

Policy to Prevent Harassment and Promote a Safe Environment

1. Background

This anti-harassment and anti-bullying policy is written in the spirit of the Quebec *Charter of Human Rights and Freedoms*, which enshrines the right of every person to be treated with dignity at all times. It follows that all forms of harassment, bullying or abuse of authority constitute a violation of fundamental human rights.

By adopting this policy, the National Theatre School (NTS) declares that no form of harassment, bullying or abuse of authority will be tolerated from any party whatsoever, in the aim of ensuring everyone is free to study and work in a healthy, safe environment conducive to the personal and professional development of all concerned.

2. Objectives

Through this policy, NTS intends to:

- Achieve zero tolerance for harassment in any shape or form;
- Establish a work and learning environment where all are treated with dignity and respect;
- Prevent all situations of harassment, bullying, disrespect or abuse of authority among members of the NTS community, including the Monument-National (M-N);
- Foster the empowerment of all members of the NTS community by promoting timely recourse to dialogue or third-party mediation in order to prevent situations felt to be unfair from deteriorating.

3. Definitions

Harassment means any expressly or implicitly unwanted behaviour that is inappropriate, hurtful, and/or abusive, committed by an individual toward one or more other individuals, and whose perpetrator knew or ought reasonably to have known could cause offence or harm. It also includes any act, statement or display that diminishes, demeans, humiliates or embarrasses an individual, and any act of bullying, threat or discrimination.

Harassment is normally a series of incidents but can also be a single severe incident.

Bullying consists of any repetitive behavior, word, or act, deliberate or not, expressed by any direct or indirect means, including electronically over the internet, in a context characterized by unequal power relations, formal or informal, between the persons concerned, and with the intent of provoking feelings of distress or injuring, hurting, oppressing or ostracizing.

Abuse of authority or power also constitutes harassment and is prohibited under this policy; it is defined as the exercise of authority or power in an abusive and/or morally coercive way. Imposing normal educational requirements or performing managerial duties, however, is not considered harassment.

It is here stipulated that any inappropriate or unwanted sexual behavior or sexual violence is covered by this policy and may result in the filing of a formal complaint with a specialized police force.

4. Scope

The School has undertaken to educate its personnel, students and partners on the issue of harassment in the broad meaning of the term, and on sexual violence. Students, instructors, staff and administration are required at all times to maintain an attitude and exhibit behaviours that respect the dignity of all. These obligations take on an enhanced importance in the context of a hierarchical relationship.

Working in performing arts education requires a high degree of mutual trust and empathy, since the very nature of the education provided requires students to draw on their vulnerability, personal experiences, and emotions. All regular and contractual staff members must contribute to students' artistic, educational and professional development using methods and approaches that create a healthy, safe and respectful work and learning environment built on a foundation of trust.

All members of the NTS community are therefore bound to behave at all times in a manner that fosters acceptance and receptiveness in order to build the mutual trust necessary to maintain a healthy and respectful environment. To that end, community members have a responsibility to promptly report any discomfort experienced during interactions so as to prevent any deterioration of interpersonal relationships. An adjustments of the chosen methods can then be settled on through dialogue between the parties, provided this is done without compromising the School's mission, educational objectives or the implementation of projects or mandates to which the parties have committed.

The policy applies to all incidents connected in any way to the educational or work environment, both on and outside of the NTS and M-N premises, and both during and outside normal school or working hours, including (but not limited to) conferences, meetings, receptions and social events when such activities are related to NTS or M-N activities.

5. Principles

Protection of rights and interpersonal relationships

In all circumstances covered by this policy, all parties are required to act in a manner that safeguards the rights of and maintains appropriate relationships them and with all other parties.

Community members must at all times adopt behaviours and attitudes consistent with the achievement of the principle set out above.

Zero tolerance

NTS will not tolerate any instance of harassment or bullying brought to its attention. NTS's management reserves the right to intervene at any time, regardless of whether there is an active complaint, a withdrawn complaint or no formal complaint, whenever it has reasonable grounds to believe that this policy has been breached.

Any breach of this policy will render the perpetrator liable to sanctions that may include expulsion from the School or dismissal (including termination of contracts, if applicable), depending on the legal status of the person concerned.

Impartiality and promptness

All complaints of harassment and/or bullying will be handled promptly and impartially.

Duties of discretion and confidentiality incumbent on all parties

In all cases, any disclosure or formal complaint will be treated with discretion and kept confidential by all involved parties to prevent the deterioration of the situation.

A “disclosure” is here understood to mean “the fact that a person reveals that they have been the victim of sexual or psychological harassment, sexual violence, bullying or abuse of authority. A disclosure does not necessarily give rise to a formal complaint.”

