



## **BC ULTIMATE SOCIETY CODE OF CONDUCT AND HARASSMENT POLICY**

### **Policy Statement**

1. The British Columbia Ultimate Society (BCUS) is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. The BCUC is committed to providing a working and sport environment that allows for the full and free participation of all BCUS members and participants.
2. The BCUS will not tolerate violent or harassing behaviour from anyone, including:
  - BCUS Board members
  - BCUS members
  - Volunteers
  - Coaches
  - Athletes
  - Contractors
3. This Policy responds to the BCUS's responsibilities under the Human Rights Code of British Columbia ("the Human Rights Code") to prevent discrimination, to provide procedures to handle complaints, to resolve problems, and to remedy situations when a violation of this Policy occurs.

### **Definitions**

4. "Complainant" - Any person who believes that he/she has experienced discrimination and who seeks recourse pursuant to this Policy.
5. "Discrimination" - The intentional or unintentional differential treatment for which there is no bona fide and reasonable justification on the basis of the grounds of discrimination prohibited by the Human Rights Code, those being age, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex (including gender identity and gender transitioning), sexual orientation, and unrelated criminal convictions.



6. "Harassment" is a form of discrimination and can take many forms, but it 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. Harassment includes:
  - Bullying and intimidation
  - Racist or culturally insulting remarks
  - Negative gender and sexual remarks or comments
  - Jokes that ridicule or humiliate based on a person's looks, body, attire, age, race, religion, sex, or sexual orientation
  - Posting, displaying or sending offensive or threatening pictures or documents
  - Staring, stalking, phoning, emailing, texting, or using other social media platforms in a manner that constitutes harassment
  - Unwanted physical contact including touching, petting, pinching, or kissing;
  - Unwelcome sexual flirtations, advances, requests, or invitations
  
7. "Sexual harassment" is harassment of a sexual nature by a person:
  - a. who knows or ought reasonably to know that the behaviour is unwanted or unwelcome; and
  - b. which interferes with another person's participation in a BCUS sponsored and/or related activity; or
  - c. leads to sport/membership consequences for the person harassed.
  
8. "Respondent" - A person or persons against whom an allegation of discrimination has been made pursuant to this Policy.
  
9. "Responsible officer(s)" - The BCUS official(s) who may carry out one or more of the following roles within the terms of this Policy:
  - a. decide whether the Policy has been violated;
  - b. make recommendations or decisions regarding remedies;
  - c. assume the role of complainant to initiate an investigation; or
  - d. initiate interim measures.



The responsible officer(s) in a particular case will be determined by the BCUS Board of Directors, as appropriate and in consideration of the complainant(s) and who has been identified as the respondent(s).

10. "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.

11. "Violence" means:
  - a. Use of physical force that could cause injury;
  - b. An attempt to use physical force that could cause injury; or
  - c. A threat to use physical force that could cause injury.

## **Principles**

12. This policy applies to any and all activity which may occur during the course of BCUS business, activities, and events.
13. Every member of the BCUS has a responsibility to respect the rights of others and plays a part in ensuring that the BCUS 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 BCUS who believes that a fellow member has experienced or is experiencing bullying or harassment is encouraged to notify the BCUS.
14. The BCUS encourages the reporting of all incidents of bullying and harassment, regardless of who the offender may be. Anyone who has questions or concerns about violence or potential violence or harassment in a BCUS environment are encouraged to bring them to the attention of the BCUS General Manager or the BCUS Board.
15. In the event of complaints of an aggravated severity or criminal nature, the BCUS, in consultation with the complainant, may facilitate or initiate the communication of the complaint to the appropriate investigative bodies.



16. All members of the BCUS community will be treated equitably under this Policy. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.
17. A complainant may bring a complaint to the BCUS within twelve months of the last alleged incident of discrimination.
18. Efforts at informal resolution will normally be made first in dealing with a complaint.

### **Responsible Officers**

19. The BCUS will appoint at least two persons, one male and one female, who are themselves members, contractors, or employees of the BCUS, to serve as Responsible Officers under this policy. If more than two officers are appointed, BCUS will ensure a gender balance.
20. The role of the Responsible Officer is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, the Responsible Officers will be directly responsible to the BCUS General Manager.
21. BCUS will ensure that the Responsible Officers receive appropriate training and support for carrying out their responsibilities under this policy.

### **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 bring the matter to the attention of the BCUS General Manager. If the General Manager is a party to the complaint, the matter should be brought to the attention of the BCUS President.
21. Once informed of the complaint, the BCUS General Manager will advise the Responsible Officer of the complaint. **If both Responsible Officers are parties**



to the subject of the complaint, the complaint will be brought to the attention of the BCUS President who will delegate the Responsible Officer duties to an appropriate third party.

22. The Responsible Officer is not an advocate for either party to a complaint.
23. The Responsible Officer may reject a complaint on the grounds that it is frivolous, vexatious, malicious, lies outside the jurisdiction of this Policy, or is beyond the time limits for laying a complaint. This decision must include the reasons for the decision and may be appealed to the BCUS Board of Directors within 14 days of the decision of the Responsible Officer. The Board's decision will be final.
24. If the complaint can proceed, the Responsible Officer will inform the complainant of the following:
  - a. the options for pursuing an informal resolution of his or her complaint;
  - b. the right to pursue a formal written complaint when an informal resolution is inappropriate or not possible;
  - c. other avenues of recourse, including the right to file a complaint under the *Human Rights Code* if applicable, or where appropriate, to contact the police.
25. The Responsible Officer and the complainant will discuss whether the complainant wishes to:
  - a. pursue an informal resolution of the complaint; or
  - b. pursue a formal written complaint.
26. If a complaint proceeds, the Responsible Officer may begin an informal inquiry. After receiving the consent of the complainant, the person responsible for the inquiry may discuss the complaint with the respondent in order to seek a mutually acceptable resolution. The complainant will not necessarily be identified to the respondent during an informal inquiry.
27. Any complainant who wishes the BCUS to assist in the resolution of a complaint through mediation or formal investigation must be prepared to be identified to the respondent. All parties will be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of discrimination.



