

**Canada's Ballet Jörgen ("CBJ")
Appropriate Physical Contact in Dance Education Policy**

Approval Authority:	Board of Directors
Approval Date:	December 3, 2018

1.0 Purpose

This policy sets the parameters for appropriate physical contact in connection with the CBJ Dance Education Program (please see definition of "CBJ Dance Education Program" in Section 2.0 below).

2.0 Definitions

In this policy, any capitalized or other terms have the meanings set out below.

Defined Term	Meaning
CBJ Community	<ul style="list-style-type: none"> • CBJ Teachers • George Brown College dance students • CBJ dance students • youth participants in performances • participants in master classes and workshops taught in the community • individuals auditioning for the CBJ Dance Education Program.
CBJ Dance Education Program	<p>Includes:</p> <ul style="list-style-type: none"> • the George Brown Dance Program taught by CBJ on behalf of George Brown College • the CBJ Summer Dance Program for young aspiring dancers • the youth participant program • master classes and workshops taught in the community • Ballet 101 and other learning experiences involving minor children in the community • Auditions for the CBJ Dance Education Program.
CBJ Teachers	<ul style="list-style-type: none"> • CBJ dancers while acting as teachers in the CBJ Dance Education Program • CBJ's other dance teachers including the Artistic Director and invited artists
Complainant	The individual bringing a complaint about possible non-compliance with this policy – this can be the person experiencing non-compliance (or the parent of a minor person), or a friend or witness.

Defined Term	Meaning
Executive Manager	Defined in Section 6.3.2.
Investigator	Defined in Section 6.4.1.
Manager	The individual with whom a formal complaint is lodged, or their designate. The CBJ Managers include: <ul style="list-style-type: none"> • the Artistic Director and CEO • the General Manager • the Education Manager • the Board Chair • CBJ personnel responsible for overseeing travel
Respondent	The individual accused of non-compliance with this policy.

3.0 Scope

3.1 Who?

This policy applies to all individuals engaged or contracted by CBJ who teach dance in the CBJ Community as well as those students in the CBJ Community who receive dance education as part of the CBJ Dance Education Program.

CBJ will put all CBJ Community members on notice that they are required and expected to comply with CBJ's policies.

CBJ Teachers who are contractors, whether full-time or part-time, will be governed by a standard contract that will require contractors to comply with CBJ's policies, including cooperating in the complaints resolution process.

3.2 Where?

This policy extends to all locations and premises in which CBJ Teachers may teach, whether at the CBJ headquarters, at touring locations, and while travelling between locations.

3.3 Interaction with George Brown College

George Brown College engages CBJ to teach the George Brown College Dance Program.

If a Complainant is subject to a George Brown College policy on this topic, that policy will supersede this policy.

If George Brown College advises that the CBJ policy is the more appropriate avenue under which to pursue the complaint, CBJ will encourage the Complainant to follow CBJ's policy, in consultation with George Brown College as required.

If George Brown College does not have a policy specific to this topic or that adequately addresses the matters addressed in this policy, then this policy will be applied to Complainants who are George Brown College students, in consultation with George Brown College.

3.4 Special Rules Outside CBJ Dance Education Program – Ballet 101 and Other Learning Experiences Involving Minor Children in the Community or at Performances

The purpose of Ballet 101 (and other learning experiences involving minor children) is to raise awareness of dance with children through the demonstration of dance. No physical contact of any kind is permitted:

- without clearly expressed parental consent, or
- unless necessary to ensure the safety of the minor child (e.g., to guide a minor child participating in a performance on and off stage).

3.5 Special Rules Outside CBJ Dance Education Program – Professional Ballet Company – Continuing Education and Training

Education and training occur throughout a dancer's career. Even after a dancer becomes part of CBJ's professional company, physical contact for educational and training purposes occurs. Any such physical contact (by other dancers, trainers, invited artists and the artistic director) will be respectful and limited to that which is necessary.

4.0 Principles Governing the Application of this Policy

4.1 CBJ's Commitment

Teaching can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each and every individual.

CBJ is committed to dealing quickly, fairly and effectively with complaints under this policy. CBJ will safeguard the rights of the Complainant and the Respondent throughout the complaints resolution process.

Managers will exhibit strong, visible and ongoing commitment to ensuring compliance with this policy.

CBJ will make Managers aware of their responsibilities under this policy.

CBJ will maintain the confidentiality of all information relating to a complaint throughout the complaints resolution process, sharing only with those with a legitimate role in the investigative process, subject to where disclosure to a governmental authority may be required or may be advisable as permitted by law (e.g., in order to warn government authorities of a risk of harm posed by or to a particular individual). However, CBJ cannot guarantee complete confidentiality if a Complainant or a Respondent, regardless of CBJ's direction on confidentiality, chooses not to adhere to the confidentiality conditions imposed by this policy.

