

# St. Albert Pickleball Club Board Policies

## Operational

### Anti-Harassment and Anti-Discrimination Policy of the SAPC

#### **Policy**

The St Albert Pickleball Club (SAPC or Club) is committed to providing an environment that is free of harassment and discrimination in all its forms and that fosters a climate of understanding, cooperation and mutual respect.

All persons involved with SAPC and its activities are expected to not condone or tolerate behaviour that constitutes harassment and discrimination.

SAPC and its representatives will provide for a fair and prompt investigation of any complaint or concern regarding this policy without fear of reprisal.

#### **Purpose**

To foster a positive atmosphere at the SAPC and ensure that the SAPC meets anti-harassment and anti-discrimination legislative requirements.

#### **Clarification**

Criteria in determining level of disciplinary action shall be based on facts, and will take into account harm to the individual, harm to the SAPC and its reputation, and whether or not there was an unequal power relationship.

This policy applies to complaints of harassment and discrimination that involve members, contractors, volunteers and visitors at the SAPC. See the Conflict and Complaint Resolution Policy for dealing with conflicts not constituting harassment or discrimination.

This policy covers complaints of harassment, discrimination and sexual harassment in the workplace, as defined in the Dealing with Harassment and Discrimination Procedure of the SAPC (below).

This policy also applies to minors. When a minor or a minor's parent or guardian files a complaint in accordance with this policy, the complaint shall be reported to the President of the SAPC, who in consultation with legal counsel will review the necessity for reporting the complaint to the child welfare authorities or police.

SAPC follows the Code of Conduct as identified in the Alberta Human Rights Act - Revised Statutes of Alberta 2000 Chapter A- 25.5, and subsequent related legislation.

What discrimination and harassment is not:

- Any interpersonal conflict that is not related to the prohibited grounds covered in human rights legislation, unless it creates a poisoned work or play environment.

- Legitimately discharged management responsibilities, including disciplinary action.

Nothing in this policy shall be deemed to limit the right of a member or volunteer to seek assistance from the provincial/territorial Human Rights Commission.

All members and volunteers are reminded of their obligation to follow the SAPC Code of Conduct, and to adhere to policies and procedures aimed at ensuring a positive work or play environment. It is everyone's responsibility to prevent harassment and discrimination by discouraging inappropriate activities and by reporting incidents.

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## Procedure – Dealing with Harassment and Discrimination

*(definitions can be found at the bottom of the document)*

### **Rights**

Everyone has the right to:

1. An environment that is free from harassment and discrimination
2. File a complaint when the environment is not free from harassment and discrimination
3. Be informed of complaints made against them
4. Obtain an investigation of the complaint without fear of embarrassment or reprisal
5. Have a fair hearing
6. Be kept informed throughout the process and of remedial action taken
7. A fair appeal process for both the respondent and complainant
8. Confidentiality to the degree possible under the circumstances
9. Representation by a third party

### **Obligations**

Persons representing SAPC have the responsibility to ensure the safety and health of all those who come in contact with the Club, including visitors, volunteers, members, contractors or suppliers. The SAPC is obligated legally to take all complaints of harassment or discrimination seriously.

This requirement is met by:

1. Using due diligence, which is the obligation to take reasonable measures to provide an environment free of harassment and discrimination
2. Being very familiar with the harassment and discrimination policy and following it closely
3. Following the process without bias
4. Documenting all information from the first disclosure to the final resolution
5. Recording only relevant facts – no feelings
6. Signing and dating all documents
7. Using common sense
8. Where the conduct involves, or may involve, criminal activity, reporting the event to the police.

Nothing in this policy or procedure shall be deemed to limit the right of a member or volunteer to seek assistance from the provincial/territorial Human Rights Commission.

### **Roles and Responsibilities**

#### **Members and Volunteers Responsibilities:**

All members and volunteers are responsible for contributing to a positive work environment and for identifying and discouraging comments or activities that are contrary to this policy. This includes advising people or the alleged harasser that his/her behaviour is unwelcome. Members and volunteers have a duty to disclose criminal activity.

Where a situation occurs, or where a member or volunteer believes a situation has occurred, he/she is obligated to report it to the volunteer in charge. If a situation occurs which involves the volunteer in charge, or if the volunteer in charge does not intervene appropriately, the member/ volunteer may report the situation to the President of SAPC.

### **Volunteer in charge responsibilities:**

Volunteers in charge of events are expected to deal with any aspects of the club environment that are not in keeping with this policy, whether or not a complaint has been made. The volunteer in charge is obligated to implement this policy with help from the SAPC Board or the President of the SAPC.

