

Academy of Canadian Cinema & Television

Member and Nominee Code of Conduct

October 2018



1. Statement of Intent

The Academy of Canadian Cinema and Television (Academy) recognizes the right of every individual to safety, dignity and respect in all professional environments and is committed to helping ensure that all members of the screen-based industries experience a professional environment that is free of violence, harassment, sexual harassment, bullying and discrimination.

The Academy also recognizes that the responsibility of creating and preserving a safe environment is a collective one that needs to be assumed by all members of the industry. With this Code of Conduct the Academy hopes to demonstrate its commitment to setting standards of behaviour for the industry, which reflect our own commitment to equality, tolerance, dignity and respect.

With this Code of Conduct, the Academy indicates that it will not tolerate any form of violence, harassment, bullying or discrimination by any of its members, nominees or award recipients, jurors, or rules & regulations committee members.

As such, accepting membership, nominations or awards implies that an individual accepts and agrees to adhere to the Academy's Code of Conduct. And any individual found to be in breach of this code could face proportional disciplinary actions by the Academy.

2. Applicability

2.1 To Whom Does this Code Apply?

This Code of Conduct applies to all incidents or complaints where the respondent is either (hereby referred to as “member” or “members”):

- An Academy member
- An award nominee or recipient, or special award recipient
- Rules & regulations committee members; and
- Jurors

The Code protects any Academy member who may be subject to prohibited behaviours or conduct by another member. **Complainants must be Academy members.**

Note: This Code applies to individuals only and the standing of an individual under the terms of this Code of Conduct will not impact the standing of any *production* in which that individual was involved nor that of any individuals associated with that production who are not themselves in breach of the Code.

Note: The Academy has a parallel Workplace Policy and Code of Conduct in place that applies to Academy employees and service providers. Complaints against employees or service providers are governed under that separate but parallel policy.

Note: There is also a **sub-code** as part of this Code of Conduct which applies to *all attendees* at Academy events and programs. Attendance at such an event commits the attendee to this sub-code.

2.2 Where and When Does this Code Apply?

This Code of Conduct applies in the following contexts:

1. All workplaces and extensions of the workplace as defined under work contracts
2. All professional events (e.g. professional social events; training and professional development events)
3. All other work-related spaces (e.g. transportation and accommodation associated with professional travel; auditions; interviews)
4. All Academy-hosted events and programs

3. Definitions of Prohibited Behaviour

The Academy will not tolerate any form of harassment, bullying or discrimination by any of its members. Under the terms of this Code of Conduct these behaviours are defined as follows:

Harassment

Any course of comment or conduct that is known or ought reasonably to be known to be unwelcome, offensive, embarrassing, humiliating, or demeaning.

Any course of comment or conduct that has the impact of violating a person's dignity, or creating for that person an intimidating, hostile, humiliating or offensive environment.

Harassment may include (but may not necessarily be limited to) behaviours such as:

- Physical intimidation and/or threats.
- Physical violence or assault, restraint or confinement.
- Verbal threats, implications or suggestions of violence.
- Ridiculing, insulting, taunting, belittling or humiliating remarks.
- Public display of materials, articles or graffiti, etc. (including on social media/online), which may cause humiliation, offence or embarrassment.

Note: Conduct does not necessarily need to be repeated or persistent to be considered harassment. A single incident can be considered harassment.

Note: Harassment is defined by the impact of the conduct, not the intent. As such, words or actions meant in jest may still be considered harassment if the impact is that it creates an intimidating, humiliating, hostile or offensive environment for the complainant.

Bullying

Conduct that constitutes an abuse or misuse of power to undermine, belittle or humiliate the recipient.

Conduct that undermines, humiliates, or belittles the recipient and creates an intimidating, hostile or offensive environment, including (but not necessarily limited to):

- Loud, abusive behaviour
- Shunning, ignoring, excluding or intentionally withholding information
- Unjustified criticism
- Repeated delegation of demeaning tasks

Sexual Harassment

Any unwelcome conduct, comment, gesture or contact of a sexual nature that might cause offence or humiliation.

