



Concern and Grievance Policy and Procedure

2021

This procedure is applicable to: all members of the PlayGround community, including employees, independent contractors, volunteers, audience members, donors, and general members of the community.

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CONCERN AND GRIEVANCE POLICY

This policy explains what to do if you have a concern or grievance about anything to do with PlayGround.

A **“concern”** is the expression of a worry, something that has made a person troubled or anxious about an issue. It is usually expressed at a ‘first level’ i.e. to a director or stage manager at or after rehearsal or by telephone or email directly to the relevant supervisor, staff member or ombudsperson. Depending on the nature of the concern, it can often be resolved at this ‘first level’ in an informal manner.

For example, you could have a concern about:

- Inappropriate language or behavior
- How a previously-identified issue has been handled
- The actions or treatment of another member of the PlayGround community
- Safety
- Harassment
- Discrimination

A **“grievance”**, or complaint, is a formal expression of dissatisfaction made to or about an organization, related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. Within PlayGround, this would usually equate to an expression of protest, objection, dissatisfaction with a real or perceived problem, accusation, or criticism and is usually dealt with in a formal manner. More commonly a grievance/complaint would be expected to be in the form of a written communication, a letter or email, addressed directly to the relevant staff member, their superior, the Artistic Director or the Chair of the Board. However, it should be noted that complaints, of a serious nature, may also be made verbally (in person or by telephone).

A grievance may occur if a person thinks that PlayGround or someone associated with PlayGround has, for example:

- done something wrong;
- failed to do something it/they should have done;
- acted unfairly or impolitely; or
- ignored their concern.

A grievance may be about the organization as a whole, about a specific program or project, or about an individual or group of individuals associated with the organization, including staff, artists, production personnel, front-of-house personnel, board members, volunteers, audience, and donors.

Taking a calm, positive approach to concerns and grievances and treating them with respect can help to diffuse angst, the potential for acrimony and escalation. The receipt of a grievance, even an unsubstantiated grievance, can be helpful to PlayGround in that it may indicate an area that can be improved.

CONCERN AND GRIEVANCE PROCEDURE

PlayGround welcomes and encourages all feedback. PlayGround recognizes concerns and grievances are important pieces of information and that effective procedures are needed to ensure concerns are heard, recorded, addressed and reviewed in a timely manner.

It is recommended that all members of the PlayGround community, including staff, artists, production personnel, volunteers, board members, audience members, donors and members of the general community, follow the guidelines of this policy and procedure should they have a concern or grievance regarding anything to do with PlayGround.

In all instances, confidentiality will be maintained, and the matter handled with sensitivity.

AN OPEN ORGANIZATION: CLIMATE AND CULTURE

PlayGround is committed to a culture of openness and transparency. Problems can arise when people feel that an organization is not open to or willing to address their concerns. Ultimately, it is better to have a direct complaint to a member of the staff than to have people sharing their dissatisfaction with others outside the organization and more likely to result in concerns/grievances being addressed in a timely manner and the limiting or mitigation of harm. Members of the PlayGround community like to feel valued and involved with the organization and they are encouraged to voice their concerns. PlayGround:

- Aims to ensure all members of the PlayGround community feel respected, valued, listened and responded to
- is open and accessible to concerns from the greater community, including current and past participants, attendees and supporters
- encourages complainants to contact the Artistic Director, direct supervisor or a PlayGround ombudsperson directly; and
- provides support to staff and ombudspersons to ensure they are comfortable in dealing with complaints

All complaints will be handled seriously. A gentle expression of concern, or a simple query, may grow into a dispute or confrontational matter if members of the community feel that they have been brushed aside. Flexible procedures are in place to handle both formal complaints and the informal raising of issues.

Example of a formal matter:

- complaint against a member of the staff. Such complaints require particularly sensitive handling.

Example of an informal matter:

- an expression of dislike for the choice of plays in Monday Night PlayGround.

Complaints that raise potential artist wellbeing concerns will be prioritized.

Lines of Approach

Complainants will be provided with immediate access to the most current copy of the Concern & Grievance Policy and the option to discuss their concerns with a direct supervisor or a member of the Ambassadors, at their choice, prior to or simultaneous with submitting a complaint. For the full policy and Concern & Grievance Report Form, [click here](#).

All members of the staff and direct supervisors are encouraged to deal with concerns that lie within their

area of responsibility. All staff and supervisors will be trained in the correct procedures for dealing with complaints as part of their formal induction/hiring.

