

OUTreach Southern Alberta Society

HARASSMENT POLICY AND PROCEDURE

OUTreach Southern Alberta Society is a not-for profit organization that responds to the needs of the local and the broader lesbian, gay, bisexual, trans, two-spirit, and queer (LGBTQT) community of Lethbridge and the surrounding area by supplying resources, education and opportunities to foster self-determination, civic engagement and community participation. OUTreach believes that strong policies create good governance and leadership in service to Southern Alberta.

POLICY STATEMENT: OUTreach will not tolerate verbal or physical conduct by any Member, Director, employee or volunteer which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. OUTreach is committed to providing an environment free from all forms of harassment, including sexual harassment.

1. DEFINITIONS

1.1 "Board" means the Board of Directors, as stated in Sec 7 of the Bylaws.

1.2 "Director" means an individual member elected to the Board of Directors, as stated in Sec 7.1(a) of the Bylaws.

1.3 "Employee" means a person who receives all or part of their income from the payroll of OUTreach.

1.4 "Executive" means the Officers of the Board of Directors, as stated in Sec 11 of the Bylaws.

1.5 "Harassment" is defined in Section 4 of this Policy.

1.6 "Investigation Committee" ("Committee") means an impartial, ad hoc group of three individuals designated by the Executive Committee.

1.7 "Member" means an individual or group in Good Standing, as stated in Sec 5.2 of the Bylaws.

1.8 "Officer" means an Executive Director of the Board of Directors, as stated in Sec 11.1(a) of the Bylaws.

1.9 "Sexual harassment" is defined in Section 5 of this Policy.

1.10 "Volunteer" means any individual, other than a Director, Officer or employee, who does not receive compensation for services and / or expertise provided to OUTreach.

2. COMPLIANCE WITH LAWS

2.1 Directors, Officers, employees and volunteers will conduct OUTreach's business in accordance with applicable legislation, including: *Alberta Societies Act*, *Employment Standards Code of Alberta*, *Freedom of Information and Protection of Privacy Act*, *Alberta Human Rights*, *Criminal Code of Canada*, and all other applicable legislation.

3. ZERO TOLERANCE

3.1 Harassment or discrimination against any OUTreach member, Director, employee or volunteer will not be tolerated.

3.2 Violation of this policy may subject a member, Director, employee or volunteer to discipline, up to and including immediate removal of membership, termination of employment and / or criminal charges.

4.0 HARASSMENT

4.1 Harassment occurs when an employee is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, colour, place of origin, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Alberta human rights law prohibits workplace harassment based on these grounds.

4.2 Examples of harassment that OUTreach will not tolerate are: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to any employee's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

4.3 OUTreach will not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; and unwelcome invitations or requests, whether indirect or explicit.

5. SEXUAL HARASSMENT

5.1 The *Alberta Human Rights Act* prohibits discrimination based on the ground of gender, including sexual harassment. Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) submission to, or rejection of, such conduct by an individual affects that individual's employment.

5.2 Sexual harassment can include such things as pinching, patting, rubbing or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature.

5.3 The behaviour need not be intentional in order to be considered sexual harassment.

6. PROCEDURE

6.1 Anyone being harassed ought to:

- a) Tell the harasser that their behaviour is unwelcome and ask them to stop.
- b) Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to make a complaint, but a record can strengthen your case and help you remember details over time.
- c) Make a complaint. If the harassment continues even after asking the harasser to stop their behaviour, then report the problem to one of the following individuals:
 - i) President of the Board
 - ii) An Officer of the Executive

6.2 All members, Directors, Officers, employees and volunteers have the right to contact the

Alberta Human Rights Commission to make a complaint of sexual harassment.

6.3 Any incident of assault should be reported immediately to the Lethbridge Police Service, then to an individual identified in Section 6.1.c.

7. COMPLAINT PROCESS

7.1 Any complaint will be kept strictly confidential.

7.2 An Investigation Committee will immediately undertake an investigation of the complaint.

7.3 A neutral third party individual, agreed upon by both the Executive and the accused, shall Chair the Committee

7.4 Committee members must sign a confidentiality agreement (Appendix A).

7.5 The Committee will undertake all necessary steps to investigate the complaint within 30 days.

7.6 The Committee will separately interview the complainant and the alleged harasser, as well as any individuals who may be able to provide relevant information. All information will be kept in confidence.

7.7 Following the investigation, the Committee will meet, in camera, with the Executive to report their findings.

7.8 The Committee will undertake all necessary steps to report their findings to the Executive within 14 days of completing their investigation.

8. INVESTIGATION OUTCOME

8.1 If the investigation reveals evidence to support the complaint of harassment, the Executive will discipline the harasser appropriately (See Section 9).