Any conduct that might, on reasonable grounds, be seen as placing a condition of a sexual nature on employment, career progression/advancement, participation in training or professional development, or participation in Academy events or programs.

Note: Sexual harassment is gender and orientation neutral. It can be perpetrated by an individual of any gender against another individual of any gender.

Discrimination

Any form of unequal treatment based on one or more Prohibited Grounds of Discrimination as defined in the Canadian Human Rights Act (R.S.C., 1985, c. H-6), i.e. race; national or ethnic origin; colour; religion; age; sex; sexual orientation; gender identity or expression; marital status; family status; genetic characteristics; disability; and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Discrimination includes behaviours such as (but is not necessarily limited to):

- Limiting participation, advancement, inclusion based on one or more prohibited grounds
- Classification and/or segregation based on one or more prohibited grounds
- Imposing extra burdens or denying benefits based on one or more prohibited grounds

Note: Discrimination may be intentional or unintentional.

Note: Discrimination may include behaviours that appear neutral but have the effect of disadvantaging, denying or excluding protected groups of people.

Protection against retribution

All parties involved in an incident reported and/or being investigated under the Code of Conduct are entitled to protection against retribution, including the complainant, the respondent and any witnesses. Any report of retribution or reprisal toward any of the involved parties will be considered a breach of this Code of Conduct and subject to the same processes and disciplinary measures as identified in this Code.

Please refer to Section 4.1 for a description of the disciplinary actions that may be enforced by the Academy under this Code of Conduct.

Complaints made in bad faith

Any individual who is discovered to be making a report or complaint in bad faith, will also be considered to be in breach of the Code of Conduct and subject to the same processes and disciplinary measures as identified in this Code.

Please refer to Section 4.1 for a description of the disciplinary actions that may be enforced by the Academy under this Code of Conduct.

4. Reporting and Resolution Process

4.1 Reporting

If the incident presents no immediate danger the following steps should be followed with respect to reporting an incident or breach of the Code.

1. **Informal complaint directly to the respondent:** If the complainant feels safe and comfortable to do so, they should first tell the respondent that the behaviour was inappropriate and unwelcome and attempt to arrive at an informal resolution directly with the complainant.
2. **Formal complaint to an employer or union:** If the complainant does not wish to report the incident directly to the respondent, or if that process is unsuccessful in preventing further incidents or does not lead to satisfactory resolution, the complainant may submit a formal complaint to their employer, union or guild via the appropriate representative and following the processes prescribed by those entities. For guidance on how to file a complaint with these entities please visit our website: www.academy.ca/respect

Note: If the incident presents an immediate danger, complainants and/or witnesses should immediately contact police and emergency services.

4.1.1 Submitting a Notice of Complaint

Once a complainant has submitted a formal complaint with the appropriate party (see above), they may choose to file a Notice of Complaint with the Academy via our website: [URL forthcoming].

The formal Notice should provide the following details:

- Date, time and location of the incident
- The organization with which the formal complaint was filed (i.e. the “referring organization”)
- Date and time of submission of formal complaint
- Name and contact information for the complainant
- Name of the respondent
- Description of incident

4.1.2 Who Can Make a Notice of Complaint?

Any member of the Academy who is in good standing and who has submitted a formal complaint to an employer or union (or an authorized representative of that member) may provide the Academy with a Notice of Complaint. The Academy may also accept a Notice of Complaint from the referring organization directly if the complaint is made about an Academy member and/or someone currently nominated for a Canadian Screen Award.

4.2 Investigation and Resolution

Upon receipt of a Notice of Complaint, the Academy will convene a meeting of the *Code of Conduct Committee* of the Board of Directors (“the Committee”) within 30 days. The Committee will first determine if the reported action is in breach of this Code of Conduct. If so, the Committee may choose to implement immediate interim disciplinary measures (as described in Section 4.3.1) if the referring organization deems that the reported action is sufficiently egregious to warrant such.