If approached about a matter that lies outside their responsibility or expertise, staff or direct supervisors will refer the person to the concern and grievance policy and advise them of the next step.

Some complainants will wish to go straight to the Artistic Director with their concerns, and this should be respected. However, it should be explained that the Artistic Director might not be able to respond until they have consulted the staff or direct supervisor most directly involved.

Serious complaints should be shared by the Artistic Director with the Chairperson of the Board of Directors. There may be certain circumstances, such as complaints about the Artistic Director, when complainants will need to write directly to the Chairperson, whose address is readily available in the concerns and grievances flowchart (**Appendix 1**).

Reducing Anxiety

Anxiety can be reduced for all parties of a complaint by taking the matter seriously and dispelling uncertainty about how the complaint will be handled. This is achieved by:

- Making sure information about the complaints procedure is clear.
- Acknowledging complaints immediately, or at most within five working days. Staff should inform complainants about what is happening to their concern or complaint and, if a more detailed response is needed, by what date it will be received. The issue should be dealt with as quickly as possible.
- Confirming the nature of the complaint and what is concerning the complainant.
- Assuring complainants that their views matter.

CONFIDENTIALITY

It is essential that all complaints are treated in a confidential manner and with respect.

Complainants often seek an assurance of confidentiality before expressing their concerns, often to minimize retaliation or backlash, particularly from those not under PlayGround's control, and any impact to their or the organization's reputation.

The question of confidentiality should be discussed sensitively and on an individual basis with complainants and the organization's policy should be carefully explained.

If there is a situation involving the Police then the Artistic Director, or their delegate if the Artistic Director is unavailable, must take responsibility for action to be taken at PlayGround and the Board of Directors Chair should be informed as soon as possible. Depending on the circumstances, PlayGround may also need to fulfill requirements in regard to the submission of an incident report to local authorities.

ANONYMOUS COMPLAINTS

Anonymous complaints may be where there is no name or address supplied, or where the complainants say that they do not wish to be identified.

Complainants should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they still wish to remain anonymous, it is at the Artistic Director's discretion as to what

action, if any, should be taken, depending on the nature of the complaint.

Irrespective of whether any action is taken, anonymous complaints should be recorded in the complaints log for review, as, over time, they may contribute to an identifiable pattern.

FAIR PROCESS

Fairness is accorded to both the complainant and the person(s) against whom the complaint is made in the following ways:

- Each party has an opportunity to be heard, in person or in writing as appropriate and to respond to the allegations and/or evidence offered by the other;
- Issues or facts which are disputed are investigated;
- The investigator is free from bias or the perception of bias and, in particular, is not 'judge in his or her own cause';
- Any complaint outcome is supported by the evidence, necessitating a finding on the balance of probabilities in the event of a dispute of fact;
- The complaint outcome is finalized by an adjudicator, who may also be the investigator, who is free from bias or the perception of bias; and
- The outcome is consistent with established PlayGround policy.
- A system of review is available if either party is aggrieved by the initial outcome. Please refer to the section, '**INTRACTABLE COMPLAINTS**'.

RESOLUTION

Satisfaction for a complainant may come from any of the following:

- knowing that changes have been made, and that matters will be different in future
- knowing that PlayGround is now alert to a possible problem
- feeling that their concern has been considered seriously
- an outcome which may be different from the one they sought, but which they perceive to be well-considered
- a considered letter
- an apology.

If time has been needed to consider matters, complainants will receive a report letter. This will assure the complainant that the issue has been understood and the matter is being dealt with.

While PlayGround is not obliged to inform complainants as to specific actions taken as a result of a complaint, particularly in cases where confidentiality may be required by law, it is in the interest of full transparency to maintain open communication with complainants and confirm when action has been taken, whenever possible. This will also help to prevent misinformation within the PlayGround community.

INTRACTABLE COMPLAINTS

Most complaints can be resolved if approached positively. A complaint may become intractable, due to its nature or to the way in which it was handled, or possibly because the complainant perceives the organization to be non-responsive.

Intractable complaints are usually taken to the Chairperson of the Board of Directors or an arbiter.

Referral to the Chair of the Board of Directors

The Artistic Director will refer any matter they deem intractable to the Chairperson of the Board of Directors and inform the complainant that this stage has been reached. In the situation where a complainant is not satisfied with the Artistic Director's response, they may choose to contact the Chairperson directly.

