

Canadian Race Communications Association



CRCA Policy

on

Sexual Harassment

and

Discrimination



Article One - Purpose

The purpose of this policy is to recognize the right of all CRCA members and guests of CRCA to be treated with dignity and respect through equal treatment and opportunity, including the right to participate in all CRCA activities free from discrimination and sexual harassment. The purpose of this policy is both to prevent and remedy discrimination and sexual harassment in any activities that involve members of CRCA.

Article Two - Coming Into Force

This policy came into force November 15, 1995.

Article Three - Application of Policy

This policy applies to and governs the conduct of all members, guests of CRCA, officers and Directors of CRCA.

Article Four - Definition - Discrimination

Discrimination is adverse unequal treatment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap. Every person has the right to equal treatment with respect to participation in CRCA and its activities without discrimination on the basis of these grounds.

Article Five - Sexual Harassment - Definition

Sexual harassment is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Examples of prohibited sexual harassment include, but are not limited to:

- 1) verbal abuse or threats;
- 2) unwelcome remarks, jokes, innuendoes or taunting;
- 3) displaying of pornographic or other offensive or derogatory pictures;
- 4) practical jokes which cause awkwardness or embarrassment;
- 5) unwelcome invitations or requests whether indirect or explicit, or intimidation;
- 6) leering or other gestures;
- 7) unnecessary physical contact such as touching, patting, pinching or punching;
- 8) physical assault;
- 9) unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse consequences for victims relative to their role in CRCA;
- 10) sexual references, comments solicitations or advances or taunting, demeaning or teasing comments of a sexual nature and
- 11) comments of a sexual nature that express or imply sexual unattractiveness.

Sexual harassment will be interpreted broadly under this policy and shall not be confined to senior/junior relationships with respect to levels of authority, but shall also extend to relationships between members.

Article Six - Prohibition

Every person has the right to freedom from discrimination as defined in Article 4 of this policy and from sexual harassment as defined in Article 5 of this policy, by a Director, Officer, an agent of CRCA or by another member. Therefore discrimination or sexual harassment as defined in this policy is prohibited at all CRCA activities and events.

Every person also has the right to be free from a sexual solicitation or advance by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonable to know that it is unwelcome. Such conduct is prohibited under this policy.

Every person has the right to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. Such conduct is prohibited under this policy.

Every person has the right to be free from any reprisal or threat of reprisal for taking any action contemplated in this policy. This would include, but is not limited to, the making of a complaint. Any such reprisal or threat of reprisal is prohibited under this policy.

Article Seven - Appointment of Ombudsman

The Board of Directors shall appoint an Ombudsman (advisor) who shall share the responsibility of the administration of this policy. Any determination under the provisions of this policy will require the support of the Ombudsman. The role of the said advisor is to receive and investigate complaints under this policy and in the event that a finding of discrimination or sexual harassment is made, recommend appropriate sanctions. The Board of Directors maintains the authority to remove or replace an advisor as it sees fit. The primary objective of the Ombudsman is to maintain a safe and healthy environment for CRCA activities and events that is free from discrimination and sexual harassment.

Article Eight - Internal Complaints Procedure

Upon the appointment of the Ombudsman pursuant to Article 7 of this policy, the name of the advisor shall be communicated to all members together with an address and telephone number at which the advisor can be reached. A copy of this policy shall be delivered to every member or agent of the CRCA.

Members should inform the person engaged in harassment that the harassment is unwelcome. They have a duty to inform the harasser that the harassment is unwelcome and must stop. If unsuccessful in curbing the harassment the member should immediately inform his or her corner senior or the Ombudsman.

All members are strongly encouraged to contact the Ombudsman to report any complaint whether it pertains to the person communicating the complaint or to another member.

In order to effectively administer this policy it is essential to have the opportunity to address, manage and resolve the issues of the complaint.

Upon receipt of a complaint, the Ombudsman will record the particulars of the complaint and the date upon which the complaint was received. The Ombudsman cannot guarantee confidentiality although the Ombudsman should make all possible efforts to keep the complaint confidential.