A representative of the Committee will then liaise with the referring organization to monitor the progress of that organization. *At no stage will the Academy conduct an independent investigation of its own.*

Upon the adjudication of the complaint by the referring organization, the Committee (or its designate) will determine what (if any) disciplinary measures to apply (and be enforced) within 10 days of receiving the report of the investigation results. All investigation and resolution decisions will follow the principle of equal application of the terms of this Code of Conduct.

Note: Where the Academy is made aware of an incident that could be in breach of the Code of Conduct where neither the complainant nor the respondent is a member or employee of an organization with sufficient capacity to undertake an investigation, the Academy will refer the putative complainant to one (or more) of the more general resources described in Section 6.

Note: The *Code of Conduct Committee* will not share the name of the complainant or the respondent with any outside parties, including the Board of Directors of the Academy at large during the course of the investigation process (as described above).

4.3 Disciplinary Measures

Any Academy member judged (by a referring organization) to have breached this Code of Conduct will be subject to proportional consequence(s) in accordance with the judged severity of the breach and/or repeated offences under the Code.

The disciplinary measures that might be enforced by the Academy's *Code of Conduct Committee* include (in rough order of escalating severity):

1. Written warning (e.g., for a minor offence that is unlikely to indicate a pattern of behaviour)
2. Temporary suspension from membership and removal of member benefits (time limited)
3. Temporary ineligibility for future awards
4. Removal of a nomination (if the complaint is made/adjudicated between the nomination announcements and Canadian Screen Week)
5. Permanent expulsion from membership (and inability to re-apply)
6. Ban from participating in Academy events and programs
7. Permanent ineligibility for future awards

All disciplinary decisions will follow the principle of equal application of the terms of this Code of Conduct.

Note: Under the sub-code that applies to all attendees at Academy events and programs, any attendee found to be in breach of the Code of Conduct may be immediately removed from the event or program.

4.3.1 Interim Measures

In the event that the reported action is deemed sufficiently egregious by the referring organization and such organization chooses to impose interim disciplinary measures on the respondent, the *Code of Conduct Committee* may also decide to impose its own interim measures for the protection of all parties involved in the event, pending the results of the investigation and adjudication by the referring organization.

Interim disciplinary measures that might be enforced by the Academy's *Code of Conduct Committee* include:

- Temporary suspension from membership and removal of member benefits (time limited)
- Temporary ban from participating in Academy events and programs

4.4 Governance

The Academy will appoint an *Code of Conduct Committee* which will be composed of one Academy staff member and two Academy Board members. The Committee will proactively maintain relationships with similar committees (or equivalent) formed in other organizations from which Notices of Complaint might reasonably be expected to be received.

The Committee will be responsible for reviewing Notices of Complaint, monitoring investigations of the incident conducted by referring organizations, and making decisions regarding resolution and disciplinary measures (where applicable).

Note: All parties involved in a reported incident and/or subsequent investigation and resolution process have the right to a fair and neutral process. As such, any members of the Committee who have a prior relationship with any of the involved parties will be required to recuse themselves from the investigation (and subsequent disciplinary) process.

5. Prevention

The Academy is committed to taking a leadership role in setting standards of behaviour for the industry and in creating and preserving a professional environment that is safe and free from violence, harassment and discrimination.

As such, the Academy requires that acceptance and adherence to the Code of Conduct be a condition of membership and eligibility for all awards. Adherence to the Code will also be a condition of attendance at all Academy events (under a special sub-code).