No reprisals are permitted against anyone:

- making a good faith complaint or assisting or supporting a good faith complaint made under this policy, or
- enforcing this policy in good faith.

However, if a complaint is determined to be made in bad faith, the Complainant may be subject to discipline.

4.2 Obligations of CBJ Teachers

Each CBJ Teacher is responsible for complying with and supporting this policy and co-operating in the resolution of complaints.

4.3 Remedies under this Policy

The objectives of any remedy proposed in response to a finding of non-compliance with this policy will be to:

- take a constructive and reparative approach whenever possible;
- clarify the expectations and understanding of the Complainant and the Respondent regarding the conduct of concern;
- mitigate the impact of any non-compliance of this policy on the Complainant;
- prevent further incidents of non-compliance occurring between the Complainant and the Respondent and, where appropriate, within CBJ generally; and
- correct the behaviour of the Respondent, if appropriate. In some cases, termination of the Respondent's relationship with CBJ may be deemed necessary.

5.0 Policy

5.1 Appropriate Physical Contact

This policy establishes appropriate physical contact between CBJ Teachers and the other members of the CBJ Community. This policy will be explained to all students (and to parents, as applicable) at the beginning of each teaching term, with reminders as necessary if new students join mid-term.

5.1.1 Consent to the Policy is Mandatory to Participate in the Program

A signed consent must be received from the student (if 18 or older) or by the student's parent (if the student is under 18) in order to participate in the CBJ Dance Education Program.

5.1.2 Permitted Touching

- Light intentional touching to the areas identified below is permitted in order to demonstrate or adjust positioning:
 - extremities (ankles, feet, knees, hands, elbows)
 - hips, midsection, and waist
 - head, shoulders and back.
- CBJ Teachers will ask for permission from a student at the time if there is a need to touch more intimate areas, such as thighs or buttocks (e.g., turnout muscle).
- Touching must be done with due sensitivity and care.
- Touching may never use force or an instrument.
- CBJ students understand that touching is required between students as part of learning and dance choreography.

5.1.3 Prohibited Touching

- All touching, other than permitted touching, is prohibited in teacher-student interactions.

5.2 Retaliation, Reprisals or Threats of Reprisals Prohibited

This policy prohibits retaliation, reprisals or threats of reprisals against individuals who:

- are pursuing their rights under this policy;
- have participated or cooperated in a complaint resolution process;
- have been associated with someone who has pursued their rights under this policy or participated in a complaint resolution process; or
- have acted in any other role or capacity under this policy.

5.3 Upon Receipt of a Complaint

All Managers have a responsibility to act immediately on observations or allegations of non-compliance with this policy.

Details about a complaint will only be made known to those involved in the process, and only to the extent needed to fulfill their role. If a Complainant does not wish for the complaint details to be shared, he/she may withdraw the complaint. Throughout the complaints resolution process, all documents, including contents of meetings, interviews and reports, will be securely maintained and stored by the Manager or Executive Manager on CBJ premises.

A Complainant will not be obliged to directly approach a Respondent at any stage of the complaints resolution process.

- Complainants should not directly approach Respondents if direct interaction may escalate the situation or put the safety of either the Complainant or the Respondent at risk.
- Complainants may choose to not approach Respondents in situations where there may be power imbalances or where they fear reprisals.

5.4 Continuing Review

CBJ will continue to establish policies and procedures that clarify the responsibilities of all members of the CBJ Community. The Board will conduct regular reviews and revisions of this policy to ensure it:

- reflects best practice in the creative arts/dance sector;
- accounts for changes in CBJ organizational structures or resources; and
- continues to be effective.

5.5 Awareness

CBJ will take steps to make all CBJ Teachers, CBJ students and George Brown College students aware of this policy and its provisions by:

- offering educational opportunities and resources;
- providing training to Managers identified under this policy; and
- making the web link to this policy available to the CBJ Community on its website.

