

1. PURPOSE

The purpose of this procedure is to support the implementation of the Banff Centre Violence and Harassment Policy.

2. SCOPE

This procedure extends to all Members of the Banff Centre Community.

3. PROCEDURE ELEMENTS

3.1. Reporting Incidents of Violence or Harassment

3.1.1. Where an incident of Violence or Harassment is in progress, Members of the Banff Centre Community are encouraged to intervene if it is safe to do so. Intervention may include speaking up, offering help, or contacting Banff Centre's security services if the situation is unsafe. If there is discomfort in intervening, while the Violence or Harassment is taking place take appropriate and helpful action after the incident by following these steps:

3.1.1.1 Offer personal support and reassurance to the person who experienced Violence or Harassment as they may be upset, anxious, or angry. Some supportive words can help them recover their composure and confidence.

3.1.1.2 Depending on the person's state of mind, refer them to other sources of support and assistance, such as their manager, Human Resources or the employee assistance program, or Participant Resources or the director of the department if the person is a program participant.

3.1.1.3 All Members of the Banff Centre Community who observe an incident of Violence or Harassment are encouraged to access the above-listed resources.

3.1.1.4 All Members of the Banff Centre Community who observe an incident of Violence or Harassment are asked to document what occurred in as much detail as possible including details on what happened, where and when it occurred, and who was present.

3.1.2. Any Member of the Banff Centre Community who has experienced, witnessed or become aware of an incident of Violence or Harassment is encouraged to file a Complaint and if conduct is of a criminal nature, may pursue other options outside of Banff Centre's policies and procedures.

3.1.3. An Immediate Supervisor, Manager or Director, must initiate the Complaint process when they are made aware of any incidents of Violence or Harassment

within their area of responsibility.

3.1.4. Complaints may be filed with any Complaint Intake Person.

3.1.5. Banff Centre will review all Complaints that involve one or more Members of the Banff Centre Community where the incident(s) of Violence or Harassment may have occurred:

- (a) on Banff Centre premises and other work, study, social, recreational and living sites under Banff Centre's control;
- (b) during the course of any Banff Centre sponsored event or activity;
- (c) 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
- (d) beyond Banff Centre's premises, but where the conduct of the persons involved have a current, identifiable and substantial link to Banff Centre activity or events, or the occurrence affects the Banff Centre working, learning, creating, participating, performing or living environment.

3.1.6. To conduct an effective investigation, Banff Centre encourages the filing of a Complaint as soon as reasonably possible after the occurrence of Violence or Harassment. Delay in filing a Complaint may impede Banff Centre's ability to conduct an investigation or take appropriate action.

3.1.7. Complaints may be made anonymously however Banff Centre may be limited in its ability to respond due to available information.

3.1.8. A Complainant may withdraw a Complaint at any time however, 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 the Violence and Harassment 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.

3.1.9. Notwithstanding the above, Banff Centre shall be permitted to refuse to consider an anonymous or delayed Complaint in circumstances where the individuals or incidents do not meet the requirements set out in section 3.1.5, above, or where Banff Centre has reason to believe that the Complaint is being made in bad faith.

3.2. Receiving Complaints

3.2.1. Within a reasonable time after receiving a Complaint, the Complaint Intake Person (their supervisor, manager, director, Human Resources, Security Services Department, Violence and Harassment Advisor, Program Managers, or Participant Resources) will provide a Complainant with information about available support services which may include referrals to community agencies that provide medical, counselling, legal, law enforcement and/or other services.

3.2.2. The Complaint Intake Person will provide a Complainant with information about the Complaint process including a copy of this procedure.

3.2.3. The Complaint Intake Person will support the Complainant in preparing a written statement of the Complaint and will provide a copy to the Vice President, Talent Management and Culture or designate.

3.2.4. If the Complaint involves alleged Violence, either the Complaint Intake Person or the Vice President, Talent Management and Culture or designate may notify Banff Centre's security team and the Banff detachment of the Royal Canadian Mounted Police.

3.3. Complaint Process

3.3.1. The Vice President, Talent Management and Culture may assign a Violence and Harassment Advisor to the Complainant. Working with the Violence and Harassment Advisor, a Complainant will decide which step of the Complaint Process to engage in: individual problem solving; mediation; or formal investigation.

3.3.1.1 Individual Problem Solving. A Complainant, where safe to do so, will be encouraged to communicate to the Respondent that the Respondent's behaviour is unwelcomed and must stop. If the Respondent refuses to cooperate, the Complainant should remind them that such behaviour is unacceptable and may be against Banff Centre policy. A Harassment and Violence Advisor can provide assistance to the Complainant regarding how to effectively communicate with a Respondent and, if appropriate, the Harassment and Violence Advisor can accompany the Complainant to a meeting with the Respondent.

