



## **HARASSMENT POLICY**

### **POLICY STATEMENT**

The Manitoba Cycling Association (MCA) is committed to creating and maintaining a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices. In particular, the MCA is committed to providing an environment that is free from harassment/abuse (abuse) on the basis of race, nationality, ethnic origin, religion, age, sex, sexual orientation, marital status, family status or disability. Abuse on the basis of any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada. In its most extreme forms abuse can be an offense under Canada's Criminal Code.

The MCA does not and will not tolerate abuse. All persons in positions of authority within the MCA are expected to take appropriate action when abuse occurs. Individuals whose conduct is found to constitute abuse will face disciplinary action.

### **APPLICATION OF THIS POLICY**

This policy applies to all members, employees, contractors and volunteers who are under the jurisdiction of the MCA and is applicable during the course of all MCA business, activities and events.

Any person in a position of authority within the MCA is expected to take immediate, informal corrective action in response to behaviour that constitutes an incidence of abuse.

The Board of Directors (Board) of the MCA is responsible for overseeing the procedures set out in this policy and should at all times ensure that such procedures are carried out in a timely manner.

### **DEFINITIONS**

Harassment/abuse is a form of conduct that is cruel, intimidating, humiliating, offensive or physically harmful. Types of behaviour that constitute harassment/abuse include, but are not limited to:

- Hostile communications, both verbal and non-verbal
- Condescending, patronizing, threatening or punishing actions that undermine self esteem or

diminish performance

- Unwelcome jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- Any form of hazing, physical assault or sexual harassment
- Behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative or hostile environment
- Retaliation or threats of retaliation against an individual who reports harassment/abuse

Official is any person in a responsible staff or volunteer position.

Sexual harassment is any unwelcome sexual remarks or 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 that affect that individual
- Such conduct has the purpose or effect of interfering with an individual's performance
- Such conduct creates an intimidating, hostile or offensive environment

## **PROCEDURES**

Any person who experiences, witnesses or suspects abuse should make it known that the behaviour is contrary to this policy.

If confronting the person is not possible or if, after confronting the individual the behaviour continues, the person who has experienced, witnessed or suspect abuse should report the matter to an official of the MCA.

Once an incident is reported the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents/guardians of the incident, if the victim is a minor and assisting in an informal resolution of the complaint, where such informal resolution is possible and appropriate.

If the official considers that they are unable to act in this capacity, the complaint should be referred to another official who is willing and able to assist.

If no such official is available the matter should be referred to the Board of Directors of the MCA.

## **FACT FINDING**

If informal resolution of the complaint is not appropriate or possible and if the person who has experienced, witnessed or suspects abuse desires to pursue a formal complaint, the official should direct the complainant to make their complaint in writing to the Board.

When the complaint has been received by the Board the Board will appoint one of their members to investigate the complaint.

The member so appointed will then gather facts surrounding the incident by speaking directly with the complainant, the person against whom the complaint has been made (the respondent) and any witnesses who in the opinion of the appointed Board member may have relevant facts or observations about the incident.

The respondent will be allowed the opportunity to provide a written response to the complaint, should they so desire.

The process of fact finding is to be carried out in a timely manner and the results are to be summarized in a written report. This report and any response provided by the respondent are to be provided to the Board.

## **REVIEW PROCEDURES**

Upon receiving and reviewing the complaint, the report and the response, if any, the Board will decide if the complaint should be dealt with informally, in which case it will direct the appropriate response and the matter will then be considered to have been concluded.

If the Board decides that the complaint is of sufficient seriousness the respondent may be suspended from activities with the MCA pending a full review of the complaint.

If the Board determines that the complaint should be the subject of a full review they will appoint three uninvolved and unbiased individuals to serve as a panel. The panel will be of mixed gender and will appoint their own chairperson. The procedural options open to the panel, prior to rendering a final written decision to the Board, are:

- a) Review the complaint, report and response, if provided.
- b) Hire an outside investigator to more fully investigate the matter and to provide a full report on the incident. Complete the steps in a) above plus review the report of the investigator
- c) Complete the steps in b) above plus request both the complainant and the respondent to appear in person before the panel. Questions will be allowed both of and between the complainant and respondent.
- d) Complete the steps in c) above plus call witnesses who will be subject to questioning by the panel, the complainant and the respondent

If at any point the complainant becomes reluctant or unwilling to continue it will be at the discretion of the panel determine whether or not to continue with the review of the complaint.

The report of the panel should contain;

- A summary of the relevant facts
- A determination as to whether the act(s) complained of constitute abuse
- A recommendation as to the disciplinary action, if any, to be taken against the respondent
- A recommendation as to the measures or remedies, if any, to be undertaken to mitigate the harm or loss suffered by the complainant

If the panel determines that the allegations of abuse are false, vexatious, retaliatory or frivolous they may recommend that disciplinary action be taken against the complainant.

## **DISCIPLINE**

In recommending disciplinary action the panel may consider the following options, singly or in combination, depending on the nature and severity of the abuse and other aggravating or mitigating circumstances:

- Verbal apology

- Written apology
- Letter of reprimand from the MCA
- A fine or levy
- Referral to counseling
- Removal of certain privileges of employment or association with the MCA
- Temporary suspension from employment, with or without pay
- Termination from employment or contract
- Publication of the decision, on the MCA website or otherwise
- Any other sanction that the panel considers to be appropriate in the circumstances

## **DECISION**

The Board shall review the report of the panel and render a final decision in relation to the complaint.

Unless the Board decides otherwise, any disciplinary sanctions will take effect immediately.

## **CONFIDENTIALITY**

The MCA recognizes the sensitive and serious nature of abuse and will strive to keep all matters relating to a complaint confidential. However, if required by law, the MCA will disclose any relevant information in its possession.

“Approved by the Board of Directors of the Manitoba Cycling Association by motion at a Board meeting held on November 5, 2008”