6.0 Procedures

6.1 *Initiating the Complaints Resolution Process*

- 6.1.1 Any member of the CBJ Community who believes that they have been the subject of, or may have witnessed, non-compliance with this policy should report the incident to a Manager. The Complainant may report to whichever Manager the Complainant feels most comfortable approaching. A Complainant may bring another person with them for support.
- 6.1.2 Alternatively, a Complainant may call or email the CBJ's tipline to report the complaint. If the complaint is anonymous, CBJ will investigate the complaint as best as possible without the assistance of the Complainant, but the ability to investigate the incident and reach a conclusion may be impaired.
- 6.1.3 Managers receiving a complaint must seek to resolve concerns about non-compliance with this policy, and may consult another Manager in seeking such resolution. If the Manager who is approached believes that he/she is not the appropriate person to process the complaint, he/she may refer the complaint to another Manager in consultation with the Complainant.
- 6.1.4 If the Complainant is subject to a George Brown College policy on the same subject matter, the Manager will provide guidance to the Complainant on how to make a complaint under that policy.
- 6.1.5 The Manager receiving a complaint will use this policy to determine whether an alleged incident of non-compliance with this policy occurred.
- The Complainant has the burden of proving, on its face, a violation of this policy when the complaint is presented: i.e., there must be sufficient evidence, at first appearance, that there has been non-compliance with this policy.
 - The Respondent does not have the burden of disproving non-compliance with this policy.
- 6.1.6 A Complainant should initiate a complaint as soon as is reasonable and is strongly encouraged to initiate the complaints resolution process no later than one (1) year from the date of the incident. The Manager receiving the complaint will consider whether extenuating circumstances warrant permitting the complaints resolution process to be initiated later than the time frames described above. This consideration will include the length of time elapsed and the reason for the delay.
- 6.1.7 In situations where the Complainant feels threatened, the Manager may contact the police.

6.2 *Step One: Informal Resolution*

- 6.2.1 The Manager should discuss with the Complainant the types of informal resolution that may be appropriate to the situation, as long as the Complainant feels comfortable and safe in approaching the Respondent themselves or having the Manager do so.
- 6.2.2 The Manager will support the Complainant if the Complainant decides to approach the Respondent on an informal basis to identify the conduct of concern and explain to the Respondent that it is unwelcome or non-compliant with this policy.
- 6.2.3 The Complainant should allow the Respondent an opportunity to respond to the concern expressed, and should suggest how the concern might be resolved.

6.2.4 If the concern is resolved, the Complainant and Respondent should note the nature of the resolution and the date on which it occurred, and inform the Manager, who will note in the case file that the issue has been resolved informally, along with the date and time.

6.3 Step Two: Formal Complaint

6.3.1 A Complainant may lodge a formal complaint if circumstances are such that the Complainant cannot or does not choose to approach the Respondent for informal resolution; informal resolution does not resolve the conduct/behavior of concern; the conduct of concern is repeated; or the Complainant chooses this avenue for seeking resolution.

6.3.2 Upon the Manager receiving notice from the Complainant that they want to pursue a formal complaint, the Manager shall advise either the Chair of the Board (if the complaint relates to the Chief Executive Officer or the Education Manager) or the Chief Executive Officer (for all other complaints) (each, an “**Executive Manager**”).

6.3.3 In order to ensure Board awareness about the effectiveness of this policy, each Manager shall advise the Chair of the Board of every formal complaint received and the nature of the complaint, using reasonable efforts to avoid disclosing the identity of the Complainant and the Respondent.

6.3.4 The Complainant must submit a signed, written complaint to the Manager. The complaint must include 1) the name of the Respondent, and 2) as full an account as possible of the conduct of concern including:

- a detailed description of the event(s) or situation;
- the date(s) and time(s) of the event(s) or situation;
- where the event(s) or situation happened with as much specificity as possible;
- the names of witnesses, if any; and
- any supporting documentation, as an attachment.

6.3.5 If the Complainant has a disability or another reason that prevents them from preparing the written statement independently, the Complainant may submit the complaint verbally, through an interpreter, or in any other format which meets their communicative needs. The Manager will arrange to provide the Complainant with assistance in preparing a written complaint upon request.

6.3.6 The Complainant may withdraw a formal complaint at any stage of the complaints resolution process by notifying the Manager in writing. CBJ may choose to continue to investigate the complaint at its discretion, in which case the withdrawing Complainant is not required to cooperate or assist with the investigation.

6.3.7 The Manager may dismiss any complaint, on notice to the Complainant, where the subject matter of the complaint falls outside the parameters of this policy.

6.3.8 The Manager will meet with the Complainant to:

- clarify any questions the Manager has with respect to the written complaint;
- explore the remedy that the Complainant is seeking to resolve the complaint;
- ensure that the Complainant has received a copy of this policy;
- answer any questions the Complainant may have about this policy and its procedures; and