28. All parties may be represented or accompanied by legal counsel, a support person, and/or a representative throughout the procedures set out in this Policy.

### **Informal Resolution**

29. If the Complainant wishes to pursue an informal resolution, the Responsible Officer(s) will be advised and will assist the two parties in mediating a resolution acceptable to the complainant. If desired by the parties and if appropriate, the Responsible Officer may also seek the assistance of a neutral mediator.
30. In mediation, the parties attempt to resolve the issue(s) that led to the complaint through an agreement reached between the parties with the assistance of a neutral third party. Either party may make a written request for resolution through mediation to the Responsible Officer who will convey the request to the other party. Mediation requires the agreement of both parties.
31. Mediation proceedings are confidential. All communications made by each party during mediation are made without prejudice.
32. If the informal resolution yields a result which is acceptable to the complainant, no further action will be required and the matter will be considered concluded.
33. If the informal resolution fails to satisfy the complainant, it will be open to the complainant to submit a formal written complaint.
34. If a complainant brings evidence of bullying and/or harassment but does not wish to lay a formal complaint:
  - a. the Responsible Officer must decide if the alleged harassment is serious enough to warrant initiating a formal written complaint of its own initiative, even if it is against the wishes of the complainant; and
  - b. if the Responsible Officer decides that the evidence and surrounding circumstances requires a formal investigation, the Responsible Officer will



draft a formal written complaint and provide copies of the complaint to both the complainant and the respondent for their responses.

### **Formal Complaint**

35. If a Complainant wishes to submit a formal complaint, the complainant will be required to provide the Responsible Officer with a complaint in writing.
36. The formal 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 by the complainant. The written complaint will be provided to the respondent without delay.
37. If the complaint proceeds, the respondent will be given an opportunity to provide a written response to the complaint. The respondent will have 14 days to respond.
38. All submissions, responses, comments, and decisions pursuant to this Policy will be made in writing if the complaint proceeds to the formal process.
39. Upon receipt of the written response from the respondent, the Responsible Officer may choose to initiate an investigation. Once the investigation is complete, and no later than 28 days of receiving the written response of the respondent, the Responsible Officer will submit his/her recommendation to the BCUS President as to whether:
  - a. The complaint should be dismissed because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
  - b. There has been a breach of the policy and corrective and/or disciplinary action is required. The Responsible Officer will provide its recommendations as to remedy/discipline/resolution of the complaint.
40. If the BCUS President is a party to the complaint, the Responsible Officer will submit his/her recommendation to the BCUS Secretary.
41. Both the complainant and the respondent will also receive a copy of the report of the Responsible Officer.



42. Within 3 days of receipt of the Responsible Officer's Report, the BCUS President (or the BCUS Secretary, in the event that the President is a party to the complaint), will make a final determination as to whether disciplinary action is necessary against the respondent.
43. If the BCUS President makes the determination that no disciplinary or other action or remedy is required, the Complaint will be concluded and the matter closed.
44. Such a decision of the BCUS President may be appealed to the BCUS Board of Directors within 14 days of the decision. The Board's decision will be final.

### **Corrective Action and Discipline**

45. In the event that the BCUS President (or the Board) determines that disciplinary action or other corrective measures be taken against the respondent, the BCUS President will appoint a Disciplinary Committee to determine the appropriate discipline and/or remedies under the terms of the BCUS Disciplinary Management policy.
46. 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.
47. Regardless of the disposition of the complaint, a copy of the complaint, the response, and the Responsible Officer's report, and if applicable, the Discipline





Committee's decision, will be securely stored and filed with pursuant to the BCUS Document Records Policy and for a minimum of five (5) years, unless legally required that the report should be kept for a longer period of time.

48. Where the Disciplinary Committee finds that a breach of this policy has taken place, both the complainant and the respondent will be advised in writing of the Disciplinary Committee's decision, of the discipline/remedy imposed, and will be provided a copy of the reasons.
49. Employees, contractors, or members of BCUS against whom a complaint of harassment is substantiated may be severely disciplined, up to and including termination of a contract for cause, termination of membership, and/or removal from the Board of Directors.
50. A decision of the Discipline Committee may be appealed to the BCUS Board of Directors within 14 days of the decision. The Board's decision will be final.

### **Use of Information**

51. Allegations of discrimination, particularly of sexual harassment, often involve the collection, use, and disclosure of sensitive personal information. Confidentiality is required so that those who may have experienced discrimination, including harassment, will feel free to come forward. Confidentiality is also required so that the reputations and interests of those accused of discrimination are protected.
52. Subject to any limits or disclosure requirements imposed by law or required by this Policy, any and all information, oral and written, created, gathered, received or compiled through the course of a complaint is to be treated as confidential by both the respondent and complainant, their representatives, witnesses, and the officials designated by this Policy.
53. All recorded personal information will be treated as "supplied in confidence" for the purposes of compliance with the Freedom of Information and Protection of Privacy Act of B.C. and responding to access requests under that legislation.
54. Information concerning a complaint may be provided by the Responsible Officer to appropriate BCUS Board members on a need-to-know basis. Any party to a complaint under this policy will be informed of its disposition.



55. Any person breaching confidentiality may be subject to disciplinary sanction or other appropriate action.
56. All complaints and related information will be filed and stored according to the BCUS Documents Records Policy.