



## Victoria Conservatory of Music Anti-harassment Policy and Procedures

### STATEMENT OF COMMITMENT

The Victoria Conservatory of Music (VCM) is committed to fostering a harassment-free workplace where all employees, staff, students, faculty, volunteers, contractors and visitors are treated with respect and dignity. The VCM recognizes the responsibility to build and maintain a diverse respectful workplace, where all employees, staff, students, faculty, volunteers, contractors and visitors enjoy an environment in which the dignity and self-respect of every person is valued and which is free of offensive remarks, material or behaviour.

Harassment at the VCM is not tolerated. Employees who are found to have harassed another individual will be subject to disciplinary action. This includes any employee who: interferes with the resolution of a harassment complaint, retaliates against an individual for filing a harassment complaint, or files an unfounded harassment complaint intended to cause harm.

This policy applies to all current employees, staff, students, faculty, volunteers, contractors and visitors to the Victoria Conservatory of Music. This includes full and part-time, casual, contract, permanent and temporary employees. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to work, including during off-site teaching, meetings, performances and work-related social gatherings.

### DEFINITIONS

**Harassment:** Offending or humiliating someone physically or verbally; threatening or intimidating someone; making unwelcome jokes or comments; or, denial of service, facility, or opportunity on the grounds of: race, national or ethnic origin, colour, political belief, religion, age, sex, sexual orientation, gender, gender expression, marital status, family status, or disability.

Examples of harassment may include, but are not limited to:

- Racial or ethnic slurs and comments;
- Grouping or isolating people by race or ethnic origin;
- Reprimanding in the presence of others, embarrassing or humiliating someone;
- Aggressive or patronizing behaviour, yelling, belittling, taunting, teasing, intimidation;
- Damaging gossip or rumours, spreading false information;
- Unnecessary physical contact, verbal or physical abuse;
- Undermining, underhandedness, inappropriately withholding information;
- Breaching confidentiality, violating privacy of others;
- Retaliation or threats of retaliation.

**Sexual Harassment:** One or a series of comments or conducts of a sexual nature that is known or ought reasonably to be known to be unwelcome, offensive, intimidating, hostile, or inappropriate; or behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Examples of sexual harassment may include, but are not limited to:

- Unwelcome sexual remarks, jokes, including innuendo or taunting about a person's body, attire, gender, gender expression, or sexual orientation;
- Unwelcome or inappropriate physical contact such as touching, kissing, patting, hugging or pinching;
- Unwelcome enquiries or comments about a person's personal life of a sexual nature or sexual preference, or persistent requests for a date.

**Complainant:** A person who has brought forward or filed a complaint pursuant to the terms of this policy, alleging that disrespectful behaviour has occurred.

**Respondent:** A person who is alleged to have displayed disrespectful behaviour towards a Complainant.

NOTES: The harassment can be verbal, written, visual or physical communication or conduct. While some disrespectful behaviours may seem minor, they are still unacceptable, and when done repeatedly they become major. It may still count as harassment even if one did not intend it to be. It depends on the impact it has on the victim.

## RESPONSIBILITIES & EXPECTATIONS

The Victoria Conservatory of Music is responsible for providing all employees a harassment-free workplace. This policy will be posted on all bulletin boards and the website. When new employees are hired, this policy will be part of the onboarding package and they will be required to sign the document to confirm it has been read.

### Everyone's Responsibilities

- Treat others with respect;
- Set an example by respecting the dignity and human rights of others;
- Recognize and refrain from actions that offend, embarrass or humiliate others, whether deliberate or unintentional;
- Bring harassment complaints to a person in authority immediately;
- Do not make allegations of harassment that are frivolous or vindictive.

### Managers and Supervisors Responsibilities

Managers and Supervisors will:

- Apply and comply with the Anti-harassment Policy & Procedures;
- Immediately act upon any situation involving harassment, including: bringing complaints to Senior Management to determine an appropriate course of action;
- Recognize and address actions that offend, embarrass or humiliate others, whether deliberate or unintentional;
- Treat each situation as a serious matter;
- Ensure there are no reprisals against persons making a complaint or participating in an investigation;
- Provide support to anyone who is experiencing the effects of harassment.

### Senior Management's Responsibilities

Senior Management is responsible for ensuring that this policy is applied in a timely, consistent and confidential manner; determining whether or not allegations of harassment are substantiated; and, determining what corrective action is appropriate where a harassment complaint has been substantiated.