8.2 If the accused is an employee of OUTreach, and the Executive deems them guilty of harassment, the incident will be documented in their employment file.

8.3.1 If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the employment file of the alleged harasser.

8.4 If the complainant is an employee of OUTreach, no documentation will be placed in their employment file when the complaint has been made in good faith, whether the complaint is upheld or not.

8.5 Regardless of the outcome of a harassment complaint made in good faith, the person lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by members, Directors, Officers, employees, and / or volunteers.

8.6 All findings from the Committee, including confidentiality agreements and decisions, will be sealed by the Executive after they act on the information. The sealed file will be stored at the offices of OUTreach and will be destroyed 18 months after the complaint was reported.

8.7 If OUTreach does not have an office to store the sealed file, the external auditor shall store the sealed file until the 18 month period expires.

9. DISCIPLINARY PROCEDURE

9.1 Once the Investigation Committee reports to the Executive, the Executive will, in camera, weigh the evidence and determine a resolution to the investigation.

9.2 If the Executive deems the accused guilty of an offence under this policy, they shall, through an in camera resolution of the Executive, determine the appropriate discipline for the accused.

9.3 At the discretion of the Executive, appropriate discipline may include conciliation.

9.4 Discipline of a member, Director, Officer, or volunteer may include, but is not limited to, suspension from Board or volunteer work or revocation of OUTreach membership.

9.5 Discipline of an employee of OUTreach may include, but is not limited to, suspension from work – paid or unpaid – and / or dismissal.

9.6 As part of its decision, the Executive may report the incident to the Alberta Human Rights Commission.

9.7 If the Executive deems the accused not-guilty of a violation under this policy, they shall, through an in camera resolution of the Executive, state that the matter has been investigated to their satisfaction and that the complaint, made in good faith, has been deemed resolved without further action.

9.8 If the Executive deems that a complaint has not been made in good faith, they shall, through an in camera resolution of the Executive, determine the appropriate discipline for the complainant.

9.9 Regardless of the decision of the Executive, the President or designate will speak individually with only the accused and complainant, advising them of the decision of the Executive and of next steps.

10. EXECUTIVE RESPONSIBILITY

10.1 It is the responsibility of the Executive to take immediate and appropriate action to report or deal with incidents of harassment of any type, whether brought to their attention or personally observed.

10.2 Under no circumstances should the Executive dismiss or downplay a legitimate complaint, nor should the complainant be told to deal with it personally.

11. ALBERTA HUMAN RIGHTS COMMISSION

11.1 If pursued under Section 6.2 and as per current *Alberta Human Rights* legislation, complaints must be made to the *Alberta Human Rights Commission* within one year after the alleged incident. The one-year period starts the day after the date on which the incident occurred.

ATTACHMENT: Appendix A (Confidentiality Agreement)

APPENDIX A
CONFIDENTIALITY AGREEMENT

Statement of Confidentiality

The members, Directors, Officers, employees, and volunteers of OUTreach rely on members to conform to confidentiality, when and as required. All information concerning this investigation of harassment is confidential.

The Executive Committee of OUTreach expects you to respect the privacy of all involved in this investigation and to maintain their personal information as confidential. All records dealing with the investigation are confidential. Failure to maintain confidentiality may result in sanctions imposed by the Executive, as they see fit and appropriate.

This confidentiality agreement is intended to protect both you and OUTreach since, in extreme cases, violations of confidentiality may result in your personal liability.

“Confidential” means that you are not free to discuss the investigation with individuals outside of the Investigation Committee, nor can you make the names of the accused, complainant, or any witnesses known, nor can you speak about them in ways that will make their identity known.

Confidentiality is the preservation of privileged information. By necessity, personal and private information may be disclosed in a sensitive investigation of this nature. What you learn is necessary to provide a fact-based report to the Executive, doing so as part of a trusting relationship. Therefore, information gained about individuals is confidential in terms of the law, and disclosure could make you legally liable. Disclosure could actually make it more difficult to help the complainant. Disclosure can also damage your relationship with OUTreach members, Directors, Officers, employees and the broader community.

Before you agree to sign this document, you should be aware of the laws and penalties for breaching confidentiality. Although OUTreach may be liable for your acts within the scope of your responsibilities, giving information to an unauthorized person could result in the OUTreach's refusal to support you in the event of legal action.

I have read the Statement of Confidentiality presented above. I agree to abide by the requirements of this policy and inform the Executive if I believe any violation (unintentional or otherwise) of this policy has occurred. I understand that violation of this agreement will lead to sanctions imposed upon me by the Executive of OUTreach, as they see fit and appropriate.

Signature

Print Name

Date