

Approved by the Board of Directors - February 8 2017

Policy Statement:

November, 2016:

The NCRA/ANREC is dedicated to providing a harassment-free experience for its paid staff and volunteers, regardless of gender, gender identity and expression, sexual orientation, disability, physical appearance, body size, race, or religion.

We recognise that this policy cannot be everything to everyone and we encourage all of our community members to provide suggestions to amend this policy in future drafts. The Internal Policy will review the policy at least annually to incorporate new feedback where that is possible. Feedback should be directed to ().

Definitions:

Harassment is defined as “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.”

The following behaviors are considered harassment and are unacceptable within our community:

- Violence, threats of violence or violent language directed against another person.
- Conduct or speech which might be considered sexist, racist, homophobic, transphobic, ableist or otherwise discriminatory or offensive in nature.
 - Using unwelcome, suggestive, derogatory or inappropriate nicknames or terms.
 - Showing disrespect towards others (jokes, innuendo, dismissive attitudes.)
- Inappropriate photography or recording.
- Inappropriate physical contact. You should have someone’s consent before touching them.
- Unwelcome sexual attention. This includes sexualized comments or jokes; inappropriate touching, groping, and unwelcomed sexual advances.
- Deliberate intimidation, or stalking (online or in person).
- Not understanding the differences between constructive criticism and disparagement.
- Advocating for, or encouraging, any of the above behavior.
- Sustained disruption of community events, including our annual general meeting.

NCRA/ANREC staff and volunteers have the right to:

- 1) be treated with respect at conferences, on our listservs; during board and committee meetings; and during project-related correspondences such as emails and phone calls;

- 2) expect that reported harassment will be responded to in a timely and confidential manner;
- 3) fair process and to confidentiality during a harassment investigations; and
- 4) confidentiality when reporting harassment or cooperating with a harassment investigation.

The NCRA/ANREC will not tolerate harassment and discriminatory behaviour based on race, national or ethnic origin, colour, religion, age, sex, gender identity or expression, sexual orientation, marital status, family status, pregnancy, disability, pardoned conviction, any new prohibited grounds of discrimination that are added to the Canadian Human Rights Act, and all forms of criminal harassment at any level of the organization. People found to have harassed any representative/s of a member station participating in NCRA/ANREC activities, partner or affiliate, may face disciplinary action. This also includes any party who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

Sexual harassment is defined as offending, humiliating or oppressive behaviour that is related to a person's sex including [uninvited sexual conduct toward an individual;] unwelcome sexual solicitation; behaviour of a sexual nature that creates an intimidating, hostile or offensive environment; or behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment or volunteer opportunities.

Levels of Responsibility

This policy applies to all current employees and volunteers working on NCRA/ANREC projects, the board of directors or committees, or participants attending conferences hosted by the NCRA/ANREC, and is extended to part-time, casual, contract, permanent and temporary employees and/or elected representatives of the NCRA/ANREC. NCRA/ANREC Formal harassment complaints must be filed by contacting the Equity Officer of the NCRA/ANREC ([contact](#)) and/or the Executive Director of the NCRA/ANREC ([contact](#)).

The NCRA/ANREC Board of Directors is responsible for implementing this policy and ensuring that this policy is applied in a timely, consistent and confidential manner within the limitations of the law; working with qualified persons to determine whether or not allegations of harassment are substantiated; and where a harassment complaint has been substantiated, determining what corrective action is appropriate and/or requested.

The Board of Directors may at any time appoint a person, strike a committee or consult a third party in its responsibility to administer this policy and will be required to do so if a member of the Board of Directors is the subject of a harassment complaint.

Member station boards must take responsibility for ensuring that anyone put forward as an NCRC delegate or NCRA/ANREC committee member treats other NCRA/ANREC staff or volunteers with respect and are encouraged to take

appropriate action in conjunction with this policy if individuals representing their Member Station have grievances brought against them. Volunteers and staff at Member Stations should be made aware of their rights and their responsibility to treat others respectfully.