- answer any questions the Complainant may have about related resources available to them at CBJ, or provide appropriate direction so the Complainant can secure answers to such questions.
- 6.3.9 The Manager must provide the Respondent with a copy of the signed, written complaint within 4 working days of receiving it, outlining the time frame in which the Respondent has to respond to the written complaint.
- 6.3.10 The Manager will meet with the Respondent to:
- ensure that the Respondent has received a copy of this policy;
 - advise the Respondent regarding the time frames for responding in accordance with this policy;
 - answer any questions the Respondent may have about this policy and its procedures; and
 - answer any questions the Respondent may have about resources available to them at CBJ, or provide appropriate direction so the Respondent can obtain answers to their questions.
- 6.3.11 The Respondent must submit a signed, written response to the Manager within 7 working days of receiving the complaint.
- 6.3.12 If the Respondent has a disability or another reason that prevents them from preparing the written response independently, the Respondent may submit the response verbally, through an interpreter, or in any other format which meets their communicative needs. The Manager will arrange to provide the Respondent with assistance to put the response in writing within 4 working days of receiving it.
- 6.3.13 After receiving the signed response, the Manager will provide a copy of the response to the Complainant within 4 working days.
- 6.3.14 If appropriate to the complaint, the Manager may attempt to resolve the complaint through informal resolution without further investigation.
- 6.3.15 If the complaint is resolved, the Manager must:
- prepare a written statement setting out the terms of resolution to be signed by the Complainant, the Respondent and the Manager;
 - provide copies of the signed statement to the Complainant and Respondent, with a copy to the applicable Executive Manager;
 - file a copy with the records of the Complainant and Respondent.

6.4 Step Three: Investigation

- 6.4.1 If further investigation is required to resolve the complaint, the Manager must identify whether any conflict of interest or bias could prevent the Manager from conducting an objective investigation. If a conflict of interest or bias exists, the Manager must inform the applicable Executive Manager, who will designate an alternative investigator to conduct the investigation. The Manager or the designated alternative investigator will be referred to as the “Investigator”.
- 6.4.2 In investigating a complaint, the Investigator may:
- collect and review documents that may contain information relevant to the complaint;
 - interview individuals, including witnesses, who may have information relevant to the complaint;

- conduct additional interviews with the Complainant or the Respondent; and
- take any other steps consistent with CBJ policy.

6.4.3 Investigations should be completed within 30 working days, subject to extenuating circumstances. The Manager may extend this time frame if it is deemed reasonably necessary, on notice to the Complainant and Respondent.

6.5 Step Four: Decision

6.5.1 The Manager must prepare a written decision within 4 working days that summarizes:

- the complaint;
- the response;
- the Manager's conclusion about whether the complaint was 1) substantiated, 2) partially substantiated, 3) unsubstantiated, or 4) frivolous, vexatious or made in bad faith;
- the Manager's recommended disciplinary action, if any, for consideration of the Executive Manager; and
- the reasons for the decision.

6.5.2 In making a decision, the Manager will consider:

- the complaint;
- the response;
- the results of meetings with the Complainant and Respondent;
- the results of the investigation; and
- the balance-of-probabilities legal test: Based on the evidence presented, is it more reasonable than not that non-compliance with this policy took place?

6.5.3 The Manager will provide the Complainant, the Respondent and the applicable Executive Manager with a copy of the decision, including a notice about the parameters and process for initiating a review. The Manager will ensure a copy of the decision is filed with the records of the Complainant and the Respondent. CBJ will otherwise keep the decision confidential, unless disclosure is required by law, court order or other governmental authority.

6.6 Review of the Decision

6.6.1 The Complainant or Respondent may request a review of the complaints resolution process by the applicable Executive Manager or their designate on the following grounds:

- that the procedures outlined in this policy were not followed; or
- that there were compelling or extraordinary circumstances that were not considered.

6.6.2 The Complainant or Respondent, as applicable, must request a review within 10 working days of receiving the copy of the decision. The request must include the reasons for requesting the review and evidence to support the request.

6.6.3 The applicable Executive Manager or their designate will review the decision with the Manager to identify whether there is evidence that:

- the procedures outlined in this policy were not followed;

- procedural fairness was not demonstrated; or
 - compelling or extraordinary circumstances that were beyond the Complainant's and/or Respondent's control, and/or that could have had a bearing on the decision, and/or were not considered.
- 6.6.4 If evidence as outlined in Section 6.4.3 is identified, the applicable Executive Manager or their designate, in consultation with the Manager, will make amendments to the decision. If no evidence is identified, the decision will stand.
- 6.6.5 The applicable Executive Manager or their designate will provide a letter to the Complainant and Respondent that sets out the outcome of the review and informs both parties that the decision is final with no internal avenue for further review.

7.0 Legal Obligation to Take Disciplinary Action

7.1 *Disciplinary Action*

CBJ has an obligation to act on good faith complaints under this policy. Only an Executive Manager may take disciplinary action under this policy.

If a complaint is determined to be made in bad faith (e.g., frivolous or vexatious), an Executive Manager may impose corrective measures or sanctions against the Complainant.

7.2 *Disciplinary Action Involving CBJ Teachers (whether employees or contractors) or Dancers*

Where disciplinary action resulting from non-compliance under this policy is appropriate, the Manager will consult with the applicable Executive Manager as to appropriate disciplinary action, up to and including termination of the relationship between CBJ and the CBJ Teacher.