

1. POLICY STATEMENT

Banff Centre recognizes that each Member of the Banff Centre Community has the right to learn, work, create, attend and participate in a respectful environment that promotes equal opportunities and prohibits discriminatory practices. Violence and Harassment are serious matters and will be treated as such by Banff Centre. All Members of the Banff Centre Community are responsible for creating an environment that is free of Violence and Harassment. The reporting of all incidents of Violence and Harassment is strongly encouraged.

2. PURPOSE

Banff Centre has a responsibility to deal efficiently, effectively and fairly with allegations of Violence and Harassment. This policy outlines the provision of support for Members of the Banff Centre Community affected by Harassment or Violence and informs Members of the Banff Centre Community about associated behavioural expectations.

3. WORKPLACE MANAGEMENT

This policy does not limit or constrain Banff Centre's right to manage the workplace or learning environment. For example, work assignments, operation 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 social interaction in the workplace or constrain artistic freedom of expression.

4. APPLICABILITY

4.1. This policy applies to risks, threats and incidents of Violence and/or Harassment that involve Members of the Banff Centre Community and occur:

4.1.1. on Banff Centre premises and other work, study, social, recreational and living sites under Banff Centre's control;

4.1.2. during the course of any Banff Centre sponsored event or activity;

4.1.3. in virtual environments such as videoconferencing, phone and text communication, email or any other electronic or social media under Banff Centre's control; and/or

4.1.4. beyond Banff Centre's premises, but where the conduct of the persons involved have a current, identifiable and substantial link to Banff Centre, or the occurrence

affects the Banff Centre working, learning, creating, participating, performing or living environment.

- 4.2. This policy does not apply to incidents of Gender-Based or Sexual Violence that are included within the scope of the Gender-Based and Sexual Violence Policy.

5. POLICY ELEMENTS

5.1. General Prohibitions and Responsibilities

5.1.1. Banff Centre recognizes that Violence and Harassment are workplace hazards and will take all reasonable measures to promote the safety, well-being, dignity and human rights of all Members of the Banff Centre Community and to reduce and attempt to eliminate Violence and Harassment from the Banff Centre Community.

5.1.2. No person may engage in any form of Violence or Harassment against another person during any Banff Centre-sponsored event or activity, while on Banff Centre premises and other work, study, social, recreational and living sites under Banff Centre's control, or while in virtual environments such as electronic or social media under Banff Centre's control.

5.1.3. All Members of the Banff Centre Community who are affected by Violence or Harassment are entitled and encouraged to access support services. Support may include referrals to counselling and medical care, safety planning or Interim Measures.

5.1.4. Interim Measures may include no contact between a Complainant and a Respondent, and/or that the Respondent be removed from a program, residency, event, the workplace or Banff Centre residence pending the conclusion of an investigation.

5.2. Responding to Violence and Harassment

5.2.1. Banff Centre will establish procedures to assess threats, receive Complaints, respond to any incidents of Violence and Harassment, conduct investigations (where appropriate) and take any necessary corrective action.

5.2.2. Banff Centre will provide comprehensive information about the Complaint process to Members of the Banff Centre Community.

5.2.3. Banff Centre will respond to Complaints in a fair, effective, timely, and unbiased manner.

5.2.4. Banff Centre shall have the right to act or continue to act on a Complaint without the permission of the person who has experienced Violence or Harassment in order to comply with the obligations under this policy or Banff Centre's legal obligations, to ensure fairness to other persons including the Respondent, or if Banff

Centre believes that the safety of other Members of the Banff Centre Community or the external community is at risk.

5.3. Retaliation and Good-Faith Complaints

5.3.1. It is contrary to this policy for anyone to engage in Retaliation, or threaten to engage in Retaliation, against a Complainant, bystander or any other person.

5.3.2. Actions taken by a Member of the Banff Centre Community against a Respondent outside of an investigation or disciplinary action arising from an investigation are subject to all applicable Banff Centre policies.

5.3.3. All Complaints must be made in good faith. Complaints that are found to have been made maliciously, recklessly, or in bad faith may result in disciplinary action. Where a Complaint has been made in good faith but cannot be substantiated, disciplinary action will not apply.

5.4. Breaches of Policy

5.4.1. The standard of proof for the finding of a breach of this policy is on a balance of probabilities.

5.4.2. Any Member of the Banff Centre Community who is found to have breached this policy may be subject to sanctions and discipline.

5.5. Confidentiality

5.5.1. All representatives of Banff Centre involved in responding to an incident of Violence or Harassment are expected to maintain confidentiality as required by applicable laws, Banff Centre policies, and as otherwise appropriate.

