDS executive, the SCI volunteers and the SCI committee have attended at least one SCI training session prior to starting that role.

### **Problematic behaviour that goes against our values as outlined in the SCI policy**

Problematic behaviour includes, but is not limited to, the following: sustained disruption of events, domination language, mansplaining, whitesplaining, microaggressions, oppressive verbal comments (in person or online) related to gender, sexual orientation, disability, physical appearance, body size, age, ethnicity, religion, nationality, dance skill level, dance role, etc., harassing photography or recording, criminal harassment, sexual harassment, intimidation, inappropriate physical contact, unwelcome sexual attention, unwanted physical contact, physical assault, sexual assault, etc.

### **Definitions**

Domination language: Words, ways of engaging in discussion (speaking too much, interrupting a lot, not listening, using a condescending tone, belittling the expression of emotions, take criticism of oppressive behaviour as a personal attack, etc.) and body language (raising your eyes to the sky, crossing your arms, mocking chuckle, etc.) that send a message that what others are saying is not as important, which can prevent people from fully participating in discussions and activities in a dignified way.<sup>1</sup>

Mansplaining: explaining something to someone, typically a man to woman, in a manner regarded as condescending or patronizing, and usually on a topic the person doing the explaining as less knowledge and personal experience of than the other.

Whitesplaining: explaining something to someone, typically a white person to a person of colour, in a manner regarded as condescending or patronizing, and usually on a topic the person doing the explaining as less knowledge and personal experience of than the other.

Microaggressions: Everyday verbal, non verbal and environmental slights, snubs, or insults, whether intentional or not, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group status.

Criminal harassment: The Criminal Code defines criminal harassment as 264 (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them. (2) The conduct mentioned in subsection (1) consists of (a) repeatedly following from place to place the other person

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<sup>1</sup> [http://www.crac-kebec.org/files/language\\_domination.pdf](http://www.crac-kebec.org/files/language_domination.pdf)

or anyone known to them; (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them; (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or (d) engaging in threatening conduct directed at the other person or any member of their family.<sup>2</sup>

Sexual harassment: Under the Ontario Human Rights Code, sexual harassment is defined as “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.” In some cases, one incident can be serious enough to be sexual harassment. Sexual harassment can include: asking for sex in exchange for something; asking for dates and not taking “no” for an answer; demanding hugs; making unnecessary physical contact, including unwanted touching; using rude or insulting language or making comments that stereotype people; calling people unkind names that relate to their identity; making comments about a person’s physical appearance (for example, whether or not they are attractive); saying or doing something because you think a person does not fit sex-role stereotypes; posting or sharing pornography, sexual pictures, cartoons, graffiti or other sexual images (including online); making sexual jokes; bragging about sexual ability; bullying; spreading sexual rumours or gossip (including online).<sup>3</sup>

Sexual assault: The Criminal Code of Canada defines all assaults as follows: 265 (1) A person commits an assault when (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly; (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs. (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault. (3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of (a) the application of force to the complainant or to a person other than the complainant; (b) threats or fear of the application of force to the complainant or to a person other than the complainant; (c) fraud; or (d) the exercise of authority.<sup>4</sup>

Consent: The Criminal Code of Canada defines sexual consent as follows: 273.1 (1) Consent means the voluntary agreement of the complainant to engage in the sexual activity in question. (2) No consent is obtained where (a) the agreement is expressed by the words or conduct of a person other than the complainant; (b) the complainant is incapable of consenting to the activity; (c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority; (d) the

<sup>2</sup> <https://laws-lois.justice.gc.ca/eng/acts/C-46/page-61.html#docCont>

<sup>3</sup> [ohrc.on.ca/en/sexual-and-gender-based-harassment-know-your-rights-brochure](https://ohrc.on.ca/en/sexual-and-gender-based-harassment-know-your-rights-brochure) Many of these examples can also be applied to harassment based on: ethnicity, religion, size, dis/ability, class, age, sexual orientation, nationality, dance skill level and dance role.

<sup>4</sup> <https://laws-lois.justice.gc.ca/eng/acts/C-46/page-62.html#docCont>

complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity. (3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.<sup>5</sup>

Section 273.2 states: It is not a defence that the accused believed that the complainant consented to the activity where (a) the accused's belief arose from the accused's (i) self-induced intoxication, or (ii) recklessness or wilful blindness; or (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.<sup>6</sup>

## Goals

When they are navigating issues related to problematic behaviour, the SCI volunteers should look to the [SCI policy](#) and the following goals to guide their decisions:

- To create an environment where everyone feels safe from oppression, harassment, abuse, and violence.
- To make it clear to participants that we take safety and freedom from oppression seriously, and that we take accounts of oppression or abuse seriously.
- To minimize occurrences of oppression, harassment, and violence at OSDS.
- To respond seriously and appropriately when people report oppression, harassment, or violence.
- To give those behaving in an oppressive, harassing or problematic manner a chance to understand the problem and change their behavior. (This may not always be possible in the case of multiple/repeat and egregious incidents.)
- To act with coherence rather than in an *ad hoc* and unilateral way when responding to complaints, and to strive to make sure that the SCI committee is involved with making any major decisions about consequences.