3.3.1.2 Mediation. If the Complaint cannot be resolved to the reasonable satisfaction of the Complainant, the Complainant may request that a Mediator be appointed. Vice President, Talent Management and Culture shall be solely responsible for selecting a Mediator. Once retained, the Mediator will work with the Complainant and the Respondent to establish a schedule of meetings and to identify an acceptable resolution to the Complaint. The intended outcome of a mediated resolution is to establish a written restorative action plan that is

agreed upon by the Complainant and the Respondent and that addresses and rectifies the Complaint, restores the existing relationship between the Complainant and the Respondent and ideally strengthens, the overall health and safety of the Banff Centre workplace and community.

3.3.1.3 Formal Investigation. When it is not possible to resolve a conflict through individual problem solving or mediation, or depending on the nature of the Complaint, a formal investigation may be initiated through a Formal Complaint. The Formal Complaint process is an explicit procedure that will involve an Investigator(s). A Formal Complaint should never be undertaken frivolously. It requires careful consideration and should only be used as a last resort. This process may take longer, involve more people (witnesses) and requires the Complaint to be in writing.

3.3.1.4 A Respondent has the right to be informed that a Complaint has been filed, receive a written statement of the allegations, have an opportunity to provide a written response, be accompanied by a person of their choice who is not party or witness to the Investigation during interviews (where applicable), receive treatment in an environment free of Violence and Harassment, be kept informed throughout the process, and be apprised of any outcomes of the Investigation (where applicable).

3.4. Investigation Process

3.4.1. An Investigation will be conducted in accordance with this section of the Violence and Harassment Procedure and any investigation standards or guidelines established by Banff Centre, as amended from time to time.

3.4.2. During an Investigation the Vice President, Talent Management and Culture, may implement Interim Measures at the discretion of the Vice President, Talent Management and Culture.

3.4.3. The Vice President, Talent Management and Culture will appoint an Investigator or a Team of Investigators on behalf of Banff Centre.

3.4.4. During an Investigation, the Investigator shall have the authority to request interviews with members of the Banff Centre Community and to collect any evidence, including copies of documents, that the Investigator determines are relevant to the Investigation.

3.4.5. If appropriate, the Investigator shall recommend Mediation instead of proceeding with an Investigation.

3.4.6. The Complainant and Respondent may mutually agree to suspend the investigation in favour of Mediation. If such Mediation is not successful, the

Investigation shall resume.

3.4.7. Upon completion of the Investigation, but prior to issuing a final report, the Investigator shall provide a summary of the evidence collected and the Investigator's findings to each of the Complainant and the Respondent who shall be provided the opportunity to contest only the completeness or adequacy of the Investigation.

3.4.8. The Investigator will provide a written report of the results of the Investigation to the Complaint Advisor, with a copy to the Vice President, Talent Management and Culture, for approval, if the Vice President, Talent Management and Culture is not also acting as the Complaint Advisor.

3.4.9. The Investigator's written report shall be available for inspection by a provincial occupational health and safety officer, as required.

3.4.10. Following the completion of the Investigation, the Investigator will provide a summary of the results of the Investigation to each of the Respondent and the Complainant.

3.5. Determination and Outcome

3.5.1. Following the completion of an Investigation, the Investigator will make a finding of whether or not Violence or Harassment has occurred. The Complaint Advisor will make a final decision regarding whether or not Violence or Harassment has occurred and will communicate the decision to the Complainant and the Respondent.

3.5.2. If Violence or Harassment has occurred, the Complaint Advisor shall determine what disciplinary, corrective and/or restorative actions should be taken to prevent a recurrence and to best protect the safety of the Banff Centre Community.

3.5.3. The Complainant will be advised whether disciplinary, corrective and/or restorative action is being taken and shall be provided with a summary of the factors taken into consideration and a brief explanation of the type of action being taken.

3.6. Confidentiality

3.6.1. To the extent possible, the confidentiality and privacy of all persons involved in a report of Violence or Harassment must be strictly observed from the outset of a Complaint being received through to the end of the Investigation process and outcome.

3.6.2. The Complaint Advisor and Investigator appointed to investigate Complaints

are authorized to use personal information, individually identifying information and any other information that is considered necessary to manage and investigate Complaints.

3.6.3. The identifying details relevant to an Investigation will not be disclosed or discussed with any person other than the Complainant, the Respondent, and those Banff Centre employees, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities.

3.7. Conflict of Interest

3.7.1. Members of the Investigation team and persons involved in the assessment and review of the Complaint will not, to the extent possible, include any individuals who have a potential, perceived or real conflict of interest (as defined in Banff Centre's existing policies) in the matter or persons involved in the Complaint.

3.8. Reporting

3.8.1. On a quarterly basis, the Vice President, Talent Management and Culture will prepare a summary report of all investigations conducted under this Procedure during the relevant time period for the purpose of reporting the same, on an anonymized basis, to the Human Resources and Compensation Committee of the Board of Governors.

