



## **NANAIMO CONSERVATORY OF MUSIC**

### **HARASSMENT, PRIVACY, AND CONFIDENTIALITY POLICY 2018**

This policy shall be reviewed on a yearly basis at the beginning of the NCM's fiscal year (1 July.)

#### **HARASSMENT**

The Nanaimo Conservatory of Music ("NCM") recognizes the right of all members of the conservatory community, including administrative staff, faculty, students, and parents to learn, work, consult and otherwise associate in an environment free from harassment, discrimination, and bullying.

The NCM recognizes its role in actively supporting employees' and contracted faculty's work to prevent discrimination and harassment of students and their families.

The NCM will not tolerate any conduct that could be classified as harassment, sexual harassment, discrimination or bullying, and will make every reasonable effort to ensure that no employee, contracted faculty member, student, or parent is subjected to such behaviours. The NCM complies with the BC Human Rights Code and is committed to providing healthful environments in which fairness and respect are modeled.

The NCM espouses the BC Human Rights Code purposes:

- Foster a society in British Columbia in which there are no impediments to full and free participation in economic, social, political, and cultural life in British Columbia
- Promote a climate of understanding and mutual respect where all are equal in dignity and rights
- Provide a means of redress for those persons who are harassed or discriminated against contrary to the Code

#### **1. Definitions**

##### **1.1 Harassment**

For the purposes of this policy, harassment shall be defined as including:

- Any improper behavior that is directed at or is offensive to any person and is unwelcome and which the person knows or ought reasonably to know would be unwelcome;
- Objectionable conduct, comment, materials or displays made on either a one time or continuous basis that demeans, belittles, intimidates, or humiliates another person;
- The exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate;
- Such misuses of power or authority as intimidation, threats, coercion, and/or blackmail.

##### **1.2 Discrimination**

Unfair treatment of a person or group on the basis of prejudice.

##### **1.3 Sexual Harassment**

- Any comment, look, suggestions, physical contact or real or implied action of a sexual nature which creates an uncomfortable working environment for the recipient, made by a person who knows or ought reasonably to know such behavior is unwelcome;

- Any circulation or display of written or visual material of a sexual nature that has the effect of creating an uncomfortable learning or working environment;
- An implied promise of reward for complying with a request of a sexual nature;
- A sexual advance made by a person that includes or implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available and may include reprisal or a threat of reprisal made after a sexual advance is rejected.

#### 1.4 Bullying

- Bullying is verbal or physical behavior by one or more people who appear to be more powerful in some way than their victim. Bullying makes the victim feel uncomfortable, embarrassed, and unsafe and can interfere with the victim's success at learning or work.

## 2. Specific examples of harassment, sexual harassment, bullying:

Sexual or personal harassment may include, but is not limited to, behaviours, whether intentional or unintentional, which are perceived by the recipient as unwelcome. Examples of such behaviours:

- Remarks or correspondence with sexual overtones;
- Jokes that cause awkwardness or embarrassment (dirty, ethnic, or religious jokes);
- Innuendoes, taunting, or intimidation, based on one's real or perceived identity;
- Gender-based, gender identity, or sexual orientation-based remarks of a derogatory or sexual nature, or general insulting remarks;
- Proposal of intimacy of a sexual nature;
- Repeated unwelcome invitations, request for dates or sexual favours;
- Leering, patting, pinching, touching, hugging, brushing against;
- Displays of materials, pictures, cartoons, or sayings of a derogatory, sexist, homophobic, or transphobic, racist, pornographic, or otherwise demeaning nature;
- Calling someone names;
- Spreading rumours;
- Stealing or extorting someone's property;
- Exclusion from groups;
- Stalking

Arts organizations frequently have a more tactile culture than other areas of work. It's very important to remember that this may make individuals feel uncomfortable in certain situations. Being flamboyant, eccentric, or saying "that's just the way I am" is no defense against a harassment claim. Teaching a musical instrument sometimes requires the teacher to have physical contact with the student, to adjust or assist proper positioning. It is recommended that all teachers ask the student before doing a hands-on assistance. Suggested wording could include:

*May I touch your hand to put it in the right position?*

*I notice your shoulder raising at certain times; may I put my hand on your shoulder while you play this piece?"*

If a student exercises their right to physical autonomy, the teacher should find alternatives to a hands-on approach, or ask the parent/guardian in the lesson to do the assisting.

While alcohol is frequently available at arts events, having had a few drinks at a concert, recital, or post-event party is not an excuse for behaviour that wouldn't be acceptable at another time.

### **3. What does not constitute harassment?**

- An occasional compliment;
- Flirtation or banter when it is mutually acceptable between/among peers or friends;
- Normal exercise of supervisory responsibilities, when warranted.