NCRA/ANREC member station boards are strongly encouraged to cooperate with a harassment investigation and respect the confidentiality related to the investigation process. If a volunteer at a member station is accused of harassment, the NCRA/ANREC Board will give the board of the member station an opportunity to comment and provide information about the individual if it wishes to do so. This additional information will help to provide context in the investigation and/or mediation process.

If any party to a complaint believes that this complaints process is insufficient to address the complaint, they may contact a third party to consult (see Appendix B). A complainant who has been subject to behaviour that could be considered discrimination under federal or provincial human rights legislation or behaviour that meets the definition of criminal harassment is encouraged to file a human rights complaint or a police report regardless of whether or not they choose to resolve the complaint by consulting this policy.

Procedures for filing a Formal Complaint

The NCRA/ANREC is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity and can contribute fully with equal opportunities. Every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored within NCRA/ANREC Projects. If a claim of harassment or discrimination is proven, disciplinary measures will be applied.

The NCRA/ANREC is committed to a comprehensive strategy to address harassment and discrimination, including:

- providing training and education to make sure the staff and volunteers of the NCRA/ANREC know their rights and responsibilities;
- regularly monitoring organizational systems for barriers to national and provincial ethical standards;
- providing an effective and fair complaints procedure; and
- promoting appropriate standards of conduct at all times.

NCRA/ANREC Formal harassment complaints must be filed by contacting the Equity Officer of the NCRA/ANREC ([contact](#)) and/or the Executive Director of the NCRA/ANREC ([contact](#)). The complainant may also contact a third party to act on their behalf; and/or pursue other venues of recourse as appropriate to the nature of the case. These may include but are not limited to filing a human rights complaint with the appropriate federal or provincial body, if applicable; filing a complaint under the Occupational Health and Safety Regulations of the Canada Labour Code, if applicable; filing a grievance under a collective agreement, if applicable; or contacting police to report criminal harassment, if applicable.

All parties to a complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a complaint to those who are directly involved in the conflict or its resolution, and within the limitations of the law.

Formal complaints must be made in writing. The recipient of the complaint may record extra details that were provided verbally by the complainant to ensure that an accurate record is created. The complainant should be prepared to provide details such as what happened; when and where it happened; how often; and if witnesses were present, who they are.

Complaints and evidence cannot be submitted anonymously and must be made within 1 year of the incident unless there are circumstances that prevent immediate disclosure. This is including but not limited to situations where a behavior is not considered harassing by a complainant until it is repeated or if there are situations that would make a complainant feel unsafe in coming forward. All complaints will be forwarded to the Board of Directors of the NCRA/ANREC who will notify the subject of the complaint in writing that a harassment complaint has been filed. As per the confidentiality section of this document, the complainant's identity can be protected from the subject of the complaint if requested. The NCRA/ANREC Board will decide whether the Equity Officer or an ad-hoc committee will handle the complaint process and advise the board and both parties of the outcome. If the NCRA/ANREC Board chooses to appoint an ad-hoc committee to handle the complaint process, the committee's composition will be determined at the time of formation so as to best support the needs of the committee and the complaint process.

In the case that a complaint is made against a member of the Board of Directors, the Executive Director, if possible, with assistance from the Equity Officer will appoint a committee of non-board members to review the allegation.

A third party, from those to whom this policy is applicable, may raise concerns about harassment behaviour that they observed or believe that another person has experienced, and they must raise those concerns with the Equity Officer(s) of the NCRA/ANREC or with the Executive Director of the NCRA/ANREC. Upon receipt of these concerns, the Equity Officer of the NCRA/ANREC or Executive Director of the NCRA/ANREC will meet with this third party to determine whether further steps are needed. In rare situations, if the person who is believed to have been harassed does not wish to proceed with a complaint but the third party believes that the situation requires investigation in the interest of maintaining a harassment-free NCRA/ANREC environment, this third party can file a complaint in his/her own name and stand as the complainant during the complaint process.

