

FCCJ policy document re. harassment

Date: June 28, 2018

Definition of Harassment:

Harassment means any inappropriate conduct, comment, display, action or gesture by a person that is either based on race, creed, religion, color, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin.

Examples of racial, ethnic or gender harassment may manifest itself by:

- Inappropriate touching, suggestive or abusive remarks of a sexual nature, compromising invitations, sexual assault, coarse language of a sexual nature, displaying pornographic material or seeking sexual favors.
- Unwelcome remarks, jokes, innuendos or taunts of sexual, racial or an ethnic nature
- Displaying materials, pictures or graffiti that degrades one's race, ethnic background or gender.
- Refusing to work with a person, or excluding them from work activities because of their race, ethnic background or gender.
- Insulting gestures, jokes, disparaging written material based on race, ethnic background or gender that causes embarrassment or humiliation

Personal harassment is conduct or comments which are intimidating, threatening, demeaning or abusive and is behavior which is known or ought reasonably to be known as unwelcome. Personal harassment takes many forms and can be a source of great anxiety to an individual. It may be so serious and unrelenting that the person who is being or has been harassed feels it necessary to resign his or her membership. Harassment has the impact of creating an environment that is hostile, it affects the integrity and dignity of individuals and limits individuals in their day to day involvement with the FCCJ.

Examples of personal harassment can include, but is not limited to:

- ostracism;
- public reprimand, ridicule, sarcasm or humiliation;
- constant criticism or trivializing of achievements;
- bullying, which can be defined as offensive, malicious, intimidating, insulting or humiliating behavior, often associated with the misuse of power or position;
- repeated accusations of harassment that are false or frivolous.

Some of the examples outlined may cause mild irritation if occurring only once, but if repeated, become personal harassment. Other examples are very clearly harassment even if they occur only once; all are inappropriate and unacceptable.

The FCCJ Board of Directors will take complaints of harassment seriously in regard to employees, members and their guests.

Complaints of discrimination or harassment shall be handled so as to protect the confidentiality of those involved.

Procedures for Harassment Complaints

A. The complaint should be addressed to the President or one of the Vice-Presidents of the Board of Directors.

B. Filing a complaint:

The complaint should be in writing and contain the following information:

- a. The identity of the complainant and respondent;
- b. A detailed description of the occurrence(s) including the time, date and location of the incident(s) along with the names of any other persons involved and witnesses (name, contact number, relationship to individual filing the complaint)
- c. The complainant's signature, date and the name of the person receiving the complaint.

C. Complaints should be first attempted to be resolved between the complainant and the respondent/accused by the FCCJ's General Manager. If necessary, the GM may request the Board of Directors to appoint a panel of mediators consisting of one representative each of the Board, the Human Resources Committee and the Associate Members Liaison Committee in case either the complainant or the respondent/accused is an Associate member. Complaints that cannot be resolved by the GM or this panel of mediators will be dealt with as described under D.

D. Complaints under this policy will be handled with all possible confidentiality and dispatch.

1. Complaints will be investigated by a representative appointed by the President, a representative of the HR committee, and a representative from the membership of the Club (an Associate member if either the complainant or the respondent is an Associate member). This three-person committee shall select from amongst themselves a chairperson who will oversee the investigation and prepare a final report to the Board. The members of this committee shall be different from the mediators that may have been appointed at the request of the GM.
2. This Committee shall attempt to investigate the complaint and prepare a report to the Board, with any recommendation(s) as quickly as possible. The Board may impose disciplinary sanctions on the respondent if warranted.
3. Disciplinary action may include a request to the respondent to resign from the Club, suspension or expulsion from the Club in accordance with the By-laws. It may also include any other penalty deemed appropriate.

E. An alleged offender/respondent) under this policy shall be entitled:

1. To be given notice, verbal or written, of the substance of a complaint under this policy.
2. To be given notice of and to attend, participate in or be accompanied by an advocate, at any hearing which is held as a result of a complaint under this policy.
3. In the event of a disciplinary sanction being imposed, to lodge an appeal to the Board by written notice to that effect, delivered to the Secretary within seven days from the date of receiving notice of such sanction. Upon receipt of such notice of appeal, the Board shall be convened as soon as thereafter as may be and shall consider said appeal and may make such decision thereon as to them seems appropriate.
4. To notice of the meeting at which said appeal shall be heard and considered, and be entitled to be present, participate in or be accompanied an advocate.
5. The findings and decisions of the Board thereon shall be final and conclusive.
6. The Board shall notify the respondent (accused) appealing of any such result of the appeal.
7. Any person to be involved in the procedures set out above (other than the complainant and respondent) who has a conflict of interest shall not be involved in any aspect of the procedures. If a conflict of interest arises or otherwise becomes apparent following the person's involvement, he or she shall immediately withdraw from the procedures and be replaced by a person without a conflict of interest as determined and appointed by the Board. Due process shall be applicable to the procedures to the extent reasonably practicable.