



# Nursery Code of Conduct Policy and Procedures

It is the policy of The Nursery Theatre to maintain a working, performing and learning environment free from sexual, racial, age-based, religious, ethnic, disability, sexual orientation, gender identity and/ or expression, and any other form of forbidden harassment of any personnel, intern, performer or student.

Such harassment in any manner or form is expressly prohibited. It is also the policy of the Theatre that no individual be subjected to any unwelcome conduct that is or should be known to be offensive because of his or her gender, race, age, religion, ethnicity, disability; sexual orientation, gender identity and/or expression, or other category.

The Nursery recognizes that it is not typical of all workplaces. The work that we do can address the extremes of human behaviour and the atmosphere of the Nursery community is social as well as professional. It is not the intention of the Nursery to mimic an office environment. While this may require a more nuanced reading of social cues than the more clearly defined office environment, it is the hope of the Nursery that with a combination of communication, common sense, respect, and empathy, the community can create an environment that balances safety and expression without compromising either.

All reported or reasonably suspected occurrences of forbidden harassment will be investigated (in accordance with the procedures outlined below) in a confidential manner and as promptly and as thoroughly as is practical and necessary. Where harassment has occurred, the Nursery will take appropriate disciplinary, educational, or other corrective action, up to and including termination from a position at the Nursery, the loss of ability to perform or the immediate revocation of a student's ability to perform internship duties and/or take classes at the 1 Nursery without compensation for time spent or refund of tuition paid.

There will be no retaliation against an individual who has complained about or reported alleged forbidden harassment or who has cooperated with an investigation of alleged forbidden harassment, regardless of the outcome of the investigation.

## Section 1: Conduct Prohibited By The Policy

For purposes of this Policy, forbidden harassment includes the following:

- Hostile Environment Harassment

Hostile environment sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual



nature. Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender may create a hostile environment. Racial, age-based, religious, ethnic, disability, sexual orientation, gender identity and/or expression, and other forbidden forms of harassment may occur when there is conduct which is motivated by or relates to an individual's race, age, religion, ethnicity, disability, sexual orientation, gender identity and/or expression, or any other characteristic. Hostile environment harassment occurs when such conduct is sufficiently severe or pervasive to and does:

1. Unreasonably interfere with an individual's work, performance or ability to learn, or
  2. Create an intimidating, hostile, or offensive work, performance or learning environment
- "Quid Pro Quo" Sexual Harassment

"Quid Pro Quo" sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is an explicit or implicit condition of employment, performance ability or student advancement, or
2. Submission to or rejection of such conduct is used as the basis for employment, performance, or educational advancement decisions.

#### *Special Note on Consensual Banter/Private Conversation*

Nursery Personnel, performers and students are expected to be sensitive to the fact that the content of private conversations, though not offensive to the parties involved, may be offensive to others if overheard; and such parties will be held accountable if appropriate safeguards are not taken and the overheard conversation is found to create a hostile environment.

#### *Special Note On Performance Harassment*

Given the nature of performances at the Nursery and in classes of material that, in some cases, could be considered offensive to some, it is not the policy of the Nursery to punish individuals or to stifle the creative abilities of performers whose artistic expression may be considered offensive to others. However, if it is determined that the offensive content of the performance was done in an effort to harass a particular individual from the stage or to express the performer's hatred and/or intolerance to a protected individual or group, then appropriate disciplinary action will occur. Additionally, if it is



determined that an individual performer or group of performers is pervasively offensive or harassing in their performances, disciplinary or corrective action will occur. Furthermore, if it is determined that behavior that was done without intent to harass but has nevertheless caused discomfort, fear, or other feelings of harassment in members of the community or audience, this behavior (at the time it is identified to leadership of the Nursery) will be pointed out to the performer or performers responsible. If the identified behavior is not remedied, disciplinary and/or corrective action will occur.

### *Special Note on Abuse of Power and Power Harassment*

Abuse of Power and Power Harassment by any member of the Nursery team, whether director, teacher, creative assistant, door person, or any other position, will not be tolerated.

Abuse of Power is the commission of an unlawful, harassing, penalizing, or discriminatory act, done in an official capacity, which affects the performance of duties.