Mediation, wherever appropriate, will be offered to the parties to the complaint or upon request of either party after an initial fact finding is completed and mediation is deemed suited to the situation by NCRA/ANREC Board. Mediation is voluntary process whereby a third party acceptable to the complainant and accused assists them to reach a mutually acceptable resolution to the complaint. The mediator will be a neutral person selected by the Board from a published list of service providers and

accepted by both parties. The mediator will not be involved in investigating the complaint. Each party to the complaint has the right to be accompanied and assisted during mediation sessions by one person of their choosing.

If mediation is insufficient to resolve the issue for the complainant or between the parties requesting mediation, further investigations may continue. All investigations will be conducted by an individual or group who have the necessary training and the complaint will be kept in abeyance until the investigation is complete.

A neutral external consultant or committee may be engaged for the investigation. The investigator or committee will interview the complainant, the subject of the complaint, and any witnesses that have been identified. The board of the member station may be asked to provide a report to aid in the investigative process. All people who are interviewed will have the right to review their statement, as recorded by the investigator or committee, to ensure its accuracy.

The investigator or committee will prepare a report that will include at a minimum: a description of the allegations; the response of the subject of the complaint; and a summary of information learned from witnesses (if applicable). This confidential report will be submitted by the investigator to the NCRA/ANREC Board only. The NCRA/ANREC Board will communicate the outcome of the investigation in a letter to the parties in relation to the complaint. The subject of the complaint's board will be notified of the outcome.

False claims that aim to damage a person's reputation such as defamation or slander, which can also be an actionable tort if the damage is significant and quantifiable, are also forms of harassment and will be subject to the same procedures as other forms of complaint. Any member against whom a complaint was made that was proven to be based on a false claim may also use this procedure and file a complaint within 1 year of that complaint.

The dismissal of a complaint

At any time during the complaint process or during the investigation, the NCRA/ANREC has the discretion to dismiss the complaint if:

- the situation that caused the complaint is resolved through mediation;
- the complaint does not meet the definition of harassment in this policy;
- the complaint is made in bad faith or is trivial, vexatious, or frivolous;
- the complaint is based on acts that took place more than one year before the receipt of the complaint by NCRA/ANREC, and the NCRA/ANREC is not of the view that there are valid reasons for this delay in filing the complaint;
- the complainant abandons the complaint or fails to cooperate in resolving the complaint in a timely manner;
- the complainant pursues other avenues of recourse.

Corrective action if a complaint has been determined to be founded

If a complaint is deemed to be legitimate by the NCRA/ANREC or third party mediator, the NCRA/ANREC Board in consultation with the complainant, will decide what action(s) will take place. Corrective action for persons who have been

confirmed to have engaged in harassing behaviors will be decided by the NCRA/ANREC Board on a case-by-case basis and may include but is not limited to barring the harasser from attending NCRC and other NCRA/ANREC events, dismissal, and/or a suspension of volunteer rights and privileges. The NCRA/ANREC board will advise both parties to the complaint, in writing, of the decision.

Other avenues of recourse

An individual who is not satisfied with the outcome of the complaint process may appeal the decision according to the NCRA/ANREC appeal process mentioned in this policy. Individuals may also do the following at any time, regardless of whether they are satisfied with the outcome of the NCRA/ANREC complaint process:

- seek the assistance of the Canadian Human Rights Commission if the conduct complained of constitutes harassment or discrimination within the meaning of the Canadian Human Rights Act. And/or:
- proceed with criminal charges if the conduct complained of constitutes criminal conduct as defined by the Canadian Criminal Code.

Appeal process

Any party to the dispute in the complaint process who is not satisfied with the outcome reached by the Equity Officer or the ad-hoc Committee may use this appeal process.

Appeals must be submitted in writing to the NCRA/ANREC Board of Directors with an explanation of the grounds for appeal, within 10 days of receipt of the written outcome/decision from the NCRA/ANREC Board. The original decision will remain in effect until the appeal is completed. Within 5 business days following the receipt of this appeal, the NCRA/ANREC Board of Directors may:

- (1) Direct the Equity Officer or the ad-hoc Committee to re-examine the case based on the new information, and to inform the Board of Directors of the outcome, or
- (2) Take into account information from the Member Station Board.