Senior Management will:

- Promote awareness of Anti-harassment Policy & Procedures and assist in the consistent application of the Policy;
- Consult with and provide advice to Managers and Supervisors;
- Counsel everyone on their rights and options;

- Receive complaints and ensure appropriate action is initiated;
- Appoint investigators as required;
- Work collaboratively with others involved.

## ISSUING A COMPLAINT

It is very important that if anyone feels they have been harassed that they speak to their immediate supervisor. However, if the immediate supervisor is the subject of the complaint, the complaint should be directed to upper management, the CFO or CEO. Students and the public should contact the Chief Financial/Operating Officer directly by email at [humanresources@vcm.bc.ca](mailto:humanresources@vcm.bc.ca) or phone at 250.386.5311.

## FORMAL PROCESS AND INVESTIGATION OF A COMPLAINT

Not every complaint of harassment warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between or amongst the parties involved, with subsequent monitoring by management to ensure that there is no recurrence. However, anyone who wishes to issue a formal complaint has the right to do so, and such a complaint will automatically trigger an impartial, thorough and confidential investigation of the complaint.

Senior Management will coordinate the investigation and appoint an outside, independent investigator to ensure there is no conflict of interest. Should Senior Management be the subject of the complaint, the Board of Governors will coordinate the investigation as described below.

### **An investigation will involve an independent investigator who will:**

- Interview the person who has raised the concern (the Complainant) (they may be accompanied by a support person or representative);
- Interview witnesses (they may be accompanied by a support person or representative);
- Meet with the person alleged to have acted disrespectfully (the Respondent) along with their support person or representative to present the complaint to them;
- Determine the facts;
- Maintain confidentiality amongst the individuals involved and within management
- Provide a Statement of Findings to Senior Management
- Recommend an appropriate response to the senior management, which may include disciplinary action.

### **Senior Management will communicate with the Complainant by:**

- Listening and taking the issue seriously;
- Describing the investigative process to be followed;
- Advising them to put their complaint in writing using their own words;
- Advising them of the right to representation;
- Directing the individual to keep the matter confidential;
- Informing and supporting the individual throughout the process;
- Providing the Complainant with a Statement of Findings and actions taken by management (note: specific details of the investigation are not provided due to privacy legislation);
- Ensuring the situation is documented appropriately.

### **Senior Management will communicate with the Respondent by:**

- Informing the person of the complaint;
- Advising them of the right to representation;
- Giving them an opportunity to respond to the allegations;
- Describing the process to be followed;

- Directing them to keep the matter confidential;
- Informing the Respondent throughout the process;
- Informing the Respondent of the investigative findings and actions, if any, that will be taken by management (note: when the Respondent is an employee of a contractor, the Manager will communicate the allegation to the contractor and seek their cooperation in the investigation process).

## TIMELINES

VCM Senior Management will address complaints or reports of harassment promptly and will adhere to the following timelines:

Within five working days of receipt of a formal written complaint of harassment:

- Commence investigation into the Complainant's allegations;
- Provide the Respondent with a copy of the complaint.

Within five working days of receipt of the investigator's findings:

- Provide a copy of the investigator's findings to the Respondent and the Complainant;
- If the investigation report finds that harassment did occur, appropriate disciplinary action will be taken to ensure that the harassment stops; assistance will be offered to the Complainant who may be experiencing adverse reactions to the harassment.

Within 3 days of becoming aware of a worker developing a workplace illness as a result of harassment:

- Complete and file the appropriate WorkSafe BC notices

## CORRECTIVE ACTIONS

Once the investigation is complete and, if there is a finding that harassment did occur, the VCM is committed to promptly taking action to ensure that the behaviour stops.

The action VCM takes will vary depending upon the circumstances and may include one or more of the following:

- Training;
- Counselling;
- Disciplinary action including: a reprimand, a suspension, a demotion, and/or dismissal.

### **If anyone makes a false allegation**

If the investigation proves that the complaint was deliberately made for frivolous or vindictive reasons, or the Complainant made a false allegation, then that person may be subject to discipline or sanctions. This does not apply to complaints made in good faith that are not proven.

## PRIVACY AND CONFIDENTIALITY

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know to protect personal information.

The VCM collects records and tracks information relating to employees, students, volunteers, and other customers. In accordance to laws and legislation the storage, distribution and release of any personal information must be done legally and responsibly. Any misuse of information can be grounds for just cause dismissal without pay in lieu of notice.

## ENQUIRIES

Enquiries about this policy and related procedures can be made to the CFO/COO.