5.5.2. Banff Centre treats all Complaints as confidential, and shall not disclose the circumstances related to an incidence of Violence or Harassment, the name of the Complainant or Respondent, and any other persons involved subject to the following limitations:

5.5.2.1 Where disclosure is required by applicable law;

5.5.2.2 Where necessary to investigate the incident and take any necessary corrective action;

5.5.2.3 When an individual is at imminent risk of harming self and/or others;

5.5.2.4 If there are reasonable grounds to believe that Members of the Banff Centre Community or wider community may be at risk of harm including

any threats of Violence or potential Violence;

5.5.2.5 In order to promote fairness of process for all parties; or

5.5.2.6 When disclosure of information, reporting and/or conducting an investigation is required by law, by Banff Centre policies, or by an external body with appropriate authority.

5.5.3. If required to disclose any information about an incidence of Violence or Harassment, Banff Centre shall disclose only the minimum amount of personal information necessary to inform Members of the Banff Centre Community about a threat of Violence or potential Violence.

5.6. Information Tracking and Retention of Records

5.6.1. Banff Centre's human resources department will maintain information on the number of Complaints, the number and results of investigations and the Corrective Measures taken in response to recommendations arising out of investigations.

6. DEFINITIONS

Banff Centre Community. Includes those persons involved in or associated with, Banff Centre or its affairs including all artists, contractors, consultants, employees, faculty, participants, volunteers, members of the Board of Governors, and members of the Board of Directors of The Banff Centre Foundation, while they are: on or using Banff Centre property; participating in Banff Centre programs, events or activities (whether virtual or in person); or acting on behalf of Banff Centre.

Complainant. A person who files a Complaint against a Respondent.

Complaint. A report of Harassment or Violence submitted to Banff Centre in accordance with this policy and the Violence and Harassment Procedure.

Corrective Measure. A measure taken and/or hazard control implemented to prevent an incident from reoccurring.

Gaslighting. The act or process of manipulating someone, using psychological methods or techniques, into questioning their own sanity or powers of reasoning.

Harassment. Any unwelcome and inappropriate verbal, written, graphic or physical conduct, or coercive behaviour, where the behaviour is known or reasonably ought to be known to cause insecurity, distress, offence or humiliation and is based on a Protected Ground; or Personal Harassment. In general, Harassment refers to repeated behaviour rather than a passing remark.

Harassment includes, but is not limited to:

- a) Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation;
- b) A sexual solicitation or advance;
- c) Gaslighting; or
- d) Microaggressions.

Harassment does not include any reasonable conduct of an employer or supervisor in respect of the management of employees, contractors, or volunteers on Banff Centre's premises.

Interim Measures. Non-disciplinary actions taken during an investigation or proceeding to ensure the safety of the Complainant or Banff Centre's learning, working and residence environment, to discourage or prevent Retaliation, and preserve Banff Centre's ability to conduct a thorough investigation.

Members of the Banff Centre Community. Those persons involved in conducting Banff Centre affairs including all registered participants, faculty, employees, volunteers, contractors, Directors and Governors.

Microaggression(s). Commonplace verbal, behavioral or environmental slights, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward stigmatized or culturally marginalized groups.

Personal Harassment. Unwelcome verbal, written, graphic or physical conduct, behaviour or communication, not based on a Protected Ground, and directed toward an individual or group of individuals where: (a) there is a misuse or abuse of power having the effect or purpose of significantly abusing, threatening, demeaning or intimidating an individual or group of individuals; or (b) such conduct has the purpose or effect of significantly interfering with work or educational performance; or (c) such conduct creates an intimidating, hostile, or offensive working, living or educational environment.

Protected Grounds. Includes race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation or any form of discrimination prohibited under the Alberta Human Rights Act including harassment.

Retaliation. Taking, threatening or attempting to take any adverse action against a Member of the Banff Centre Community because that person has made a disclosure or filed a Complaint, supported a disclosure or filing of a Complaint, disclosed information to the Banff Centre about a disclosure or Complaint, participated in an investigation of a disclosure or Complaint, or pursued their rights under this policy or applicable legislation. Retaliation

includes, but is not limited to, social aggression and physical and psychological violence.

Violence. The threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm.

7. ASSOCIATED POLICY / PROCEDURE

- Violence and Harassment Procedure

8. RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Gender-Based and Sexual Violence Policy and related Procedure
- Codes of Conduct (Employees, Participants, and Boards)
- Safe Disclosure Policy and related Procedures
- Health and Safety Policy

9. APPROVAL AUTHORITY

Board of Governors

10. ACCOUNTABILITY

Vice President, Talent Management and Culture

11. POLICY HISTORY

- 11.1. Approved: **November 30, 2023**
- 11.2. Effective: **November 30, 2023**
- 11.3. Most Recent Review / Revision: **November 30, 2023**
- 11.4. Review Frequency: **Three (3) Years**
- 11.5. Next Review: **November 30, 2026**

11.6. Modification History

Date	Modification
November 30, 2023	New policy to replace existing Anti-Harassment Policy