In such cases, the Chairperson will discuss the matter fully with the Artistic Director and be provided with relevant documentation. If a briefing is required from another member of the staff, this should occur in the presence of the Artistic Director.

The Chairperson will respond to the complainant, notifying them that the matter is being reviewed, asking if they wish to add anything further and providing a date by which they may expect a response.

The Chairperson's response should be clear and detailed and should offer a meeting if the complainant remains troubled.

Meeting with the Chairperson of the Board of Directors

If a meeting is requested, the Chairperson will offer to meet the complainant at a time convenient to them. Those to be involved are:

- the Chairperson of the Board of Directors
- the Artistic Director and, at the most, one other member of the staff
- the complainant

Complainants should be permitted to bring with them a support person who is not involved with the complaint. Legal representation would be discouraged at this stage.

The Chairperson, after questioning and listening to the complainant and the Artistic Director, may be able to find a solution. If this is not possible, and the complainant wishes to take the matter further, the Chairperson could seek the advice of an independent arbitrator.

Referral to an Arbiter

As a final step in the disputes and complaints procedure, **if appropriate**, PlayGround may seek out an independent arbiter to resolve an issue. The arbiter would have to be:

- Agreed by both parties
- Remunerated by both parties (if appropriate)
- Assured both parties will accept the arbiter's decision.

Further Action

At all stages of a complaints resolution procedure the complainant can seek legal advice if they wish.

RECORD KEEPING

The following are reasons PlayGround maintains an effective log of complaints and other concerns raised by members of the PlayGround community:

- they may become the cause of legal action in the future;
- patterns in the record may indicate a need for action;
- the Artistic Director should be able to check the log and report on it regularly to the Board of Directors.

The log will contain the following information:

- date when the issue was raised;
- name of complainant and relevant parties involved;
- brief statement of issue;
- location of detailed file;
- name(s) of staff member(s) handling the issue; and
- brief statement of outcome, including date of resolution/outcome;
- any request for review;
- date of closure of the matter;
- any referral to the Board of Directors; and
- location of the confidential detailed file (if applicable).

Confidential files on all complaints will be maintained and kept together, cross-referenced with other files as necessary. The files will contain simple but clear notes of all conversations with complainants about any source of dissatisfaction. This applies to friendly chats and to telephone conversations, as misunderstandings can easily arise. There should be a clear statement of what is concerning the complainant and any notes can be mutually agreed to.

All records are kept and maintained according to any records maintenance policies as set forth by the IRS, State of California, or by recommendation of the Board of Directors or an independent auditor.

TRAINING

In order for all staff, director supervisors and ombudspeople to know how to carry out their responsibilities, appropriate training is provided as part of staff/supervisor induction as well as various training opportunities throughout the year.

KEY PRINCIPALS

Confidential – only the people directly involved in the grievance or sorting it out, can have access to information. See the section headed “Record Keeping” for more information about where and how records will be kept.

Impartial (fair) – all sides get a chance to tell their side of the story. No one makes any assumptions or takes any action until all relevant information has been collected and considered. All sides have access to support if they want or need it.

Free of unfair repercussions or victimization – the Artistic Director and Board of Directors Chairperson takes all necessary steps to make sure people involved in a grievance are not victimized for coming forward with a grievance or helping to resolve it.

Sorted out at the immediate level, if possible – we will aim to sort out all grievances at the immediate level, if possible, with the minimum of fuss. In many cases, grievances can be sorted out by agreement between the people involved with no need for further action to be taken.

Sensitivity – The Artistic Director and Board of Directors Chairperson will treat all concerns seriously and sensitively.

Timely – we aim to deal with all concerns as quickly as possible. The Artistic Director will keep you

complainants informed with the progress of the issue.

Record Keeping - The Artistic Director and Staff will keep written notes of the following:

- their interviews with all parties to a grievance; and
- what action they took to resolve the grievance.

These notes and all records of concerns will be maintained in a digital secure location by the Artistic Director. Records will be reviewed at least annually so that systemic problems can be identified, and trends reported upon.

Support - When a meeting occurs between a member of the staff and a non-staff complainant, both parties are welcome to have a support person present. The support person does not say anything in grievance meetings. They are simply there to provide moral/emotional support for the person/s involved. The support person is also bound by confidentiality.

Appendix 1: Flow Chart

WHERE DO I GO WITH A CONCERN or GRIEVANCE?