The SAPC Board or the President will:

1. Advise parties of the process and legal parameters
2. Facilitate communication between parties with a view to resolving conflict
3. Coach parties as required
4. Ensure that the process is followed within the prescribed time frame
5. Arrange for investigation, mediation or expertise, as required
6. Coordinate the follow up actions
7. Maintain original copies of all documentation pertaining to the resolution of differences
8. Educate members and volunteers on the application of this policy
9. Maintain appropriate files of incidents

The Mediator shall:

1. Determine the parties' wishes and needs.
2. Establish the ground rules for the discussions, with all parties agreeing to the rules
3. Explore with the parties different ways to get what each party needs and thus resolve the complaint

The Investigator shall:

1. Promptly make arrangements for a thorough and unbiased investigation to be conducted in as timely and confidential a manner as possible
2. Inform all parties of their rights and responsibilities
3. Secure all complaints and responses in writing, with dates, names, witnesses and full descriptions of the incident(s)
4. Interview the parties involved and any witnesses to the behaviour, if necessary
5. Notify any individual interviewed of their right to be accompanied by the representative of their choice
6. Keep the parties to the complaint informed during the process, including providing the alleged harasser with full particulars of the allegations and a copy of the written complaint
7. Make it known to an individual accused of discrimination or harassment that they will be entitled to respond to the complaint and may wish to offer his/her perspective regarding the allegations and/or present a proposal for resolution
8. Prepare a written report for the SAPC Board or President, outlining the allegations of the complainant, the response of the alleged harasser, the evidence of any witnesses, and the conclusion reached.

### **Process**

Situations where there has been an accusation of harassment and discrimination are extremely sensitive and often complex. At all times, the emotional and physical safety of the complainant is paramount, and this may involve taking steps that are not outlined herein. In general, however, the following process should be taken:

Complaint Received ⇒ Mediate and/or Investigate ⇒ Action ⇒ Appeal

**Complaint:** In order to make an official complaint, a complainant should advise the volunteer in charge, the Board, or the President of the SAPC. Any individual who receives any complaint against a member or volunteer must refer it to the SAPC Board or the President of the SAPC. Upon the receipt of an official complaint the Board has three possible courses of action:

1. No Action: The behaviour is not found to be harassment and discrimination, and the complainant agrees.
2. Informal resolution: If the harassment or discrimination is subtle or mild and the complainant agrees, the complaint is resolved informally with the assistance of the SAPC Board.
3. Formal mediation: If the complaint represents moderate or severe harassment or discrimination or if the incident involves an abuse of power, then the SAPC Board and the President are to be notified and the complaint is referred to mediation, investigation or, in extreme circumstances, the police. If the initial investigation shows clear breaches of policies or laws, the person(s) may be suspended until the final investigation is completed and consequences determined.

**Mediate:** The alleged harasser will be advised of the complaint, if this has not already happened. A mediator will be chosen and confirmed by the SAPC Board or the President, provided the parties to the complaint agree. In the case where there is no agreement, alternative names will be considered. When mediation takes place, the situation is either resolved to the satisfaction of both parties, or the case is referred to investigation.

**Investigate:** Where, for whatever reason, the complaint remains unresolved, then the SAPC Board or the President chooses an investigator. The Investigator will conduct a thorough and unbiased investigation and provide a written report, including recommendations for action.

### **Sanctions**

When considering the appropriate action, the Board and/or the President will consider the evidence, the nature of the harassment or discrimination, whether physical contact was involved, whether the situation was isolated, and whether there was an abuse of power. When a minor or a minor's parent or guardian files a complaint in accordance with this policy, the complaint shall be reported to the President of the SAPC, who in consultation with legal counsel will review the necessity for reporting the complaint to the child welfare authorities or police.

Sanctions may include:

1. Verbal or written apologies
2. A letter of reprimand or suspension
3. Termination of volunteer activity and/or membership
4. Referral to police or other legal authorities
5. Other sanctions

### **Appeal**

Either the complainant or alleged harasser may, within thirty (30) days of being notified of a Board decision, submit an appeal, in writing, to the President.

### **Confidentiality**

Complaints of harassment or discrimination will be received and investigated in a confidential manner in accordance with the procedures, including prescribing corrective action. Information that must be shared will be disclosed on a need-to-know basis.

Any allegation or complaint of discrimination, harassment or sexual harassment will be considered personal information 'supplied in confidence'. The name of the complainant or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint. The substance of investigative reports and the substance of meetings held

by those in authority regardless of whether it is substantiated, will be protected from disclosure to third parties, except where required for legal reasons.