It is understood that the information required to process the complaint may be disclosed by the responsible party; such disclosure does not, however, relieve the responsible party of their duties of confidentiality and discretion, which remain in effect. It is further understood that a refusal on the part of the disclosing party to provide information may hinder the processing of a complaint.

Prior access to an informal complaint management system

While a course of responsible self-management of difficulties by the parties concerned is strongly encouraged, all community members are entitled to contact the Ombudsperson appointed by NTS before filing a formal complaint. The Ombudsperson is an external resource dedicated to harassment prevention, and can be contacted at any time by any individual needing to be heard, obtain advice or support, or request a neutral, impartial intervention. Mediation and administrative investigation are among the mechanisms available, as recommended by the Ombudsperson, and pending the approval of the CEO of NTS.

Undertaking an informal process will under no circumstances have the effect of indirectly limiting the right of management of the staff, or limiting their duties and responsibilities.

Using the internal mechanisms set out in this policy will not prevent complainants from availing themselves of other legal remedies, if they so desire. However, the two processes cannot be conducted simultaneously, as legal proceedings supersede informal processes.

Use of complaint mechanisms

All individuals who avail themselves of the policy in good faith are protected against reprisals (sanctions or other measures liable to negatively impact them) that may be taken against them because they made use of the policy or collaborated in the achievement of its objectives. The same holds true of witnesses. A complaint deemed frivolous or vexatious, i.e., filed in bad faith, will be considered a violation of this policy, and sanctions will apply when necessary.

Interpretation of the policy

All aspects of this policy must be interpreted in such a way as to protect the fundamental rights of individuals and foster a healthy and safe, respectful and fair environment.

6. Responsibility of members of the community

All members of the NTS community, which includes the M-N, play an active part in the implementation of this policy. Community members are responsible for identifying and discouraging comments or activities that run counter to this policy, and for informing those concerned that their behavior is inappropriate.

To do this, they must initiate a respectful dialogue with all concerned parties that fosters meaningful participation and is receptive to divergent perspectives. Dialogue must be conducted in a constructive manner in order to work toward consensus on resolving the problematic situation.

In addition to leading by example in their behaviours and attitudes, the management staff's responsibilities include promoting the importance of adhering to the policy and its intrinsic principles, and acting swiftly when a situation of harassment is brought to their attention.

In order to avoid having to repeat, interrupt or renew certain administrative processes, NTS has set up a "ONE-STOP COUNTER" designed to provide a starting point, support, and guidance to anyone wishing to make statement or file a complaint. If one or all parties feels the need to be heard, obtain advice or support, or request an intervention from a neutral, impartial third-party conflict-resolution specialist, they may contact the NTS appointed Ombudsperson.

7. Code of conduct governing relations between staff and students

The NTS adheres to the principles outlined in Bill 151, sponsored by Quebec's Minister responsible for Higher Education, which specifies "guidelines for such matters as intimate, amorous or sexual relationships" between a student and a person "having an influence over their academic progress." Until a new code of ethics and professional conduct is published by NTS that more specifically covers this aspect, all permanent and contractual employees are required to refrain from having intimate, romantic or sexual relationships with students for whom they may reasonably expect to have educational or supervisory responsibilities, even if said relationship is consensual.

Any permanent or contract employee entering into such a relationship is required to provide written notice as soon as possible to a third party (the NTS CEO; the Artistic Director of the French or English section; or the employee's department head, depending on the hierarchical relationship), and this third party must then take the appropriate measures to protect the student or, at the very least, provide a mechanism to ensure that the relationship has no impact on the student's academic/training progress. In all cases, the management is required to forward a copy of the statement to the Ombudsperson, to be retained in a confidential file, and for statistical purposes.

8. Mechanism for handling complaints

1) Informal approach

a. Anyone who believes they are the victim of harassment or bullying is encouraged to discuss their situation, if at all possible, with the person concerned.

b. Anyone subject to the NTS policy has the right to be heard, obtain advice or support, or request a neutral, impartial intervention from the Ombudsperson when they have experienced or witnessed a situation that they disapprove of or wish to officially report.

To do this, they can contact the Ombudsperson designated by NTS at any time, using the contact information below:

Caroline Lemay, Ombudsperson

Email: info@omega-ombs.ca

Phone: (514) 716-6468

Anonymous complaints cannot be considered within a formal process. It is possible, however, to receive anonymous reports in order to educate or inform the School of problematic situations. Based on this information, the School is committed to benefiting from the feedback received and putting in place best practices, where appropriate.

All communications will be answered within 48 hours (excluding weekends and holidays). The service is confidential and is intended for complainants, the person targeted by the complaint or for third parties who have knowledge of or have witnessed a situation considered problematic.

