



Harassment Policy

PREAMBLE

The North Bay Curling and Athletic Corporation (collectively referred to as “NBCAC”) is committed to creating and maintaining an environment which is free from discrimination and harassment on prohibited grounds, including race, ancestry, place of origin, color, ethnic origin, citizenship, political opinion, creed, sex, sexual orientation, disability, age, marital/family status, language and any other discrimination or harassment prohibited by applicable law.

DEFINITIONS

“Individuals”: All categories of Membership within the NBCAC, as well as all individuals engaged in activities with the NBCAC, including but not limited to, athletes, parents of athletes, coaches, officials, volunteers, administrators, employees, and spectators at NBCAC sanctioned events.

“Discrimination”: Discrimination is any distinction, whether intentional or not but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to others.

“Harassment”: Harassment is a form of discrimination and refers to conduct associated with a prohibited ground that affects the sport environment or leads to adverse consequences within that environment for the person(s) experiencing the harassment, which the perpetrator knew or ought reasonably to have known would be unwelcome.

PURPOSE

1. To establish the NBCAC as an organization in which all individuals may reasonably expect to participate free from harassment.
2. To provide an environment where members, employees and volunteers contribute to the NBCAC's goals in the knowledge that their personal aspirations and dignity will be respected.
3. To create an awareness of the nature and types of harassment.

POLICY

1. This policy applies to all individuals at all times, during the course of their involvement and also during other activities where their conduct may affect the sport environment.
2. This policy also applies to any other ground of discrimination prohibited by applicable law.
3. The prohibited grounds of discrimination under this Harassment Policy are as follows:
 - a. ancestry
 - b. citizenship



- c. colour
- d. creed
- e. disability
- f. ethnic origin
- g. language (but not where a language is a qualification for employment or office)
- h. marital/family status (defined to include common law relationships, and to not preclude anti-nepotism policies)
- i. place of origin
- j. political opinion
- k. race
- l. sex (defined to include pregnancy)
- m. sexual orientation

4. Harassment:

Harassment can take many forms but generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise, cause's offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. Examples of harassment include:

- a. unwelcome remarks, jokes, nicknames, innuendo, or taunting linked to a prohibited ground, such as a person's age, sexual orientation, race ancestry, political opinions, etc.;
- b. written or verbal abuse or threats linked to a prohibited ground;
- c. racial or ethnic slurs;
- d. displays which may cause offence and are related to prohibited grounds, such as sexual, racial, ethnic, or religious posters or graffiti;
- e. use of terminology that reinforces stereotypes based on prohibited grounds;
- f. vandalism or physical assaults motivated by prohibited grounds; and
- g. condescension, paternalism, or patronizing behavior linked to prohibited grounds which undermines self-respect or adversely affects performance or working conditions.

5. Discipline in training is an indispensable part of high-performance sport and should not be confused with discrimination or harassment. However, it is of vital importance that those in authority:

- a. set and communicate non-discriminatory performance standards, selection criteria, rules, and regulations to all participants;
- b. ensure that training involving touching or other physical contact occurs in an appropriate setting and only after informed consent has been sought and received;
- c. be consistent in taking any corrective or punitive action without discrimination or harassment based on prohibited grounds; and
- d. use non-discriminatory terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

6. Sexual Harassment:

Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other, verbal or physical conduct of a sexual nature or related to a person's sex when:

- a. submitting to or rejecting this conduct can affect decisions about the individual;



- b. the conduct has the purpose or effect of interfering with the individual's performance;
- or
- c. the conduct detrimentally affects the environment.

Specific examples can include:

- a. criminal conducts such as stalking, and physical or sexual assault or abuse;
- b. inappropriate comments about a person's body or appearance;
- c. inquiries or comments about an individual's sex life, sexual preferences, etc.;
- d. leering or other obscene or suggestive gestures;
- e. promises or threats contingent on the performance of sexual favors;
- f. sexual/sexist graffiti or any displaying of sexually explicit material or pictures;
- g. unwanted physical contact including touching, kissing, patting, and pinching;
- h. unwelcome flirtation, sexual remarks, invitations, or requests whether indirect or explicit; and
- i. use of inappropriate or derogatory sexual terms

7. Reprisal:

Reprisal or threat of reprisal is an aggravating factor in any situation involving discrimination or harassment, particularly where the reprisal or threat of reprisal is by a person in authority.