The following flow chart outlines the appropriate procedure for raising a concern. Management staff, Ambassadors, and members of the Board check that the procedure has been followed if a matter is brought to them.

With regard to whole organization concerns, it may be best to put them in writing or to request a meeting with the Artistic Director for appropriate action.

PROCEDURES FOR RAISING CONCERNS OR A GRIEVANCE FLOW CHART

All members of the PlayGround community are obliged to follow these procedures.

STEP 1: Appointment with Direct Supervisor, Ambassador or Appropriate Staff Member

- Make an appointment to discuss the concern with the relevant person or Ambassador of complainant's choosing

↓ If the matter is not resolved proceed to the next step

STEP 2: Written Concern or Complaint Reviewed by the Artistic Director

- The concern is to be put in writing to the Artistic Director by letter/email using the 'Concern Report Form' available online (PDF or Google Form)
- The Artistic Director is to mediate the dispute
- Complainant can request involvement of a PlayGround Ambassador/Ombudsperson
- A response will be provided to relevant parties regarding the substance of the concern and what actions are being taken to resolve the matter by the Artistic Director.

↓ If the matter is not resolved proceed to the next step

STEP 3: Contact the Board of Directors

- A formal complaint is to be lodged with the Chairperson of the Board of Directors.
- The Chairperson of the Board, in consultation with the support of the Board, will mediate the dispute.
- All relevant parties kept informed.

↓ If the matter is not resolved proceed to the next step

STEP 4: Independent Arbitration

- If the matter is not considered resolved, the Board of Directors or complainant may seek a resolution through an external, independent arbiter. A request for this should be put in writing to all parties.

Confidentiality: All parties to a concern are requested to respect confidentiality in dealing with issues of concern and therefore refrain from discussing issues of concern with other members of the PlayGround or greater community until the matter has been resolved.

NOTE: Concerns or Grievances regarding the Artistic Director should be directed to the Board Chairperson

CONTACT DETAILS FOR CONCERNS AND GRIEVANCES

PlayGround Artistic Director

Jim Kleinmann

Phone: (415) 992-6677 x101

Email: jim@playground-sf.org

Post: PlayGround, 3286 Adeline St #8, Berkeley, CA 94703-2485

PlayGround Ambassadors

Co-Chairs: Jomar Tagatac, Aaron Wilton

Email: jomar@playground-sf.org, aaron@playground-sf.org

Post: c/o PlayGround, 3286 Adeline St #8 Berkeley, CA 94703-2485

PlayGround Staff

You can arrange an appointment with a staff member by phoning (415) 992-6677. Alternatively, you can email a staff member directly to organize an appointment. Most email addresses are in the following format: `firstname <at> playground-sf <dot> org`

If you are having difficulty emailing a staff member or direct supervisor, please email info@playground-sf.org for assistance.

PlayGround Board of Directors

Chairperson: Regina Guggenheim

Email: rsguggenheim@gmail.com

Post: c/o PlayGround, 3286 Adeline St #8 Berkeley, CA 94703-2485

Appendix 2: Concerns Form



CONCERN & GRIEVANCE REPORT FORM

This form is to be used for all Concerns, Grievances and Complaints within PlayGround.

Once completed, return form to info@playground-sf.org. You can also return form by mail; marking the envelope as CONFIDENTIAL and it will be opened only by the Artistic Director. Concerns will be processed in accordance with the Concerns and Grievance Policy.

Indicate level of concern to you (circle): MINOR / MODERATE / MAJOR

Date: _____

Name of person filling in this form: _____

Contact phone number: _____

Person filling in this form is a (please tick):

- | | | |
|---|--|--|
| <input type="checkbox"/> Staff Member | <input type="checkbox"/> Board Member | <input type="checkbox"/> Company Member |
| <input type="checkbox"/> Actor | <input type="checkbox"/> Writer | <input type="checkbox"/> Director |
| <input type="checkbox"/> Designer | <input type="checkbox"/> Stage Manager | <input type="checkbox"/> Technical Personnel |
| <input type="checkbox"/> Front-of-House Staff | <input type="checkbox"/> Volunteer | <input type="checkbox"/> Other: _____ |

Brief description of concern:

What you would like to see happen:

Thank you for filling out this form. You will be contacted by the Artistic Director who will let you know how your concern is being addressed.

Appendix 3: Concern and Grievance Guidelines

PLAYGROUND CONCERN AND GRIEVANCE GUIDELINES

PlayGround welcomes suggestions and comments from artists, staff and other members of our community and takes seriously complaints and concerns that may be raised. Please see below for information and some 'FAQs' about our complaints system.