Although anonymous complaints are accepted, recorded and received, the Ombudsman shall review the substance of the complaint with the Board of Directors. The Board of Directors will at that time determine whether the complaint requires investigation. If it is decided that the complaint should not be investigated at this time, the Ombudsman will report back to the complainant. If the complainant objects to the decision not to investigate, an investigation of the complaint will be commenced within two weeks of the objection. If the Ombudsman determines that the complaint is worthy of investigation, the investigation will be commenced within two weeks of the decision to investigate.

Article Nine - Powers of Investigation

Any Ombudsman may investigate a complaint. The powers of investigation include the following:

- 1) the Ombudsman may request the production for inspection and examination of documents or things that are or may be relevant to the investigation;
- 2) enter any place, other than a place that is being used as a dwelling, at any reasonable time, for the purpose of investigating the complaint;
- 3) upon giving a receipt therefore, remove from a place documents produced in response to a request under clause 2) for the purpose of making copies thereof or extracts therefrom and shall promptly return them to the person who produced or furnished them;
- 4) question a person on matters that are or may be relevant to the complaint subject to the person's right to have counsel or a personal representative present during such questioning, and may exclude from the questioning any person who may be adverse in interest to either party in the complaint; and
- 5) obtain signed witness statements.

Any denial of entry, refusal to produce documents or things, or refusal to answer the questions of the Ombudsman may be taken into account by the Board of Directors at the time of its determination of the complaint.

The investigation should extend to the evidence of both the complainant and the respondent and any witnesses in support of each of them. The Ombudsman should approach the investigation with an open mind and with the objective of investigating fairly and with as little inconvenience as possible to the complainant and the respondent. Both the complainant and the respondent's response to the complaint must be fully investigated along with all available evidence in support of each position.

An investigation shall be concluded within 4 weeks of the making of the decision to investigate.

Article Ten - Determination of Discrimination or Sexual Harassment

Within two weeks of the date of the conclusion of the investigation, the Ombudsman and the Board of Directors shall meet to collectively review the complaint, and response to the complaint and the evidence that materialized upon the investigation of the complaint.

Where it appears to the majority of the Board of Directors that:

- a) the subject-matter of the complaint is trivial, frivolous, vexatious or made in bad faith;
- b) the complaint is one that could or should more appropriately be made to the Ontario Human Rights Commission or to a court of law; or
- c) the complaint is not supported by the evidence which materialized during the investigation,

the Board of Directors shall decide not to deal with the complaint and advise the complainant of the reasons for the decision in writing. The Ombudsman shall also communicate to the complainant the availability of recourse under human rights, civil and criminal law. A decision of the Board of Directors is final and not subject to any appeal.

All complainants are assured that by lodging a complaint pertaining to discrimination or sexual harassment that no measures of reprisal will be taken by CRCA nor will their opportunities with CRCA be in any way disrupted or affected. If a complaint is lodged maliciously and without any basis in fact, this can lead to discipline, up to and including the termination of membership and privileges of the complainant subject to CRCA by-laws.

In the event that the majority of the Board of Directors determines that prohibited discrimination or sexual harassment as defined in this policy has occurred, the Board of Directors may, subject to CRCA by-laws:

- a) direct the party to do anything, in the opinion of the panel, the party ought to do to achieve compliance with the policy, both in respect of the complaint and in respect of future practices; and
- b) if necessary, alter or terminate the membership or privileges of the respondent based on a finding that the conduct of the respondent would amount to just cause for the alteration or termination of the respondent's membership or privileges.

The Ombudsman shall advise both the complainant and respondent in writing forthwith of any finding that prohibited discrimination or sexual harassment has occurred, together with the

sanctions which have been imposed for the misconduct. Any finding of the Board of Directors is final and is not subject to any appeal.

Article Eleven - Failure to Comply with Sanctions/Reprisal

Where the Board of Directors has imposed sanctions pursuant to the provisions of Article 10 and in the event that the respondent fails to comply with those sanctions or where the respondent affects or attempts to affect reprisal due to the complainant's resort to the procedures under this policy, a majority of the Board of Directors may, at their discretion and subject to CRCA bylaws, impose additional sanctions and if necessary, terminate the membership or privileges of the respondent. Any decision of the majority of the Board of Directors to impose additional sanctions is final and is not subject to any appeal.