Strict confidentiality cannot be guaranteed to anyone who wants to make a complaint of harassment or discrimination. If a complaint goes through an investigation, the respondent and other people involved will have to learn about the complaint. The complainant can be assured that only people who 'need-to-know' will be told of the complaint.

No investigation information is to be kept on the member/volunteer's personnel file with the exception of official disciplinary/termination papers. Harassment or discrimination investigation information should be kept indefinitely in a separate file. Proven allegations of harassment or discrimination or sexual harassment, including disciplinary action taken shall be documented and form part of the member/volunteer's permanent record.

### **Disciplinary action**

Harassment or discrimination by a member or volunteer is a serious offence. If an accusation is substantiated, the harasser will be subject to immediate disciplinary action, up to and including dismissal. Intentionally accusing someone of harassment or discrimination, known to be false, is a serious offence and is subject to disciplinary action. The SAPC reserves the right to discipline those whose complaints are frivolous or vexatious. Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, may itself result in disciplinary action.

## **Definitions**

*(as presented by HR Council for the Non-profit Sector Workplace)*

### **Harassment**

Harassment comprises any unwelcome or objectionable, physical, visual or verbal conduct, comment or display, whether intended or unintended, that is insulting, humiliating or degrading to another person, or creates an intimidating, hostile or offensive environment and/or is on the basis of race, ethnicity, language, financial ability, religion, gender or sexual orientation, disability or age, or any other kind of discrimination which is prohibited by particular provincial/territorial legislation:

- made by an member, volunteer, client or supplier of the Club;
- directed at and offensive to any other member, volunteer, client or supplier of the Club, or any other individual or group that the person knew or reasonably ought to have known would be offensive (e.g., unintended).

Examples of harassment include, but are not limited to: Threats made or perceived, that are malicious, vexatious or based on any of the prohibited grounds under Human Rights legislation, derogatory written or verbal communication or gestures (e.g. name-calling, slurs, taunting pictures or posters, bullying, graffiti), that are malicious, vexatious or that relate to any of the prohibited grounds under Human Rights legislation application of stereotypes or generalizations based on any of the prohibited grounds under the legislation

### **Sexual harassment**

Sexual harassment means any unwelcome conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents that:

- Might reasonably be expected to cause offence, embarrassment or humiliation
- Might reasonably be expected to be perceived as placing a condition of a sexual nature on employment, services, or on any opportunity for training or advancement.

Examples of sexual harassment include, but are not limited to: Remarks, jokes, innuendoes or other comments regarding someone's body, appearance, physical or sexual characteristics or clothing; displaying of sexually offensive or derogatory pictures, cartoons or other material; persistent unwelcome or uninvited invitations or requests; unwelcome questions or sharing of information regarding a person's sexuality, sexual activity or sexual orientation; conduct or comments intended to create, or having the effect of, creating an intimidating, hostile or offensive environment.

### **Discrimination**

Discrimination involves treating any employment unequally in the terms and conditions of employment because of a prohibited ground, except where it would be legally allowed for job-related purposes. Discrimination on the grounds of race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, sexual orientation, source of income or family status is prohibited.

### **Bullying**

Bullying is an offensive, cruel, intimidating, insulting or humiliating behaviour which includes physical violence or the threat of physical violence. It can be physical or verbal, direct or indirect such as gossip. Bullying is considered harassment in general, unless there is physical contact or a threat of violence, where it is considered violence. Bullying is ill treatment which is not addressed under human rights legislation or criminal codes. For the purposes of this policy, workplace includes any location in which members and/or volunteers are engaged in Club business activities necessary to perform their assignments. This includes, but is not limited to, Club buildings, member/ volunteer parking lots, member/volunteer organized social events, field locations, and during business related travel.

### **Abuse of power**

Abuse of power happens whenever a Club volunteer abuses or misuses his/her power and discretion for personal benefit, or in benefit of another person. Abuse of power, for the purposes of this policy, includes situations involving a minor, situations that involve a reporting relationship, or any situation that includes an accusation from a client against a member or volunteer who is providing a service upon which the client depends. Incidents that involved an abuse of power are considered by the Club as being, generally, of a more serious nature than peer-to-peer situations.

### **Mediator**

A mediator is an impartial, neutral party, without decision-making powers, whom both parties accept. The mediator may be the applicable HR representative (**Ombudsperson**), or other internal or external party. The goal of mediation is to assist both parties to reach a mutually beneficial agreement.

### **Investigator**

The investigator is utilized where mediation is not appropriate or fails. An investigator must be a well-trained individual who is able to conduct a formal process with clear documentation. An investigator will not have a reporting line or personal relationship/connection with either the complainant or alleged harasser.