Examples of reprisal include:

- a. acts of retaliation designed to punish an individual who has reported discrimination or harassment; and
- b. threats of retaliation designed to dissuade an individual from reporting discrimination or harassment.

In sexual harassment situations, reprisals can also include:

- a. acts of retaliation to punish an individual who has rejected sexual advances; and
- b. threats of retaliation if sexual advances are rejected. For the purpose of these guidelines, the making of a groundless complaint shall also be deemed a reprisal.

8. Condonation

If a person in authority knows or, should reasonably have known that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions under these guidelines.

PROCEDURE

1. Prevention and Intervention

Prevention and intervention are key to achieving an environment free of discrimination and harassment. The NBCAC must present a positive role model. Individuals should:

- a. communicate the NBCAC's objective to create and maintain an environment free of harassment and discrimination;
- b. exercise good judgement and initiate appropriate action in consultation with a NBCAC



resource person, if they become aware that discrimination or harassment may have occurred; and

- c. Follow-up in consultation with a NBCAC resource person if discrimination or harassment is suspected or rumored, appreciating that individuals who experience discrimination or harassment are often reluctant to report it.

2. Complaint Procedure

- a. Receiving Reports - All individuals are encouraged to report suspected discrimination or harassment. Such reports may be made to the General Manager.
- b. Assistance to Complainants - A complainant may request the assistance of a NBCAC resource person in understanding these guidelines, in pursuing resolution short of lodging a complaint if appropriate, and in formulating the written complaint. The NBCAC resource person shall refer the complainant to counselling upon request and may explore the possibility of alternative forms of dispute resolution with the complainant following the complaint, if appropriate. Should a complainant choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the complainant's own expense.
- c. The Complainant
 - i. Although anyone may report discrimination or harassment, a complaint may be made only by persons affected by the alleged discrimination or harassment, or by the General Manager on behalf of the NBCAC.
 - ii. A complaint shall be in writing and signed by the complainant or by the General Manager if the complaint is brought on behalf of the NBCAC. The complaint shall be submitted to the General Manager.
 - iii. The complaint should include particulars of the discrimination or harassment, including details of the incident or incidents, including dates, times, locations, description of action, account of dialogue, the name of the perpetrator(s) and any witnesses or names of other individuals who may also have experienced discrimination or harassment. The complaint should detail any corrective action taken to date.
 - iv. The parties to a complaint are the NBCAC, the respondent(s) and the complainant(s), if any. The complainant may withdraw the complaint at any time. However, such a complaint may be continued by the General Manager on behalf of the NBCAC if the NBCAC does not consent to the withdrawal.
- d. Processing the Complaint - The person responsible for processing the complaint (hereinafter the "NBCAC Official") may vary, as follows:
 - v. Where a complaint involves conduct by a person under contract to, the NBCAC, other than the General Manager, the NBCAC's Official shall be the General Manager.
 - vi. In all other cases, the NBCAC's Official shall be the Chair (or where a complaint involves conduct by the Chair, an alternate appointed by the NBCAC will perform the Chair's functions under these guidelines). However, the Chair (or alternate) may delegate part or all of the Chair's (or alternate's) responsibilities under these guidelines to the General Manager, except where a complaint is by or against the General Manager.



