
Aldershot Tennis Club

Harassment/Code of Conduct Claim Policy

The Aldershot Tennis Club (ATC) is committed to providing an environment in which all members are treated with respect and dignity. Harassment will not be tolerated from any person in the environment **[including club members, employees, contractors, members of the Board and members of the public, as applicable]**.

Definition of Harassment

The Occupational Health and Safety Act workplace harassment definition is set out below:

“workplace harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment;

“workplace sexual harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Note 1: The reasonable and proper exercise of board of director’s authority or responsibility does not constitute harassment.

Note 2: Sexual and physical assaults are defined by the *Criminal Code* and will be dealt with according to that legislation. If you have been assaulted, you should seek assistance immediately and contact the police.

Note 3: Further, and in addition, any member who complains of another member’s violation of ATC rules and code of conduct, may file a complaint.

Time Limit to File a Complaint

A complaint of harassment must be filed within twelve months of the last event of alleged harassment leading to the complaint unless there are extenuating circumstances. The information provided must be as precise and concise as possible. We encourage any complaint

to be submitted as soon as reasonable possible to ensure all relevant details of the alleged incident can be captured and dealt with in an expedient manner.

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All are encouraged to report any incidents of harassment to the appropriate person.

The President and Vice President will investigate and deal with all complaints or incidents of harassment in a fair, respectful, and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect those involved, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Those mentioned above, are expected to adhere to this policy, and will be held responsible by the Board for not following it. Reporters are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving harassment.

Procedure: Reporting Harassment and Code of Conduct Complaints by Members

A. How to report harassment

Any person involved with the ATC can report incidents or complaints of harassment in writing. When submitting a written complaint, the harassment complaint form should be used (see Complaint Report attached). Anonymous complaints will not be accepted.

B. To whom harassment should be reported

An incident or a complaint of harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner. This must be done in writing.

Report harassment incident or complaint to the President of the Board
(president@aldershottennis.ca)

If the complaint is against the Board President, an external person qualified to conduct a harassment investigation who has knowledge of the relevant harassment laws will be retained to conduct the investigation.

C. Commitment to Investigate

The President and Vice President will ensure that an investigation appropriate in the circumstances is conducted when the club becomes aware of an incident of harassment or receives a complaint of harassment.

D. Timing of the investigation

The investigation must be completed in a timely manner and generally within 30 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

E. Investigation process

The person(s) conducting the investigation whether internal or external to the ATC will, at a minimum, complete the following:

- i. The investigator(s) must thoroughly interview the person who allegedly experienced the harassment and the alleged harasser(s). The latter will likely require details, to respond.
- ii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations. In some circumstances, the person(s) who allegedly experienced the harassment should be given a reasonable opportunity to reply.
- iii. The investigator(s) must interview any relevant witness(es) who may be identified by either the person(s) who allegedly experienced the harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator(s) must make reasonable efforts to interview any relevant witness(es).
- iv. The investigator(s) must collect and review any relevant documents.
- v. The investigator(s) must take appropriate notes and statements during interviews with the person who allegedly experienced harassment, the alleged harasser, and any witness(es).
- vi. The investigator(s) must prepare a written report summarizing the steps taken during the investigation, the complaint, and the allegations of the person who allegedly experienced the harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and conclude about whether harassment was found or not.
- vii. The redacted report will be reviewed with the Aldershot Tennis Club Board of Directors.

F. Results of the Investigation

Within 10 days of the investigation being completed, the individual who allegedly experienced the harassment and the alleged harasser, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the investigator(s) to address harassment.

G. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to investigate the complaint or incident, to take corrective action or otherwise as required by law. All parties should be advised of this obligation.

While the investigation is on-going, the person who has allegedly experienced harassment, the alleged harasser(s) and any witness(es) should not discuss the incident or complaint or the investigation with each other, others or witness(es) unless necessary to obtain advice about their rights. The investigator(s) may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

H. Handling complaints

Disciplinary or corrective action may be taken up to and including a formal warning, suspension of membership or the termination of any contractual obligations for any violation of this policy.

I. Appeal Process

Outside mediation can be requested and paid for by the defendant should he/she not be satisfied with the outcome. Should the Board lose its' decision, it will assume the expense of the mediator.

J. Record keeping

The ATC will keep records of the investigation, a copy of the complaint or details about the incident, including:

- i. a record of the investigation including notes.
- ii. a copy of the investigation report.
- iii. a summary of the results of the investigation that was provided to the person who allegedly experienced the harassment and the alleged harasser.
- iv. a copy of any corrective action taken to address the complaint or incident of harassment, if required.

Records will be kept confidential, in a safe place, for 1 year.

Harassment Complaint Form

Relevant documents/evidence (Move into complaint form).

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents on the complaint form.

APPENDIX

Examples of what constitutes harassment when repeated or one single severe event:

- Preventing a person from expressing himself or herself: yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
- Unwanted sexual advances which may or may not be accompanied by threats or explicit or implicit promises.
- Making rude, degrading or offensive remarks.
- Making gestures that seek to intimidate.
- Engaging in reprisals for having made a complaint under this Policy.

- Discrediting the person by spreading malicious gossip or rumours, ridiculing him/her, humiliating him/her, calling into question his/her convictions or his/her private life, shouting abuse at him/her.
- Compelling the person to perform tasks that are inferior to his/her competencies that demean or belittle him/her, setting the person up for failure, name calling in private or in front of others.
- Isolating the person by no longer talking to him or her, denying or ignoring his or her presence, distancing him or her from others.
- Destabilizing the person by making fun of his or her beliefs, values, political and/or religious choices, and mocking his or her weak points.
- Harassing a person based on a prohibited ground of discrimination (as described in Canadian Human Rights Act and contained in the Policy).

Examples of what does not constitute harassment

- Normal exercise of management's right to manage such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination, constitute the legitimate exercise of management's authority. (Note. While exercising the normal managerial functions is not harassment, how such functions are exercised can risk giving rise to the potential for harassment or perceptions of harassment.)
- Workplace conflict in itself, does not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.
- Work related stress in itself does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
- Difficult conditions of employment, professional constraints, and organizational changes.
- A single or isolated incident such as an inappropriate remark or having an abrupt manner.
- A social relationship welcomed by both individuals.
- Friendly gestures among co-workers such as a pat on the back.

For more detailed information on what may or may not constitute harassment, refer to Annexes A and B.