Students or permanent employees who find themselves in a state of psychological or emotional distress are encouraged to contact the appropriate specialized services (e.g., psychologists), through the students' psychological support program or through the Employee Assistance Program (EAP) or employee Group Insurance.

c. Parties may contact the Ombudsperson to take part in the process for purposes including but not limited to the following:

- Obtain information to determine whether, prima facie, a situation meets the definition of harassment or falls into the category of inappropriate behavior;
- Have a discussion to better define the nature and understand the scope of the problem, and with the party or parties involved explore potential approaches to independently, informally manage the problematic situation;
- Inform the party or parties of their rights and existing remedies under the policy;
- Help implement, if necessary, temporary preventive measures to help, support and protect of the student or employee concerned;
- Intervene, upon agreement of the party or parties, with the person targeted by the complaint to inform them of the alleged conduct, and propose a mediation session to resolve the situation deemed problematic in order to put a halt to the alleged conduct;
- Prepare and support the party or parties in the administrative complaint process, when this process is required for the complaint;
- Follow up with the concerned parties in the days following complaint processing to verify whether the agreement reached between them and the person targeted by the complaint corrected the situation;
- Implement an administrative investigation process, after official approval from the CEO.

The presence of an external resource person under no circumstances prevents the parties concerned by the situation from resolving the situation independently, or by working with a trusted NTS staff member, chosen and agreed upon by both parties.

II) *Formal process*

a. If the informal process does not yield satisfactory results, or if the complaining party who considers themselves a victim has reasonable grounds for not wishing to use an informal process, they can file a formal written complaint with the Ombudsperson.

This complaint must be detailed and filed within a reasonable time following the event; it must also be signed and dated (see the Complaint Form, Appendix 2).

b. As soon as possible after being contacted, the Ombudsperson must inform the CEO, Gideon Arthurs, that a complaint has been filed, in order to obtain approval to proceed firstly with an investigation of admissibility of the complaint.

c. Delegated powers: In the event that the CEO is involved in or a witness to the complaint, it is provided that the NTS Board of Directors (specifically, the members of the Executive) will take charge of the file, in lieu of the CEO.

Once the Ombudsperson has determined that the grounds for the complaint are reasonable, the party accused in the harassment complaint is informed of the allegations, and called on to give their version of the facts.

III) *The investigation process*

As part of the investigation, the Ombudsperson will:

- Receive the written complaint and all other relevant documents;
- Inform the parties of their rights (including the right to be accompanied by a person of their choice who is not otherwise involved as a witness), and their responsibilities, including their confidentiality duties concerning the process;
- Meet with the parties, in the presence of their accompanying person if desired, to obtain the names of witnesses and, if necessary, meet said witnesses;
- Obtain written and signed statements from parties and witnesses, with the exception of witnesses who must be interviewed by telephone or email due to physical distance or other reasons;
- Prepare, within thirty-five (35) days after, an investigation report containing, among other things, a summary of the facts gathered and the evidence obtained, an analysis of the evidence, and a conclusion on each of the allegations to determine whether the complaint is partially or fully well-founded, unfounded, or vexatious, and submit this report to the NTS CEO;
- Obtain permission from the CEO, in exceptional cases, to extend the investigation beyond thirty-five (35) days and inform the parties of the extension.

IV) *Decision*

The CEO must, as soon as possible after receiving the investigation report, notify the parties of the investigation report's findings; as the investigation report is a confidential internal administrative document, the document itself is not shared with the parties;

The CEO and, if necessary, the immediate supervisor of the offending party, will make a decision on administrative and/or disciplinary measures and communicate them to the parties. It is understood, however, in light of privacy legislation, that in such a case, the complaining party will not be privy to all the details concerning the action(s) taken with regard to the party complained against;

If necessary, the complaining party will also be informed of the measure(s) to be made available to them or, if applicable, imposed.

V) Corrective measures

Appropriate corrective measures will be determined based on criteria such as the seriousness of the prohibited conduct and all other relevant circumstances, including the offending person's record. Administrative or disciplinary measures, or a combination of both, may include one or more of the following:

- Interim measures before and during the investigation, such as mandatory paid leave (administrative suspension for investigation); leave with or without pay;
- Request for an official apology;
- Verbal or written reprimand, with note in the personal file;
- Compulsory participation in a training session on appropriate behavior in an educational or work environment;
- Consultation with resource persons, for example via the Employee Assistance Program (AEP);
- One or more coaching sessions;
- Suspension, probation for a defined period;
- Expulsion from school;
- Demotion;
- Dismissal;
- Loss of privilege;
- Any other sanction deemed reasonable according to the act committed or the harm suffered by the victim.