Power harassment is unwelcome attention of a political nature, often occurring in the environment of a workplace. Power Harassment includes but is not limited to a range of behavior from mild irritation and annoyances to serious abuses such as forced activity beyond the boundaries of the job description, false evaluation, or being scolded in front of other employees. Power harassment is considered a form of discrimination and is a form of political and psychological abuse and bullying.

Power harassment is any kind of behaviour in which a superior takes advantage of his or her position in the workplace to cause co-workers physical pain or emotional distress, whether the person is superior by means of relative work position, physical size, or otherwise. Power harassment includes the actions of a supervisor toward a subordinate, interactions between equal colleagues, and the actions of a subordinate toward a supervisor.

- Physical attacks (such as acts of force or violence)
- Psychological attacks (such as intimidation, verbal abuse or being scolded in front of others) Segregation (such as ostracism)
- Excessive demands (such as assigning work that is impossible to perform or obviously unnecessary)
- Demeaning demands (such as assigning work clearly below the employee's capability or providing no work at all)
- Intrusion upon the individual (such as intrusion into an employee's personal life) NB We should probably define some of the forms more clearly, as we obviously ask CAs



(although they are not employees) to do stuff that is below their capability sometimes. Same goes for intrusion into personal lives - this just happens, we only have to make sure it's sensitively dealt with.

## Section 2: Responsibilities

The Nursery's Policy prohibits harassment by Nursery personnel, performers, trustees, volunteers, faculty and students against any person, as well as harassment directed towards Nursery patrons, contractors, consultants, suppliers, vendors, visitors, and other non-employees or non-Nursery-affiliated individuals, when such conduct occurs at the Nursery's premises, performances, rehearsals, classes or Nursery-affiliated events at remote locations in connection with Nursery activities or the performance of the Nursery 's work.

The Nursery will make reasonable efforts to see that the actions of its agents, supervisory employees, coaches, and teachers are free from forbidden harassment, and will take appropriate corrective action when it learns of such forbidden harassment. The Nursery will also take appropriate corrective action in those instances where it, its agents, supervisory employees or faculty learn of forbidden harassment of any Nursery personnel, intern, performer or student. All levels of Nursery management, supervisory employees, trustees, volunteers, coaches and/or teachers will:

- Reject any offer or promise of sexual or other favors made by any employee, intern, performer or student in anticipation of or in exchange for some employment, performance, or educational opportunity or decision and at the same time advise such employee, intern, performer or student that such an exchange violates policy and will not be tolerated.
- Avoid forbidden harassment, including the appearance of such harassment, by refraining from actions, language, and jokes, and by disposing of materials such as posters or magazines that could reasonably be anticipated to offend an employee, performer or student.
- Report to the Nursery management (Judith or Jules), in accordance with the procedures set forth below, any forbidden harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.
- Assure Nursery personnel, interns, performers and students as necessary that all forms of harassment are expressly prohibited, that the Nursery will investigate reported and suspected occurrences of forbidden harassment, and that the Nursery will take appropriate corrective action when forbidden harassment is found to have occurred.



The Nursery also provides workshops for kids and teens. Please find a link to our Safeguarding Policy with regards to young people [here](#).

## Section 3: Procedures

### Notification Procedures

Any Nursery personnel, intern, performer or student who feels that he or she is being or has been subjected to forbidden harassment or who knows of or suspects the occurrence of forbidden harassment should promptly and in confidence inform a teacher or director of the Nursery. If they do not feel comfortable doing so, they should use the anonymous reporting tool on the website (<http://thenurserytheatre.com/feedback-form/>) or email one of the trustees. In addition the Nursery encourages advising the person engaging in the offensive conduct that the conduct is offensive and should be stopped.

In addition, all Nursery staff, teachers and volunteers have an affirmative duty to report promptly to one of the directors designated above any forbidden harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred. This can be done via the anonymous tool on the website (<http://thenurserytheatre.com/feedback-form/>) if that is more comfortable or appropriate.

### Direct Discussion

A member of the community may feel that the best course of action is to address offending behavior directly to the person responsible without immediately including Nursery leadership (though they may be subsequently included at any time). The Nursery supports this at the discretion of the community member and only when the community member does not feel that their safety or professional standing is in jeopardy. The Nursery emphasizes that it is imperative that the individual receiving this feedback maintain a respectful discourse. Retaliation or otherwise lashing out in any way is not acceptable behavior. The person receiving feedback may request the inclusion of UP leadership if they disagree with the feedback or believe it is unfair. The Nursery encourages all community members to be open to receiving challenging feedback.