3.9. Records Management

3.9.1. Each Complaint Advisor is responsible for maintaining records related to Complaints including, without limitation, investigation reports and any alternative resolution process reports.

3.9.2. Subject to any records retention obligations under Banff Centre policy or applicable law, records related to discipline or sanctions arising out of Complaints will be maintained by the Human Resources department.

3.9.3. All records involving a Complaint and subsequent investigation of Complaints, with the exception of those records related to discipline or sanctions arising out of Complaints, will be kept in a file separate from participant records and/or employee personnel files; however, all such records may be used for purposes of future disciplinary processes or decisions regarding participant acceptance and/or awarding of contracts.

3.10. Review

3.10.1. The Violence and Harassment Policy and these Procedures must be reviewed by Banff Centre on the earliest of: an incident of Violence or Harassment occurring, a request by the Joint Health and Safety Committee that the policy be

reviewed, or every three (3) years

4. DEFINITIONS

Active Lead. The Banff Centre employee responsible for leading a Banff Centre-sanctioned activity.

Banff Centre Community. Includes those persons involved in or associated with, Banff Centre or its affairs including all artists, contractors, consultants, employees, faculty, participants, practicum students/professional training program students, 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 Violence or Harassment submitted to Banff Centre in accordance with this Procedure and the Violence and Harassment Policy.

Complaint Advisor. The individual or unit responsible for overseeing the investigative process and who holds accountability for taking action on the investigation report provided by the Investigator. Where a Respondent is staff or participant the Complaint Advisor will be the Vice-President, Talent Management and Culture. Where a Respondent is a contractor, the Complaint Advisor is the Contract Owner. Where the Respondent is a Governor of the Board of Governors of The Banff Centre or a Director of the Board of Directors of The Banff Centre Foundation, the President and CEO will be the Complaint Advisor.

Complaint Intake Person. Any of the following persons or resources:

- (a) the Respondent's or Complainant's Immediate Supervisor or Manager;
- (b) a Human Resources employee;
- (c) the Director responsible for the area;
- (d) Security Services;
- (e) Such other employees of Banff Centre may be tasked with receiving Complaints under this procedure.
- (f) Participant Resources; or
- (g) Program Managers.

Complaint Process. The steps undertaken to address and resolve a Complaint including one or more of the following: individual problem solving; mediation; or formal investigation.

Contract Owner. The individual within the department, faculty or unit which has the responsibility to oversee the contract, who has been assigned ownership of a contract and who holds accountability for the monitoring and management of the contract on an ongoing basis.

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

Formal Complaint. A written Complaint where the Complainant requests a Formal Investigation.

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.

Immediate Supervisor. The person to whom an employee reports directly as specified in their employment agreement.

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.

Investigation. The process conducted by an Investigator to make a determination about the Complaint and to provide recommendations for restorative and/or future actions.

Investigator. The individual assigned to carry out an investigation and who is responsible for

providing an investigation report to the Complaint Advisor.

Joint Worksite Health and Safety Committee. The advisory group consisting of management and employee representatives who consider occupational health and safety issues in the workplace as set out in the committee's terms of reference and the Occupational Health and Safety Act (Alberta).

Mediator. An individual who has received specific training in alternative dispute resolution.

Members of the Banff Centre Community. Those persons involved in conducting Banff Centre affairs including all registered participants, faculty, employees, volunteers, contractors, 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, gender identity, or gender expression, 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.

Reporter. An individual who files a Complaint but who is neither the person who has experienced the Violence or Harassment nor the Respondent.

Respondent. A Member of the Banff Centre Community against whom a Complaint has been filed in accordance with this policy and associated procedures.

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.

Violence and Harassment Advisors. Those individuals employed by Banff Centre who have been provided additional training and who are able to provide information and support to a Complainant or Respondent. Such information and support will include providing the Complainant or Respondent with a copy of Banff Centre’s Violence and Harassment Policy and Procedures; providing an overview of the processes included in the Procedures; and answering any questions to the best of the Harassment Advisor’s ability. A list of Harassment Advisors will be made available on Banff Centre’s internal website and throughout campus.

5. ASSOCIATED POLICY

- Violence and Harassment Policy

6. RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Code of Conduct
- Health and Safety Policy
- Gender-Based and Sexual Violence Policy and Procedure

7. APPROVAL AUTHORITY

Vice-President, Talent Management and Culture.

8. ACCOUNTABILITY

Vice-President, Talent Management and Culture.

Joint Workplace Health and Safety Committee which shall review and advise on this procedure.

9. POLICY HISTORY

- 9.1. Approved: January 2, 2025
- 9.2. Effective: January 2, 2025
- 9.3. Review Frequency: Three (3) Years
- 9.4. Next Review: **January 2028**
- 9.5. **Modification History**

Date	Modification
	Replaces the Anti-Harassment Procedure (Programming); Anti-Harassment Procedure (Non-Programming); and Anti-Harassment Procedure (Board).