

4052 HARASSMENT AND DISCRIMINATION POLICY

4052.1 Policy Statement

The BCC is committed to creating and maintaining an environment free from harassment and discrimination on prohibited grounds, including race, ancestry, origin, colour, ethnic origin, citizenship, political opinion, creed, sexual orientation, disability, age, marital/family status, language and any other discrimination or harassment prohibited by applicable law. This policy shall continue to be consistent with policies, from time to time, of the Ontario Curling Association.

4052.2 Policy Direction

1. This Policy is preventative rather than reactive or punitive and is directed to the spirit of the following principles:
 - a. Every individual is equal before and under the law and has the right to the general protection and equal benefit of the law without discrimination in accordance with the Canadian Charter of Rights and Freedoms, 1982
 - b. It is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and is able to contribute fully to the development and well-being of the community and the Province (Human Rights Code Ontario, RSO 1990)
2. Definitions
 - a. **Bullying** refers to the use of superior strength or influence to intimidate or to force including the use of threat or coercion to abuse, intimidate or aggressively impose domination over others. Such behaviour on or off the ice will not be tolerated and will be subject to the sanctions of this Policy.
 - b. The **Committee** shall mean the Harassment and Discrimination Committee which shall be comprised of the President, Vice Presidents and 3 members at large.
 - c. **Discrimination** means any conduct, intentional or not, which has the effect of imposing burdens, obligations or disadvantages not imposed on others, or which limits access to opportunities, benefits and advantages available to others
 - d. **Harassment** refers to conduct which the perpetrator knew, or ought to have known would be unwelcome
 - e. **Sexual Harassment** includes unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature
 - f. **Reprisals** are acts or threats designed to punish an individual who has reported discrimination or harassment
3. Prevention – Principles. Education and communication are critical to achieving an environment free of harassment and discrimination. The Board, Employees and Members should:
 - a. Communicate the objective to create an environment free of harassment and discrimination
 - b. Model behaviour in keeping with these principles
 - c. Exercise good judgement at the time of occurrence and initiate appropriate actions in consultation with the Committee
4. Principles – Intervention
 - a. It is the responsibility of all Members to report any instance of Harassment or Discrimination to the Committee:
 - b. Remedies under this Policy are intended:
 - i. To resolve complaints fairly and acceptably
 - ii. To recommend appropriate disciplinary action
 - c. Staff and Committee are required to maintain information in confidence although the BCC reserves the right to disclose information as necessary to preserve the health, safety and security of its members



- d. The complainant, accused and witnesses are to be treated fairly and impartially including, but not limited to reasonable notice, confidentiality (unless the actions are deemed to be of a Criminal Nature) and the right to be heard
 - e. Wherever possible complaints will be resolved by the Informal Complaint Process unless declined as an option or ineffective
5. Complaints Procedure
- a. Informal Process
 - i. Members who feel they are being harassed or discriminated against should make a direct request of the perpetrator to cease
 - ii. The individual should provide a detailed complaint including description, date and time, the name of the perpetrator and witnesses as soon as possible but on no account later than 30 days from the last occurrence to the President or any Committee member. The President will ensure dissemination to the Committee of the complaint
 - iii. The Committee will appoint one of its members to mediate who shall in speaking with the accused and complainant determine whether the complainant wishes to proceed informally in which case the complainant will provide a written authorization to the Committee member to proceed
 - iv. The Committee Member will forward a copy of the complaint to the accused within 5 days and require a response within the 10 days following
 - v. The Committee Member will then meet with the parties separately in an attempt to reach a fair settlement. Each of the parties may be accompanied by representation at their own cost
 - vi. The Process may result in withdrawal of the complaint, a satisfactory solution or a failure to resolve. The Committee member will apprise the Committee of the facts, outcome and process and advise either that no further action is needed, or that a formal process need be initiated
 - vii. The Committee shall consider the recommendations and determine the final outcome.
 - b. Formal Process
 - i. A Formal Process will be undertaken if the complainant or accused are unsatisfied with the Informal Proceedings, or the complainant elected to proceed formally as a first course.
 - ii. The Committee shall receive the complaint and shall consult with both parties as to the date and time of the hearing, witnesses and documentation making every effort to convene within 10 days
 - iii. The Committee as a whole shall hear the parties, accompanied by an advisor at their own cost and in their own discretion. In the event that a party does not appear, the Committee may proceed at its own discretion
 - iv. Upon completion of the hearing, the Committee shall determine if other information is required. Should no other information be needed, the Committee provide its findings in writing within 15 days. Otherwise, the parties shall be provided with the estimated timeline for the Committee to reach its determination.
 - v. Should the Committee find that there is cause then it shall impose disciplinary action which may include reprimand, suspension, expulsion or such other action as may be deemed appropriate
 - c. Appeals
 - i. The Parties may appeal on the basis that
 - 1. The process was faulty
 - 2. That the findings are unsupported by fact
 - 3. That the sanctions are inappropriate
 - ii. The Committee shall present the facts of the case and the grounds for appeal to the Board as a whole and the appellant and respondent shall be allowed to present within the timeframes annotated above. The Board as whole shall decide on the merits of the appeal and notify the parties of its decision.
 - d. The Committee shall maintain detailed records in confidence of all proceedings. Circumstances in which information may be shared shall include
 - i. When required by law

- ii. When required to protect others from harassment or discrimination
- iii. When required to ensure justice or fairness
- iv. When required to protect the interests of the BCC

4052.4 Accountability

1. It is the responsibility of the President of the BCC to
 - a. Maintain the currency of this Policy
 - b. Manage the application of this Policy
 - c. Ensure compliance with the content of this Policy
 - d. Configure and chair the Committee

4052.5 Policy Dates

Board of Directors Approval Date:

Policy Review Date: Annually