### Investigation Procedure

All reported occurrences of forbidden harassment will be investigated as promptly and thoroughly as is practicable and as is required under the circumstances. The individual who makes the report or is the target of the alleged harassment will be assured that all forms of forbidden harassment are expressly prohibited, that the Nursery will conduct a confidential



investigation, and that the Nursery will take appropriate corrective action if forbidden harassment is found to have occurred.

The Nursery will designate the individual who will be responsible for conducting the investigation of the reported incidents of harassment. The timing, scope, and extent of the investigation will be determined by the Nursery on a case-by-case basis, considering the circumstances of the alleged harassment. All investigations will be conducted to protect, as much as practicable, the privacy of all persons concerned. The Nursery expects all community members who are contacted in connection with an investigation to cooperate fully.

Pending the outcome of an investigation, reasonably necessary and prudent interim measures, such as the separation of the complainant and the alleged offender, suspension from Nursery activities for the alleged offender, or temporary leave for the complainant, will be taken at the Nursery's discretion, taking into consideration the complainant's wishes, the seriousness of the accusations, the background of the situation, and any other relevant information.

## Special Note On Reported Criminal Activity

If any Nursery-affiliated person is accused by anyone of criminal activity that, in the eyes of the Nursery arises to a level beyond mere harassment as described above, and, in the judgment of the Nursery, places in doubt the safety of the Nursery's students, performers, teachers, staff team members, directors, vendors or patrons, then the accused will be immediately and without investigation removed from all Nursery-related activities until such time as the Nursery is satisfied that the accusations are and were unfounded. Should the accused appear at any Nursery related activities or venues following this removal, they will be considered to be a trespasser on Nursery property and the Nursery will not hesitate to call authorities to remove them. The reinstatement of the accused to any Nursery-related activity or venue will be at the sole discretion of the Nursery.

## Resolution and Outcome of Investigation

Following an investigation, the Nursery will take such action that it deems necessary or appropriate under the circumstances as follows:

- No Violation

In the event that the investigation discloses insufficient grounds or basis to substantiate a violation of this Policy, all necessary parties will be so advised.

- Violation



In the event that the investigation discloses a violation of this Policy, the Nursery will communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary, educational, and/or other corrective action, up to and including termination, removal of an individual from any position that it is in the Nursery's power to grant, the revocation of a performer's ability to perform at or attend performances at the Nursery or at a Nursery event, will then be taken. The action taken will be reasonably calculated to prevent any further unacceptable conduct. It is within the Nursery's discretion to determine the appropriate corrective action.

- False Complaint

If the complainant or the alleged offender is not satisfied with the resolution, he or she is encouraged to contact any Director or Trustee of the Nursery. In the event an investigation of a reported or suspected occurrence of forbidden harassment reveals that the person has lodged a knowingly false or frivolous complaint, fabricated facts, or failed to tell the truth, the Nursery may take appropriate disciplinary and/or other corrective action.

- Mental Health

In a case in which the accuser displays signs of mental health issues, providing accusations they believe to be true but are obviously based on fantasies, extreme paranoia, or hallucinations, those accused are advised to keep a detailed record of all encounters, keep any emails, texts, and voicemails, and never discuss the accusations with the accuser without a 2nd party present.

The Nursery aims to be welcoming and accessible to all, including those with mental health issues; however, this does not extend past the point where an individual is causing distress or significant discomfort to those around them. All Nursery staff and students are advised to discuss problematic individuals with the directors to determine and best course of action for that individual.

## Section 4: Rules of Behaviour

### **Disruptive Behavior**

Purpose: Everyone has a right to expect and receive a favorable experience at the Nursery. Each patron and contractor has the right to receive quality service in an atmosphere that is calm, safe and as free from disturbance as possible. The staff has the right to provide service



without fear of abuse or threatening behavior from other contractors, patrons attending a show or participating in a class.

## Section 5: No Retaliation

No individual who reports or complains about forbidden harassment, or who assists the Nursery in its investigation, will be subjected to retaliation. Anyone who feels that he or she has been the victim of, or threatened with retaliation should immediately inform one of the individuals identified above for the purposes of receiving reports of complaints.