6. Additional Support Resources

If you are involved in an incident or investigation and need support, the following resources exist for you:

Organization	Location/Jurisdiction	Contact Information
National Organizations		
Victim Services Directory	Canada	http://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html
Canadian Resource Centre for Victims of Crime	Canada	1-877-232-2610
Canadian Association of Sexual Assault Centres	Canada	(604) 876-2622 E-mail: casac01@shaw.ca
Support Services for Male Survivors of Sexual Abuse Program	Canada	1-866-887-0015
Provincial Organizations		
Victim Services Directory	Ontario	1-888-579-2888 http://services.findhelp.ca/ovss/
Assaulted Women's Helpline	Ontario	1-866-863-0511
FEM'AIDE (Ligne de soutien pour femmes violentées)	Ontario	1-877-336-2433
Human Rights Legal Support Centre	Ontario	1-866-625-5179
British Columbia Society for Male Survivors of Sexual Abuse	British Columbia	1-604-682-6482
Women Against Violence Against Women Rape Crisis Centre	British Columbia	1-877-392-7583
VictimLinkBC	British Columbia and Yukon	1-800-563-0808 Email: VictimLinkBC@bc211.ca
Association of Alberta Sexual Assault Services	Alberta	403-237-6905 ext 3
Regroupement Québécois des centres d'aides et de lutte contre les agressions à caractère sexuel	Québec	1-888-933-9007
Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre	Newfoundland and Labrador	1-800-726-2743

Organization	Location/Jurisdiction	Contact Information
Canadian Association of Sexual Assault Centres – Manitoba Resources	Manitoba	http://www.casac.ca/node/50
Prince Edward Island Rape and Sexual Assault Centre	Prince Edward Island	1-902-368-8055
Nova Scotia Victim Services	Nova Scotia	https://novascotia.ca/just/victim_Services/programs.asp
NWT Help Line	Northwest Territories	1-800-661-0844
Local Organizations		
Toronto Rape Crisis Centre / Multicultural Women Against Rape	Toronto	1-416-597-8808
Ottawa Rape Crisis Centre	Ottawa	1-613-562-2333
Fredericton Sexual Assault Centre	Fredericton	1-506-454-0437
Avalon Sexual Assault Centre	Halifax	1-902-422-4240

If you wish to also pursue a formal complaint through a relevant union or guild, please contact them directly. Below is a list with the contact information for the relevant unions and guilds:

Organization	Contact Information
ACTRA National	1-800-387-3516
ACTRA Toronto	1-877-913-2278 1-855-201-7823 (After Hours)
Canadian Actor's Equity	1-800-387-1856 (National) 1-877-682-6173 (Western Office)
Director's Guild of Canada	1-888-972-0098
IATSE National	1-416-362-3569 (National) 1-604-608-6158 (Western Office)
Canadian Media Guild	1-902-317-1018 (Atlantic Office) 1-800-465-4149 ext. 231 (Northern and Western Office)
Writer's Guild of Canada	1-416-979-7907 1-800-567-9974
Canadian Media Producers Association	1-800-267-8208 (Toronto) 1-800-656-7440 (Ottawa) 1-866-390-7639 (Vancouver)

Organization	Contact Information
Association Québécoise de la Production Médiatique	1-514 397-8600
Women in View	1-416-304-9398
Communication Workers of America – Canada	1-877-486-4292
Front des Réalisateur·x Indépendant·x du Canada	1-613-807-3742
Unifor NABET 700-M – Ontario Film, TV and New Media Technicians	1-416-536-4827
Academy of Canadian Cinema and Television	1-14 849-7448

Appendix A. Glossary of Terms

Complainant: The party who makes the complaint

Respondent: Person in the position of defendant (in the context of a formal complaint or charge)

Ombudsperson: Appointed individual charged with receiving and investigating complaints in an independent, objective, impartial and confidential manner

Proportional Consequences: Disciplinary measures that are proportional to the severity and impact of the actions

Reprisal: An act of revenge or retaliation

Prohibited Grounds of Discrimination: The Canadian Human Rights Act identifies the Prohibited Grounds of Discrimination as: race; national or ethnic origin; colour; religion; age; sex; sexual orientation; gender identity or expression; marital status; family status; genetic characteristics; disability; and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.