The decision of the Board shall be final.

Records

The NCRA/ANREC Board, Equity Officer(s) and committee members involved in the complaint process will comply with all requirements of applicable privacy legislation to protect personal information.

If the informal procedure is used and the complainant drops the complaint because the conduct does not constitute harassment or discrimination, no records will be made in any file.

If mediation is used at any time and an agreement is signed by the parties, a copy of this agreement will be held in a sealed file in NCRA/ANREC's head office for 2 years then destroyed unless one or more of the parties becomes involved in another harassment complaint.

If an investigation is conducted and results in a finding that the complaint is not founded, no record of the complaint will be kept on the accused's file.

If a final decision is made that a complaint is founded, the outcome of the investigation and the corrective action will be kept on the accused file for 2 years, which can be extended if the accused is involved in additional allegations of harassment within those 2 years. If a complainant brings a false claim forward, this information will be kept on their file for the same amount of time.

Investigation files will be kept for 2 years, then destroyed.

Records of complaints including interview notes, results of investigation, and final decisions will be kept in sealed files at the NCRA/ANREC head office. These records will only be disclosed as required by a corrective action or by law. They will be destroyed after 2 years.

Confidentiality and limitations

NCRA/ANREC officers, Executive Director and Boards commit to respecting confidentiality of all parties while processing a complaint or an investigation, and to sharing no more than the information that is necessary in order to conduct the process or investigation with individuals directly involved in that process or investigation.

However, the NCRA/ANREC is required to respect the law, and must disclose information contained in its files when compelled by law. In addition, the NCRA/ANREC is not required to maintain confidentiality if it has reason to believe that the life or safety of a person or persons may be at risk, or that a serious crime has been or may be committed, and must by law provide the appropriate authorities with the information required. Individuals involved in a complaint must and are expected to maintain confidentiality. If breaches of confidentiality occur, they will be followed-up and depending on the circumstances, could lead to consequences for the person responsible for the breach.

Any information disclosed during a mediation or during other complaint resolution efforts under these procedures is without prejudice to the person who disclosed it and cannot be used during subsequent steps of the informal or formal complaint process covered under this policy. A mediator of a complaint may not be compelled to discuss in a subsequent proceeding information disclosed during mediation, unless ordered or compelled by a court, tribunal or arbitrator.

Enquiries about this policy and related procedures can be made to the Equity Officer of the NCRA/ANREC ([contact](#)) or the Executive Director of the NCRA/ANREC ([contact](#)).

Drafted by – Policy Committee – February 2016

Approved by – Board of Directors – April 2016

Revisions and recommendations by – Canadian Institute for Conflict Resolution – October 2016
Approved by – Policy Committee Chair – November 16 2016
Revision Approved by – Board of Directors – February 2017

Appendix A

Forms and Examples of Sexual Harassment and Gender Based Harassment derived from the Ontario Human Rights Commission's Policy on Preventing Sexual and Gender-based Harassment:

- Sexual solicitation and advances
- A poisoned environment (eg, pornographic images at the workplace etc)
- gender-based harassment (targeting someone for not following their sex-role stereotypes)
- demanding hugs
- invading personal space
- making unnecessary physical contact, including unwanted touching etc
- using language which puts someone down, sex-specific derogatory names
- leering or inappropriate staring
- making gender-related comments about someone's physical characteristics or mannerisms
- treating someone badly because they don't conform to sex-role types
- sexual jokes, including passing around written sexual jokes
- rough and vulgar humour or language related to gender.
- spreading sexual rumours
- making sexual propositions
- verbally abusing, threatening or taunting someone based on gender
- demanding dates or sexual favours
- acting paternally in a way that someone thinks undermines their self-respect or position of authority.

Appendix B

list of affiliate resources

Canadian Institute for Conflict Resolution - <http://www.cicr-icrc.ca/en/>