



Mile Zero Ultimate Harassment Policy

This policy is based in part upon materials published by the Law Society of Upper Canada in their 1992 publication A Recommended Personnel Policy Regarding Employment-Related Sexual Harassment.

Note: *For convenience, this policy uses the term "complainant" to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term "respondent" refers to the person against whom a complaint is made.*

Policy Statement

1. Mile Zero Ultimate (MZU) is committed to providing a sport environment in which all individuals are treated with respect and dignity. Each individual has the right to participate in an environment which promotes equal opportunities and prohibits discriminatory practices.
 - Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.
 - Harassment is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
 - Whether the harasser is a director, supervisor, employee, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.
 - MZU is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, family status, disability, or pardoned conviction.
2. This policy applies to all members of MZU. MZU encourages the reporting of all incidents of harassment, regardless of who the offender may be.
3. This policy applies to harassment which may occur during the course of all MZU business, activities, and events.
4. Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from their provincial or territorial human rights commission, even when steps are being taken under this policy.

Definitions

5. Harassment takes many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.
6. 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:
 - a. submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - b. such conduct has the purpose or effect of interfering with an individual's performance; or
 - c. such conduct creates an intimidating, hostile, or offensive environment.
7. Types of behaviour which constitute harassment include but are not limited to:
 - a. written or verbal abuse or threats;
 - b. the display of visual material which is offensive or which one ought to know is offensive;
 - c. unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation;
 - d. leering or other suggestive or obscene gestures;
 - e. condescending, paternalistic, or patronizing behavior which undermines self-esteem, diminishes performance, or adversely affects playing conditions;
 - f. practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - g. unwanted physical contact including touching, petting, pinching, or kissing;
 - h. unwelcome sexual flirtations, advances, requests, or invitations; or
 - i. physical or sexual assault.
8. For the purposes of this policy, retaliation against an individual
 - a. for having filed a complaint under this policy; or
 - b. for having participated in any procedure under this policy; or
 - c. for having been associated with a person who filed a complaint or participated in any procedure under this policy, will be treated as harassment, and will not be tolerated.

Responsibility

9. The MZU executive are responsible for the implementation of this policy. In addition, MZU is responsible for:
- a. discouraging and preventing harassment within MZU;
 - b. investigating formal complaints of harassment in a sensitive, responsible, and timely manner;
 - c. imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - d. providing advice to persons who experience harassment;
 - e. doing all in their power to support and assist any member of the association who experiences harassment by someone who is not a member of MZU;
 - f. making all members of MZU aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
 - g. informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
 - h. regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
 - i. appointing officers and providing the training and resources they need to fulfill their responsibilities under this policy; and
 - j. appointing unbiased Disciplinary Committees and providing the resources and support they need to fulfill their responsibilities under this policy.
10. Every member of MZU has a responsibility to play a part in ensuring that the MZU sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member of MZU who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify the executive appointed under this policy.
11. In the event that the MZU Executive, is involved in a complaint which is made under this policy, the MZU president shall appoint a suitable alternate for the purposes of dealing with the complaint.

Disciplinary Action

13. Volunteers or members of MZU against whom a complaint of harassment is substantiated may be severely disciplined, up to and including termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

Confidentiality

14. MZU understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. MZU recognizes the interests of both the

complainant and the respondent in keeping the matter confidential.

15. MZU shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

Officers

16. MZU will have a committee made of the executives of the league (President, VP League, VP Communications, VP Spirit, VP Finance) who will oversee each case brought to the committee.

Complaint Procedure

19. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this policy.

20. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of the committee.

21. The committee shall inform the complainant of:

- a. the options for pursuing an informal resolution of his or her complaint;
- b. the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
- c. the confidentiality provisions of this policy;
- d. the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- e. the right to withdraw from any further action in connection with the complaint at any stage; and
- f. other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

22. There are four possible outcomes to this initial meeting of complainant and disciplinary committee.

- i. *The complainant and disciplinary committee agree that the conduct does not constitute harassment.*
 - If this occurs, the disciplinary committee will take no further action and will make no written record
- ii. *The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint*
 - If this occurs, the disciplinary committee will assist the two parties to negotiate a solution acceptable to the complaint.

- If informal resolution yields a result which is acceptable to both parties, the disciplinary committee will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
- If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.

a.iii. The complainant brings evidence of harassment and decides to lay a formal written complaint

- If this occurs, the complainant should draft a formal written complaint and be signed by the complainant, and a copy given to the executive without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.
- The respondent will be given an opportunity to provide a written response to the complaint.

23. As soon as possible after receiving the written complaint, but within 21 days, the committee shall submit a report to the MZU President containing the documentation filed by both parties along with a recommendation that:

- a. No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
- b. The complaint should be investigated further. A copy of this report shall be provided, without delay, to both the complainant and the respondent. BC Ultimate Society

24. In the event that the recommendation is to proceed with an investigation, the Disciplinary Committee shall deal with the complaint

25. When determining appropriate disciplinary action and corrective measures in cases of harassment, the Disciplinary Committee shall consider factors such as:

- a. the nature of the harassment;
- b. whether the harassment involved any physical contact;
- c. whether the harassment was an isolated incident or part of an ongoing pattern;
- d. the nature of the relationship between complainant and harasser;
- e. the age of the complainant;
- f. whether the harasser had been involved in previous harassment incidents;
- g. whether the harasser admitted responsibility and expressed a willingness to change; and
- h. whether the harasser retaliated against the complainant.

26. Where the Disciplinary Committee does not find that harassment has taken place, a copy of their report shall be placed in the Disciplinary Committee's files. These files shall be kept confidential and access to them shall be restricted to the MZU Disciplinary Committee.

27. Where the Disciplinary Committee finds that harassment has taken place, a copy of their report shall be placed in the personnel or membership file of the respondent. Unless the findings of the Committee are overturned upon appeal, this report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

Conflict of Interest

29. Where there is a direct conflict of interest with the complainant and the MZU president, the board may appoint an alternative director or committee of directors to respond and/or mitigate the complaint procedure on any given complaint at either the complainant's or the president's request.

Social Media

30. MZU reserves the right to delete any comments within its social media (Facebook, Twitter, Instagram) that is offensive or falls within the guidelines of harassment mentioned in this document (7a.-7i.). Furthermore, the person(s) responsible for these comments will be subject to discipline from the Executive Committee.