- vii. In all other cases, the NBCAC Official shall investigate the complaint or appoint and provide terms of reference to an investigator who shall investigate the complaint and make findings of fact.
 - viii. Before the investigation begins, the NBCAC Official shall advise each respondent of the complaint and shall provide each complainant and respondent of a copy of the written complaint, of the NBCAC Policy and these guidelines, and of the investigator's terms of reference, if any.
 - ix. Before the investigation report is issued, each respondent shall have reasonable opportunity to respond to the allegations. If a respondent declines to do so or does not respond within the timeframe provided, the investigator's report may nonetheless be issued.
 - x. All individuals, including the respondent(s), must co-operate fully in any investigation under these guidelines.
 - xi. The NBCAC Official may consult with the investigator during the course of the investigation, may review the investigation report in draft and may provide additional terms of reference to, or request clarification from, the investigator.
 - xii. A copy of the investigation report shall be provided to the complainant(s) and the respondent(s).
- e. Assistance to Respondents - A respondent may request the assistance of a NBCAC resource person without previous involvement in the complaint in understanding these guidelines. The NBCAC resource person shall refer the respondent to counselling upon request and may explore the possibility of alternative forms of dispute resolution with the respondent. Should a respondent choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the respondent's own expense.
- f. Determinations Following Investigation - The NBCAC Official shall determine whether discrimination or harassment has been established in light of the findings of fact contained in the investigation report, and if so, the nature and particulars of the discrimination or harassment. The NBCAC Official's determinations shall be communicated to the complainant(s) and the respondent(s).
- g. Settlement - A complaint may be settled at any stage. A resolution agreement should be in writing and signed by all parties.
- h. Mediation - The NBCAC may provide a mediator if the NBCAC Official views mediation as appropriate and if the complainant and respondent are willing to enter a mediation agreement.

3. Sanctions

The NBCAC Official shall have the authority to impose sanctions, if warranted, in light of the determinations. The complainant(s) and the respondent(s) shall be given a reasonable opportunity to make submissions to the NBCAC Official prior to the imposition of sanctions. Sanctions may include, but are not limited to:

- a. temporary or permanent suspension from employment with NBCAC, from membership with the NBCAC, or from participation in some or all of the competitions or activities over which NBCAC has jurisdiction (hereinafter collectively referred to as "NBCAC activities");
- b. the imposition of such temporary or permanent conditions on continued employment with NBCAC, or participation in NBCAC activities as the NBCAC Official may view as appropriate in the circumstances; or



- c. the issuance of a warning and /or reprimand.

The NBCAC Official shall provide the complainant(s) with such information about any sanctions imposed as is appropriate in the circumstances.

Should any sanction that the NBCAC Official views as appropriate require a resolution to be passed by the NBCAC, the NBCAC Official shall take such action as is appropriate to have the matter placed before the Board for its consideration, but the matter will not be considered prior to any appeal under these guidelines.

4. Interim Measures

The NBCAC Official may impose interim measures pending the investigation and disposition of a complaint, if the NBCAC Official is of the view that the imposition of such measures is in the best interest of the complainant(s), respondent(s) and/or NBCAC. Interim measures are not sanctions, and they may take many forms, including but not limited to:

- a. the imposition of conditions upon the continued participation of the respondent(s) in the activities or work of the NBCAC;
- b. suspension of the respondent(s) from participation in the activities or work of the NBCAC, with or without pay, or under such other terms as are seen to be appropriate; or
- c. security arrangements.

5. Appeals

Grounds for Appeal by Respondents

A respondent may appeal to the NBCAC from the NBCAC Official's determination(s) on the following grounds only:

that the investigation was conducted in an unfair or biased manner contrary to the rules of natural justice; that the findings of fact contained in the investigation report are insufficient to support a determination that discrimination or harassment has been established.

- a. that the investigation was conducted in an unfair or biased manner contrary to the rules of natural justice;
- b. that the findings of fact contained in the investigation report are insufficient to support a determination that discrimination or harassment has been established.

In an appeal by the respondent from the NBCAC Official's determination(s), the complainant shall be entitled to participate as a respondent in the appeal. A respondent may also appeal to the NBCAC from the sanction(s) imposed or recommended following a complaint. In such an appeal, the complainant shall be advised by the NBCAC Official that an appeal has been filed, and shall be entitled to make written representations, but shall not be entitled to participate as a respondent in the appeal. There shall be no appeal from any finding of fact contained in the investigation report.