9. ACKNOWLEDGMENT OF RECEIPT

All members of the community must acknowledge receipt of this policy and declare that they understand its terms (see the recommended Acknowledgment Form, Appendix 3).

This policy was adopted on February 1, 2018 and is effective as of today.

POLICY TO PREVENT HARASSMENT AND PROMOTE A HEALTHY AND SAFE ENVIRONMENT SUMMARY OF PROCESS FOR CURRENT AND PAST STUDENTS AND EMPLOYEES

QUESTIONS, PROBLEMATIC OR UNCOMFORTABLE SITUATIONS



Contact **Caroline Lemay**, an independent specialist designated by NTS.
514.716.6468
info@omega-ombs.ca

INFORMAL PROCESS

FORMAL PROCESS

OPTION 1
LISTENING AND ADVICE

Discuss the situation and your options with the Ombudsperson.
Address the problematic situation in a proactive manner.

OPTION 2
SUPPORT

Benefit from the Ombudsperson's expertise to help you resolve any impasse through constructive dialogue with the other person involved, as conditions allow.

OPTION 3
FORMAL COMPLAINT

Have your attempts to resolve the dispute via an informal process failed? You wish to lodge a formal complaint? Please complete the complaint form.

The Ombudsperson informs the CEO and recommends an admissibility investigation.
If the complaint is deemed founded, an administrative investigation is initiated.
The party identified in the complaint is informed and benefits from the principles of due process.

ASSESSMENT AND RECOMMENDATIONS

The Ombudsperson prepares an investigation report to assess the underlying facts of the complaint and forwards it to the CEO.

INVESTIGATION REPORT, FINDINGS, DECISION AND CORRECTIVE MEASURES



**NATIONAL
THEATRE
SCHOOL
OF CANADA**
**MONUMENT
NATIONAL**

Appendix 2

**POLICY TO PREVENT HARASSMENT
AND PROMOTE A SAFE ENVIRONMENT**

COMPLAINT FORM

I BELIEVE I AM A VICTIM OF SOME FORM OF HARASSMENT:

Psychological Sexual Other (please specify): _____

CONTACT DETAILS OF THE COMPLAINANT:

First and Last name: _____

Training Program or Administrative Department (as applicable): _____

Tel. (work): _____ Tel. (cellular or home): _____

CONTACT DETAILS OF THE RESPONDENT (TO WHOM THIS COMPLAINT IS DIRECTED):

First and Last name: _____

Status (staff member, student, other): _____

WITNESS(ES) IDENTIFIED BY THE COMPLAINANT:

First and Last name: _____ Tel. (cellular or home): _____

First and Last name: _____ Tel. (cellular or home): _____

DESIRED RESOLUTION:

OTHER MEASURES TAKEN:

Did you express your disapproval to the person in question?

Yes No

If so, what was the nature and outcome of the exchange? Please specify:

If no, what were the factors that deterred you from doing so? Please specify:

Would you be willing to attempt to resolve this problem through mediation?*

Yes No

* Refusal of mediation is not prejudicial to the complainant. However, the refusal to mediate must be done on reasonable grounds.

HAVE YOU UNDERTAKEN ANY OTHER STEPS BY LODGING A COMPLAINT WITH THE COMMISSION DES DROITS DE LA PERSONNE OR WITH A POLICE FORCE, FOR EXAMPLE?

No Yes Please specify any steps taken: _____

ALLEGATIONS:

Occurrences gestures/behaviour. Please provide details (dates, times, sites, perceived impact of the incident, etc.).

If there is not enough space, please attach an extra page.

DECLARATION:

The events recounted herein are true to the best of my knowledge. I understand that certain information provided may be divulged to the person dealing with my complaint, to the person towards whom this complaint is directed, and to those persons named as witnesses, insofar as this is necessary to resolve my complaint. I shall commit to the utmost confidentiality and not discuss the information contained in this form with my colleagues or other individuals, except for those purposes authorized by law, by this policy or when consulting an advisor, if required.

Signed in _____ (city), this _____ day of _____ 20____

Signature : _____

Once the form is completed and saved you must send it by email to: info@omega-ombs.ca

Appendix 3

ACKNOWLEDGMENT OF RECEPTION AND UNDERTAKINGS

(To be detached and inserted in the employee or student file)

I acknowledge that I have read and understood the National Theatre School of Canada (NTS) *Policy to Prevent Harassment and Promote a Healthy and Safe Environment*, and that if I had any questions concerning it or imperfectly understood any part of it, I have had the opportunity to discuss it with my immediate superior/department head/program director or contact the Ombudsperson for clarification.

I understand and accept that the provisions of this policy form an integral part of my employment contract or student contract, and I hereby undertake to abide by its terms, including any amendments made to it by NTS.

Name (in capital letters)

Signature

Date