### **4. Coverage of harassment policy**

- 4.1 All persons while on NCM premises or offsite on approved NCM premises, or while working for the NCM or in NCM-sponsored programs or activities are covered by this policy. This includes, but is not limited to, such categories as administrative staff, faculty, students, parents, volunteers, and contractors;
- 4.2 Everyone is vulnerable to harassment or discrimination, which could occur between members of the same sex, as well as between members of the opposite sex, or members of a sexual minority, including but not limited to, lesbian, gay, bisexual, transgender, and transsexuals;
- 4.3 A harasser can be a superior (supervisor or teacher), or a peer (fellow student or co-worker), or a subordinate, or anyone coming into contact with another person, regardless of the relationship.

### **5. Procedure for informal resolution of complaint**

Complainants are encouraged, but not required, to immediately tell the other person when his/her behavior is considered inappropriate and unwanted, and ask that the unwanted conduct stop. Persons should comply immediately with the request without retaliation. If the complaint is not resolved, the following procedures should be followed:

#### **5.1 Procedures for teachers**

Complaints involving teachers will be subject to the provisions and conditions of the teacher's Letter of Agreement/Non Disclosure Agreement with the NCM;

5.1a from NCM Non Disclosure Agreement (item 6):

*I understand and agree that compliance with this agreement is a condition of my Engagement with the Organization and that failure to comply strictly with each term of this agreement may result in the termination without notice of my Engagement with the Organization.*

#### **5.2 Procedures for students**

A student may choose to speak to a teacher or another adult that they are comfortable in approaching with a complaint. When the complaint is reported to a teacher or another adult, the information will be brought to the attention of the Executive Director, who is required to investigate the matter and strive to bring about a resolution. Alleged harassers will be informed, if the safety of the complainant is not threatened, that a complaint has been filed against them. The student will be informed of the progress made toward resolving the complaint. Acts of retaliation will be disciplined appropriately;

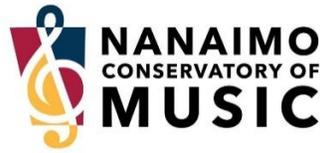
#### **5.3 Procedures for administrative staff, parents, volunteers, and contractors**

An administrative staff member, parent, volunteer, or contractor should report the incident to the Executive Director, who is then required to investigate the matter. Alleged harasser(s) will be informed, after consideration of the safety of the complainant, that a complaint has been filed against them. The appropriate person will report back in writing to the complainant.

## PRIVACY AND CONFIDENTIALITY

*The NCM collects, records and tracks information relating to employees, students, volunteers, and other customers. In accordance with 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. NCM staff and instructors sign the following Non Disclosure Agreement annually:*

1. I understand that during the course of my duties with the Organization, I will gain knowledge of, or have access to, information relating to its families. This information, regardless of the form in which it is recorded, transmitted, observed or expressed, or to which it may be converted or transcribed, shall include, without limitation, written and electronically stored or accessible information and data, and includes the name and identity of all such families.
2. I acknowledge that all Information is strictly confidential and I agree that I shall not reveal to any person or entity, or use any Information at any time, except as expressly directed by the Organization, or as may be required by law.
3. I acknowledge and agree that my obligation of confidentiality under paragraph 2 is of indefinite duration and that I will never disclose any Information to any person or entity, except as expressly directed by the Organization, or as may be required by law.
4. I undertake and agree that no Information will be distributed, altered, copied, interfered with or destroyed, except in accordance with the instructions of the Organization.
5. I agree to use extreme caution with, and take all steps to safeguard, the confidentiality of any part of the Information that may come into my possession at any time or in any place, and in particular when using any type of electronic device or when performing my duties outside the office of the Organization.
6. I understand and agree that compliance with this agreement is a condition of my Engagement with the Organization and that failure to comply strictly with each term of this agreement may result in the termination without notice of my Engagement with the Organization.
7. I agree that if I am compelled by law to disclose information as contemplated in paragraphs 2 and 3 above, I shall co-operate with the Organization in order to prevent or minimize such disclosure, and I acknowledge that the Organization waives compliance with this agreement to the extent that such disclosure cannot be prevented or minimized. I further agree that I will only disclose that portion of the information that I am compelled to disclose and that I will exercise all reasonable efforts to seek reliable assurances that such portion of the Information will be accorded confidential treatment.



## CODE OF ETHICS

- Instructors should make no false claims regarding themselves or their pupils
- It is unethical, either by inducements, innuendoes, insinuations or other acts to proselytize a pupil of another instructor
- Every instructor is responsible for the well-being of every student during the time that such student is in the instructor's charge
- An instructor must maintain confidentiality in personal matters regarding students and families
- Instructors shall assist in maintaining the integrity of the profession, and should participate in its activities
- Instructors should participate in and promote both NCM and community musical events
- Instructors should be factual and courteous in studio relationships
- An instructor must be candid and objective when advising a student as to the student's capabilities
- An instructor should respect the dignity of the student and their colleagues
- An instructor shall abide by all policies of the NCM
- Each instructor shall provide a current criminal records check (*as specified in the instructor's Letter of Agreement with the NCM*) to the NCM's executive director prior to the start of each academic year (such criminal records checks to be in the form prescribed by the local police for persons having direction and control over children)