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<sup>5</sup> <https://laws-lois.justice.gc.ca/eng/acts/C-46/page-64.html> + Alcohol is *the* most commonly used date rape drug. As we've seen above, 273.1 (2)(b) clearly states: "No consent is obtained where the complainant is incapable of consenting to the activity". Still, many people do not agree on the amount of alcohol or the behaviour that shows someone is incapable of consenting. When in doubt, here is a simple shorthand: if they're too drunk to drive, they are too drunk, *period*. Yes, people's tolerance and behavior while drunk vary so if you are not sure, you've never had sex with this person before or you haven't had a discussion regarding having sex while drunk with them yet, it's better to err on the side of caution and go home alone than to harm someone. If they really want to have sex with you, they will still want to have sex with you when they are sober. You can, and should wait. Source and more info: [www.doctornerdlove.com/coerced-consent-yes-means-no/all/1/](http://www.doctornerdlove.com/coerced-consent-yes-means-no/all/1/)

<sup>6</sup> <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-65.html#docCont> + Recklessness or willful blindness, or not taking reasonable steps to ascertain consent can mean that psychological or emotional "threats" or manipulation can invalidate a "yes". Examples include wearing someone down by asking repeatedly, blackmailing, guilt-tripping ("people do this when they love someone..."), and other tactics that rob someone of the space to say "no" freely and comfortably.

- To build a culture of safety, respect, equality, and dignity. That means:
  - People treat each other with respect and consider it their own responsibility to avoid behaviours that result in others feeling unsafe, uncomfortable or oppressed.
  - People feel empowered to protect their own boundaries and to do something when their boundaries are violated – whether that means telling a SCI volunteer, a member of the executive committee, a dance manager, a SCI committee member, a friend, or talking to the person who violated their boundaries.
  - People protect the values of equality, dignity and safety, and help keep the swing community free of oppression, harassment and abuse.
  - Any would-be oppressors know they will not be permitted to harass, abuse or harm other participants at OSDS and beyond.

### Where will the SCI volunteers be?

As much as possible, one SCI volunteer will be present and visible from 8:30 to 10:30pm, and another from 10:30pm to 12:30am. Volunteers will make themselves known during announcements throughout the evening.

They will be wearing a red sash to be easily recognizable. If you cannot find a SCI volunteer right away, or a member of the executive, go to the **front desk** and they will find one for you.



Prefer to get in touch with us via email? Do so at [osds.safety.committee@gmail.com](mailto:osds.safety.committee@gmail.com).

You can also use this email address to directly reach the SCI committee, especially to make a report of grave, repeated or unresolved behaviour.

If you would like to file an anonymous incident report, [click here](#).

### What will the SCI volunteers do when witnessing problematic behavior?

When participating in OSDS, even if they are not on duty, SCI volunteers are encouraged to intervene if they witness or get a report of problematic or oppressive behaviour.

**NOTE:** *It is important to note that the responsibility to intervene does not solely fall onto the SCI volunteers. It is thus necessary to encourage the collective responsibility of everyone. Each attendee, volunteer, teacher, and executive member can rely on the mutual commitment of solidarity and the SCI policy to name a problematic situation or behaviour. However, if you do not feel able to take action on a problematic situation, please talk to a SCI volunteer. We are here for you!*

### **Who can make a complaint?**

Anyone can make a complaint of problematic behaviour. We encourage you to come talk to us even if you are not sure what to do, or whether the situation you've witnessed or experienced is problematic.

### **What will the SCI volunteers do when they receive a report of problematic behaviour?**

1. Make sure no one is in immediate danger. **If someone is in immediate danger, call the police/paramedics** or take other immediate action to ensure everyone's safety. Inform present member(s) of the executive immediately upon calling the police/paramedics.
2. Get details of the incident(s):
  - a. What happened?
  - b. Who was involved?
  - c. When and where did it happen?
  - d. Other information relevant to the context
  - e. Contact information from the person making the complaint
  - f. Person's expectations and wishes regarding confidentiality and what should happen next, if anything.
3. Either ask the person to write down what happened, or write down what they were told as soon as you can. This information will be kept confidential and shared only with the SCI committee, and can be anonymized if desired.
4. Clarify what level of confidentiality the person is comfortable with. This means:

