

**POLICY TITLE: ANTI-HARASSMENT**

(Amended July, 2017)

This policy was approved by Leadership Council July 14, 2007.

**1. PURPOSE**

The Banff Centre is committed to providing a working, learning and artistic environment in which all individuals are treated with respect and dignity; one that is harassment-free. Mutual respect, cooperation and understanding are the basis for interaction among all members of the Centre's community. The Centre will not permit behaviour that undermines the dignity, self-esteem or productivity of any artist, participant, staff member or member of the Board of Governors. Harassment is damaging and will not be tolerated. The expectation is that managers, supervisors, faculty, employees and members of the Board of Governors will create and maintain a work and learning environment that is respectful of all persons in it. This policy establishes what constitutes harassment and outlines procedures for the quick and effective handling of concerns or complaints.

This policy does not limit or constrain the employer's right to manage the workplace or learning environment. For example, work assignments, operational reviews, performance reviews, coaching, work evaluation and disciplinary measures taken by a manager, supervisor, or faculty member in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory, management and teaching actions must remain respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory/teaching relationship, nor is it intended to inhibit normal social interaction in the workplace or constrain artistic freedom of expression.

**2. DEFINITIONS**

The term "sexual harassment" refers to unwelcome conduct of a sexual nature that detrimentally affects the work/learning environment or leads to adverse job/learning-related consequences for the victims of sexual harassment.

"Workplace harassment" is a form of discrimination, which is unwelcome conduct based on race, religious beliefs, colour, gender, physical or mental disability, age, marital status, family status, ancestry, sexual orientation, place of origin or source of income.

"Personal harassment" is a persistent and repeated pattern of behaviour that is unwarranted or unreasonable and that adversely affects the individual.

Behavior is considered harassment when:

- a person's conduct causes insecurity, discomfort, offence or humiliation to a group or individual
- a person says or implies that submitting to an act of harassment is a condition of employment or participation, or is a basis for decisions surrounding employment or

participation (including, but not limited to, matters of artistic or academic progress, promotions, salary, job security or benefits)

- a person's conduct may interfere with another person's work performance, education or artistic performance, or create an intimidating, hostile or offensive work, learning or artistic environment.

Types of behaviour which may constitute harassment include, but are not limited to:

- unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offence;
- repeated or continuous incidents of yelling, screaming or name-calling, bullying;
- threats to withdraw career advancement, participation in programs, educational opportunities;
- refusal to work with or share facilities based on a persons characteristics;
- display of objectionable material, graffiti or pictures which is not a proper part of an academic, artistic program or conference at the Centre;
- derogatory or degrading comments directed towards an individual or members of one gender, or people of any particular orientation;
- unwelcome sexual advances, propositions or inquiries and/or comments about a person's sex life;
- inappropriate touching;
- shunning and ostracizing behavior;
- actual or threatened physical assault;
- verbal abuse or threats;
- malicious gestures or actions;
- stalking.

### 3. APPLICATION

This policy applies to all artists, participants, employees, faculty, contracted artists, members of the Board of Governors and persons attending The Banff Centre. It applies in working, learning, artistic and conference environments at any location wherever persons to whom this policy applies come into contact.

### 4. RESPONDING TO HARASSMENT

Anyone who believes they have experienced harassment at the Centre should:

**Talk to Someone:** The Centre's harassment advisors and counseling services are available for consultation. Keeping quiet can be unhealthy and won't make the problem go away.

**Say "No":** Often people do not realize their actions are unwanted or have been taken as harassment. Make it clear to them by describing the behaviour clearly and stating firmly that it is offensive and unacceptable.

**Keep a Record:** Make note of the offensive behaviors and relevant dates, times, places and witnesses. Failure to keep a record will not prevent a person from making a complaint, but it may hinder an investigation.

### 5. CONFIDENTIALITY

The Banff Centre will, to the fullest extent possible, maintain the confidentiality of all parties involved in a harassment complaint. All complaints made, in which an individual is named or can be identified, will be communicated to that individual. The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to

any person except where disclosure is necessary for the purposes of investigating the complaint, taking corrective action with the respect to the complaint or as required by law.

All other information relating to verbal and written complaints and formal investigations will be kept strictly confidential. The investigation is limited to only those individuals who must be contacted to fulfill the employer's legal duty to investigate, provide a safe workplace and resolve the situation. Those involved in the investigation are prohibited from discussing the harassment complaint outside the official restorative or investigative process.

Confidentiality means, in its simplest form, that no one talks about the harassment complaint outside the official restorative or investigative process. It is not to be discussed informally or gossiped about by anyone. Lack of confidentiality can cause further pain or harm to the people involved and makes restoration to a respectful environment more difficult. If anyone involved in an investigation is asked about it by an individual who is not part of the investigation process, the individual must be informed that it cannot be discussed. Breaches of confidentiality may result in the application of disciplinary sanctions up to and including termination or expulsion.

Notwithstanding the above clause, information relating to the investigation may be subject to subpoena for court of law or arbitral process. Also, disciplinary action taken in relation to an individual found to have violated the Employer's Anti-Harassment Policy will be disclosed as identified under the restorative action/discipline section of this document.

## 6. RETALIATION

Retaliation is strictly prohibited against anyone who has reported harassment or participated in an investigation of harassment. Any signs of retaliation should be reported immediately to a manager, Human Resources or the Security Services Department. Retaliation will result in disciplinary action, up to and including termination or expulsion.

## 7. RESPONSIBILITY TO REPORT COMPLAINTS

All members of the Banff Centre community are responsible to ensure that the working, learning and artistic environment at the Centre is free from harassment. This means all community members must avoid conduct that may constitute harassment and must report any incidents of harassment.

## 8. BAD FAITH COMPLAINTS

Complaints should be undertaken with great care because they may result in pain and damage to the respondent's reputation and disruptions in the workplace. Complaints made frivolously, maliciously or in bad faith and without factual basis may constitute defamation and may be actionable by the respondent.

Since complaints of harassment will be treated very seriously, any attempt to misuse this policy through the filing of complaints that are frivolous, malicious, in bad faith or without factual basis will result in investigation and possible disciplinary action.

## 9. INFORMATION AND RECORDS

The collection, handling, retention, storage and disposal of all harassment information is governed by the Freedom of Information and Protection of Privacy Act of Alberta ("FOIP").

## 10. RESTORATIVE ACTION

The Senior Leader for the area is responsible for ensuring the implementation of a restorative action plan to return to the working, learning and artistic environment to a place in which all individuals are treated with respect and dignity; one that is harassment-free.

**Policy Administration:** Vice President, Human Resources

**Name of Primary Contact for this Policy:** Manager, Employee Relations

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