Grounds for Appeal by Complainants

A complainant may appeal to the Board of Directors of the NBCAC from the NBCAC Official's determination(s) on the following grounds only:

- a. that the investigation was conducted in an unfair or biased manner contrary to rules of natural justice;
- b. that the findings of fact contained in the investigation report ought to have resulted in a



determination that discrimination or harassment has been established.

In an appeal by the complainant from the NBCAC Official's determination(s), the respondent shall be entitled to participate as a respondent in the appeal.

A complainant may also appeal to the NBCAC from the NBCAC Official's decision not to deal with a complaint. In such a case, the respondent shall not be identified in the appeal and shall not be entitled to participate as a respondent in the appeal.

There shall be no appeal from any finding of fact contained in the investigation report.

6. Notice of Appeal

The notice of appeal must be made in writing to the General Manager of the NBCAC within fourteen days of the appellant receiving notice of the NBCAC Official's decision with respect to sanctions and must state the specific grounds for the appeal.

In situations where the appellant is the General Manager, the notice of appeal must be made in writing to the President of the NBCAC following the same timeframe detailed above.

A copy of the notice of appeal shall be promptly provided to the NBCAC, the NBCAC Official and to every person entitled to participate as a respondent in the appeal.

7. The Hearing

The following persons may appear before the NBCAC at its in-camera hearing and make representations in the appeal:

- a. the appellant(s);
- b. any person entitled to participate as a respondent in the appeal; and
- c. any other person invited by the Corporation to make representations. No member of the Corporation having had any personal involvement in the complaint, or who is otherwise in conflict of interest, shall participate in the deliberations of decision in the appeal.

8. Disposition of An Appeal

The Corporation's deliberations shall take place in-camera. The appellant(s), respondent(s) if any and the NBCAC Official shall not be present during the deliberations. The Corporation, by a majority of votes cast, may:

- a. dismiss the appeal
- b. substitute its own determination for the determination under appeal;
- c. substitute a sanction for the sanction under appeal; or
- d. remit the complaint for further investigation and/or for re-determination in accordance with its directions.

The Association shall provide reasons for its disposition. Minority and dissenting reasons may also be provided. A copy of the reasons shall be provided to the appellant and to any respondent in the appeal.

9. Appeal Summaries

A summary of each appeal and the reasons for disposition shall be published annually in such a form as to protect the identities of the individuals involved.



10. Record Keeping

The General Manager shall keep a secure record of every report and complaint under these guidelines. The record shall contain all relevant documentation, including:

- a. details of the report(s) and/or a copy of the complaint(s);
- b. the response(s), if any;
- c. the terms of reference of the investigator if any;
- d. the interim measures, if any;
- e. any witness statements;
- f. the investigation report, if any;
- g. the terms of any informal resolution or written resolution agreement;
- h. the official's determinations, if any;
- i. the sanctions imposed, if any;
- j. all other correspondence;
- k. any appeal(s) filed;
- l. any material pertaining to an appeal; and
- m. any minutes of the Corporation.

In situations where the appellant is the General Manager, the Secretary (or other appointed NBCAC Board of Director) will keep a secure record of every report and complaint under the guidelines above.

11. Confidentiality

To the extent possible, reports, complaints, witness statements and other documents produced under these guidelines shall be held in confidence by the NBCAC. However, no absolute guarantees of confidentiality may be made by the NBCAC. Circumstances in which information may be shared include:

- a. when criminal conduct may be involved;
- b. when child abuse may have occurred;
- c. when it is felt to be necessary to protect others from harassment or discrimination;
- d. when required to ensure fairness or natural justice in the procedures contemplated by these guidelines;
- e. in the course of an investigation by a law enforcement agency;
- f. to protect the interests of the NBCAC; or
- g. When required by law.



Revision Log

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0		Initial document.

Approval

Date: April 30, 2021
Name: Natasha Gribbon
Signature: Natasha Gribbon
Position: President

Date: April 30, 2021
Name: Tyler Langlois
Signature: Tyler Langlois
Tyler Langlois (Sep 16, 2021 11:14 EDT)
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