- a. Are they okay or not okay with the other SCI committee knowing their name?
  - b. Are they okay or not okay with the OSDS executive knowing their name?
  - c. Are they okay or not okay with their identity being revealed to the person they are making the complaint against?
5. Find out what kind of actions or resolutions the person bringing the complaint would like to see. It might not always be possible to do what the person would like us to do (except in relation to confidentiality), but it will be taken into serious consideration. Figure out the next steps with the person and/or bring the matter to the attention of the SCI committee.
6. Send the account of the incident, including the information from #2 above, to the SCI committee email address: [osds.safety.committee@gmail.com](mailto:osds.safety.committee@gmail.com). You can send a photo of the report if it was written by hand.
7. If the incident falls within the SCI committee mandate (grave, repeated or unresolved) or if the person would like the committee to intervene, the committee will convene (online and/or in person) to decide what to do.
8. After the SCI volunteer or committee has responded to the situation, follow up with the person who made the complaint and let them know what was done to address the issue, and ask how they feel about it. Something else might need to be done depending on the situation. Send to [osds.safety.committee@gmail.com](mailto:osds.safety.committee@gmail.com) all new information or actions taken so they can be added to the original report, and so the reports are always up-to-date.
9. After every dance, the SCI committee will report on any incidents that occurred and actions taken to the executive, while making sure that they respect the confidentiality requested by the reporter.

### **Continuum of possible responses**

Different situations will call for different responses. Here are some of the many possible responses. SCI volunteers should use discretion and take the action that best suits the situation and supports our goals from above.

#### **1. Possible responses that do not require the SCI committee to convene:**

For these responses, the SCI volunteer who receives the complaint may use their discretion to decide what to do. They may also confer with other SCI volunteers, SCI committee or exec members to decide what to do. Some possible responses are:

- Send the account of the incident to the SCI committee email address - do nothing else.
- Talk to the person targeted by the report. Explain what the complaint was, why the behaviour is unacceptable at OSDS, and let them know what they need to do to change this behaviour. For example, if someone has hurt others while dancing, SCI volunteers might dance with the person in question to see what needs to be changed to not hurt others anymore. Send the account of the incident and intervention to the SCI committee email address.
- Talk to the person targeted by the report, and if it's become apparent that the person will need to leave (might be relevant for people who are drunk and/or disruptive, etc.), go find an OSDS exec member as they are the ones who can enforce an expulsion. Send the account of the incident and intervention to the SCI committee email address.
- If any criminal activities are being perpetrated, intervene if you SAFELY can, and find an exec member so they can tell the person(s) to leave. Send the account of the incident and intervention to the SCI committee email address.
- The SCI committee will do any necessary follow-up with the people involved in the complaint and/or incident depending on factors such as the nature of the incident, the safety and needs of the complainant, the safety of the community, changed behaviour, etc.

## **2. Possible responses that do require the SCI committee to convene:**

**These responses are in the case of grave, repeated or unresolved incidents.** For any of the following responses, the SCI volunteers should not act unilaterally. Instead, the members of the SCI committee should convene as soon as possible, discuss the situation and decide what to do unanimously.



\*\*\*However, this could take time. If there are concerns for the safety, comfort or inclusion of the person who made the complaint, or our community at large, the SCI committee will consider excluding the person targeted by the complaint from the dances while it discusses the issue and until it comes to a decision.

For any of the following responses, the person whom the complaint is against should, if possible, be given an opportunity to talk to one or more SCI volunteers and/or to the SCI committee (their choice) before a final decision is made so that a) they can understand what the problem is, and hopefully change their behaviour, and b) they can have an opportunity to respond to the complaint.

***IMPORTANT:*** *We will give people accused of harassment/violence/abuse a chance to respond to complaints against them, but we also recognize that false accusations of violence, abuse or harassment are very rare. Therefore, our default assumption is that people who bring complaints of abuse, violence and/or harassment are telling the truth.*

**Restricted responsibility.** Some aspect of the role of the person targeted by the report, at the dance, in the organization or the scene, is restricted but they are still permitted to attend (e.g. they can't host out-of-town guests, teach, DJ, volunteer anymore, etc.).

**Partial ban** from some activities or dances but not others. (This may not be appropriate for many situations, but it's an option).

**Full, time-limited ban.** For example, ban someone for the dances but give them the opportunity to ask to return after a certain amount of time has passed, potentially with conditions such as taking private lessons to dance safely, go to AA meetings, therapy, mediation (these conditions will need to be verified), return if it's ok with the person harmed by their behaviour, etc.

**Full and permanent ban** from all the OSDS dances and activities, and notifying other scenes of our decisions to help protect their participants.

