

Discrimination and Harassment Policy

Policy Statement

1. Burloak Canoe Club (BCC) is committed to providing a sport and work environment that is safe, welcoming, inclusive and respectful. Such an environment does not include or condone discrimination or harassment. BCC recognizes that harassment is a form of discrimination, and like discrimination is prohibited by human rights legislation in Canada. In its extreme forms, harassment can also be an offence under Canada's Criminal Code.
2. Board/committee members, staff, coaches, managers, officials and employees of BCC are responsible for preventing and discouraging harassment by:
 - Understanding and upholding the principles of this policy;
 - Not engaging in behaviour contrary to this policy and ensuring that all members and employees are treated fairly and equitably;
 - Communicating BCC's objective to create and maintain a harassment-free sport;
 - Not allowing or condoning behavior contrary to this policy;
 - Taking all complaints of harassment seriously by investigating complaints in a thorough and sensitive manner and taking prompt action to resolve the situation in accordance with procedures outlined in the following sections.

Application

3. This policy applies to all employees as well as to all directors, officers, coaches, athletes, team personnel, officials and members of BCC. It applies to discrimination and harassment that may occur during the course of all BCC business, activities and events.
4. Harassment and discrimination arising within the business, activities and events of affiliates or partners of BCC will be dealt with using the policies and mechanisms of such entities.

Definitions

5. Discrimination is a distinction, based on grounds relating to personal characteristics of an individual or group which, whether intended or not, has the effect of imposing disadvantages on that individual or group not imposed on others, or withholding or limiting access to advantages available to others.
6. Harassment takes many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals that is known, or ought to be known, to be unwelcome.

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7. Behaviours that constitute harassment include, but are not limited to:
- Written or verbal abuse or threats;
 - The display of audio or visual material which is offensive, or which one ought to know is offensive;
 - Unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation, or abilities;
 - Leering or other suggestive or vulgar gestures;
 - Condescending, paternalistic or patronizing behavior that undermines self-esteem, diminishes performance, or adversely affects working conditions;
 - Practical jokes that cause embarrassment, endanger a person's safety, or negatively affect performance;
 - Unwanted physical contact including touching, petting, pinching or kissing;
 - Unwelcome sexual flirtations, advances, requests, invitations, questions or discussions;
 - Use of homophobic or other derogatory sexual terms;
 - Any form of hazing;
 - Behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative, hostile or poisoned environment;
 - Criminal conduct such as stalking and physical or sexual assault or abuse;
 - Retaliation or threats of retaliation against an individual who reports harassment.
8. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:
- Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
 - Such conduct has the purpose or effect of interfering with an individual's performance;
 - Such conduct creates and intimidating, hostile or poisoned environment.

Complaints

9. Any person may make a complaint under this policy to any Official of BCC. For the purpose of making a complaint, an "Official" is any person in a responsible staff or volunteer position with BCC. Complaints must be in writing, signed by the complainant.
10. Once a complaint is made, the role of the Official is to serve in a neutral capacity in assisting in an informal resolution of the complaint, where this is appropriate.
11. If the Official is unable to assist in an informal resolution of the complaint, or if informal resolution is not appropriate, the Official will report the complaint to the Vice Commodore of BCC.

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Investigation

12. The Vice Commodore will appoint an independent individual to conduct an investigation of the complaint. The Investigator will carry out an investigation in a timely manner and at the conclusion of the investigation will provide a written report. This report will make findings and where the complaint is substantiated, will set forth recommendations for conducting a hearing in order to resolve the complaint.
13. The Vice Commodore will notify the Commodore that a complaint has been filed and has been referred to investigation. The Vice Commodore and the Commodore, in consultation, will determine what information about the complaint will be disclosed to the Board of Directors, keeping in mind the confidentiality provision of this policy as set out in Section 20.
14. The Vice Commodore may determine that the alleged conduct is of such seriousness as to warrant immediate suspension or removal of the individual pending an investigation, hearing and decision.

Hearing and Decision

15. Where the Investigator recommends that a hearing take place, such hearing will occur in a timely manner, using fair procedures that afford all parties an opportunity to make representations to a Panel of three impartial decision-makers appointed by BCC. The format, timelines and procedures for the hearing will be at the discretion of the Panel.
16. The Panel will consider the evidence of the parties, relevant witnesses, and the Investigator's findings in making its decision and will issue a written decision. The decision of the Panel will take effect immediately and will be final and binding on all parties.
17. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of any affiliation with BCC until such time as the sanction is fulfilled.

Criminal Matters

18. Notwithstanding the procedures set out in this policy, any person to whom this policy applies who is convicted of an offense under Section 5 of the Criminal Code of Canada (Sexual Offenses, Public Morals and Disorderly Conduct), or is convicted of a similar offense of sexual nature, will face automatic suspension from BCC for a period of time corresponding to the length of their criminal sentence, and may face further disciplinary action by BCC in accordance with this policy.

Confidentiality

19. BCC recognizes the sensitive nature of discrimination and harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, BCC will do so. It is also the policy of BCC to keep its Board of Directors informed of the general progress of a complaint, and to allow publication of the decision of the Panel, where the Panel directs publication as part of its decision.

Mar., 2017

Appeal

20. An individual who is sanctioned under this Policy may appeal, in accordance with BCC's policies relating to appeals and dispute resolution.