A complaint will be treated as an expression of genuine dissatisfaction that needs a response.

We wish to ensure that:

- Artists, staff, volunteers and other members of our community wishing to express a concern know how to do so;
- we respond to complaints within a reasonable time and in a courteous and efficient way;
- complainants realize that we listen and take complaints seriously; and
- we act where appropriate.

'How should I complain?'

You can contact the school in the following ways:

- In person
- by telephone: (415) 992-6677
- by email: info@playground-sf.org
- by online form: <https://playground-sf.org/policies>
- or by letter: PlayGround, 3286 Adeline St #8, Berkeley, CA 94703-2485

Please ask if you require some assistance in expressing your concern.

When you contact PlayGround, please ask to speak to an appropriate staff member or Ambassador. Be as clear as possible about what is troubling you.

Members of the staff will be happy to help. It may be best to start with the person most closely concerned with the issue – e.g. a director, stage manager, staff member, etc. They may be able to sort things out quickly, with the minimum of fuss. However, you may prefer to take the matter to a more senior member of the staff, for example the Artistic Director or Associate Artistic Director.

'I don't want to complain as such, but there is something bothering me'

PlayGround is here for you, and we want to hear your views and your ideas. You can start by contacting a member of the staff, as described above.

'I am not sure whether to complain or not'

If as members of the PlayGround community you have concerns, you are entitled to raise them. If in doubt, you should contact us, as we are here to help.

'What will happen next?'

If you raise something face-to-face or by telephone, it may be possible to resolve the matter immediately and to your satisfaction.

If you have made a complaint or suggestion in writing, we will contact you within five (5) working days, to respond to your concerns and explain how we propose to proceed.

In many circumstances, the person you contact will need to discuss the matter with a colleague and consider it further before responding. You will be given a date by which time you will receive a response. If a detailed exploration of the issue is needed, a letter or report will be sent to you as quickly as possible. This will tell you of the outcome of your complaint. It will explain the conclusion, the reasons for it, and any action taken or proposed.

Please be aware that in some cases PlayGround will not be able to discuss the details of action taken as it would be inappropriate. For example, if the action involved staff discipline. Under its legal obligation, PlayGround is also not able to divulge information on matters which require the involvement of a relevant government authority, without the permission of that government authority.

‘What happens about confidentiality?’

Your complaint or concern will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Artistic Director and those directly involved. The Chairperson of the Board of Directors may also need to be informed. It is PlayGround’s policy that complaints will not result in retaliation or backlash.

We cannot entirely rule out the need to make third parties outside PlayGround aware of the complaint and possibly also the identity of those involved. This would only be likely to happen where, for example, an individual’s safety was at risk or it became necessary to refer matters to the Police or other external authority. If information is passed to a third party, the complainant will be informed, unless this is prevented by legal obligation.

‘Can I remain anonymous?’

We would prefer to know the identity of a person making a complaint as it can help in investigation and resolution. Anonymous complaints will be noted and dealt with in accordance with the circumstances, available information and the action required.

‘What if I am not satisfied with the outcome?’

We hope that you will feel satisfied with the outcome, or at least that your concerns have been fully and fairly considered.

If you are not satisfied, the Artistic Director will offer to refer the matter to the Chairperson of the Board of Directors. Alternatively, you may wish to write directly to the Chairperson whose contact details can be found on the Concerns and Grievances Flowchart.

The Chair will call for a full report from the Artistic Director and will examine matters thoroughly before responding to ensure that the complaint has been handled in accordance with PlayGround’s policy and procedure as well as to give further consideration. When notified of the outcome of the Chairperson’s review and consideration, the opportunity of a meeting with the Chairperson will be offered if you remain concerned. You may wish to be supported by a friend, but legal representation would not be appropriate at this stage.

If the meeting does not bring about a resolution, the matter may be referred to arbitration. It is the arbiter’s task to look at the issues in an impartial and confidential manner. You would be invited to a meeting with a mutually agreed upon arbiter. You will be asked if there are any papers you would like to have circulated beforehand. As with the Chairperson’s meeting, you will be offered the opportunity to bring a support person with you.

PlayGround recognizes and encourages your right to share concerns or file a complaint. We commit to open communication and full transparency and to working with you to resolve the issue(s) and mitigate harms in a timely manner.