The SCI committee may decide to take other responses than the ones listed here based on the specifics of the situation and the goals listed above.

The situation and recommendation to ban will be shared with the rest of the OSDS executive in order to make a decision and discuss the best way to implement said decision, such as what to say, find a volunteer replacement, a new host, distribute the

name and photo of a person banned from the event to all staff & front desk, other security measures, etc.

The decision will then be communicated to the person/people who made the complaint, the person whom the complaint was made against, and organizers of other scenes that might be impacted by the decision, in collaboration with the OSDS exec. In the communications with volunteers and other scene organizers, the outcome of the decision should be shared in respect of agreements on confidentiality.

**Responding to reports that implicate a person heavily involved with the Ottawa swing dance community, in a position of power or authority with OSDS, or a member of the SCI committee:**

The above guidelines also apply in these situations. A few additional guidelines:

- Whoever receives the complaint should get the details and write them down. These details should stay confidential and be shared with the SCI committee, **EXCEPT:**
- **If the person targeted by the complaint is on the OSDS exec or the SCI committee, do not send it to the regular SCI committee address.** Send it personally to someone you trust on the SCI committee - if no such person exists, talk to a SCI volunteer or a friend in the scene who can help you identify someone you can trust on the SCI committee or on the OSDS exec to receive the complaint.
- For any complaints that involve a person heavily involved with the Ottawa swing dance community or the OSDS exec, the SCI committee should convene to determine what to do.
- The full SCI committee should have at least one meeting without the person targeted by the complaint present to decide what to do. Since the committee is small, it may decide to add one more temporary member chosen amongst the SCI volunteers.
- The decision should not be made unilaterally. The accused person does not count as a voting SCI committee member and cannot be present during the vote.

- If the person making a complaint against a member of the SCI volunteers or committee does not trust the SCI committee to take action without bias, an alternative solution should be put in place: for example, it could be the formation of an ad hoc committee for this specific situation put together by someone whom the person making the complaint trusts, etc.
- Again, a continuum of potential responses are available, and the SCI committee will have to make a decision based on the situation, keeping in mind the goals listed at the top. In this case, one additional potential response might be: for the person to lose their SCI and/or executive role but to continue to be allowed to come to events.

### **Responding to reports or bans in other communities**

There may be times when we learn that a particular person from another dance community has had reports of harassment, abuse or violence made against them, or has been banned from another community/event. Because there is overlap between different dance scenes, and people travel to dance, DJ and teach, we should be aware of threats in other scenes that might impact the safety of our community. Here are some guidelines for what to do when we learn of these issues:

- We will seek out information about those reports, and/or what behaviour/policy violation lead to the ban.
- If the person was banned because of behavior that is also in violation of our SCI policy, we should consider banning the person from our dances as well, following our usual protocol for making that decision. Some options include:
  - Banning the person and matching the terms of the original ban (i.e., lifting or reconsidering our ban when/if the original ban is lifted or reconsidered).
  - Banning the person but reconsidering the ban on our own terms.
- If we decide to take action such as banning the person, we should let the organizers of the original scene and any other impacted scenes know of our decision.

### **Allowing someone to return to our dances after being banned**

There may be times when we want to consider allowing someone whom we have banned to return to our dances. For instance, if we have banned someone temporarily,

they may ask to return after their ban period has ended. Here are some guidelines for making a decision about whether to allow a previously banned person to return:

- If the person's original banning from our event was permanent, they cannot return.
  - If there is current legal action against the person related to the reasons for the ban, they cannot return. This includes: an active restraining order against them, a new criminal conviction for related behavior, an impending related trial or hearing, etc.
  - If a previously banned person is asking to return (and is not automatically denied as per the first two points above), the SCI committee will convene to consider it.
  - In examining the request, the SCI committee will consider the following factors:
    - Does the individual who made the complaint not want them to return?
    - Have there been other reports of harassment, abuse or violence (including from other scenes) since the original banning?
    - Do we have evidence that the person made significant changes to their behavior and addressed the issues that lead them to act the way they did?
    - Do dancers in our community still feel uncomfortable or unsafe around the person and do not want them to return?
  - If we choose to re-admit someone, we can choose to re-admit them fully to the dances or re-admit them on a provisional, probationary basis. We can also re-admit them with some restrictions (e.g. they are not allowed to volunteer, host, etc.). We should notify other relevant scene leaders, event organizers and/or points of contact around safety of our decision.
  - Note: If we choose to allow a person who has been temporarily banned to return, they may not take on leadership roles such as volunteering, teaching or DJing for at least one year after their return. The SCI committee can re-evaluate this restriction after the year has passed. A person who has been temporarily banned and subsequently allowed to return may not ever be considered for roles of high authority and responsibility, such as an executive or SCI role.
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