



# BC Games Society

## Harassment Policy

Prepared by the BC Games Society from the Sport BC Harassment Template Policy.  
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## Policy and Procedures

### 1. Statement of Policy

- 1.1 The BC Games Society does not tolerate harassment in connection with any of its internal or external business, the BC Games, or related activities.
- 1.2 The BC Games Society is committed to providing an environment in which all individuals are treated with respect and dignity. Each individual has the right to participate, volunteer, and work in an environment which promotes equal opportunities and prohibits discriminatory practices.
- 1.3 Partners in the BC Games, other Games organizations that work with the BC Games Society, and Provincial Sport Organizations, are strongly recommended to have their own policies, which meet the standards of this policy.
- 1.4 Other Games organizations and Provincial Sport Organizations policies apply first, but the BC Games Society policy will apply if these policies do not address the problem.
- 1.5 The BC Games Society Policy (after the PSO policy) applies from the time participants are selected to attend the Games, to the time they arrive at home, and from the moment volunteers register, to the dissolution of the host community society.
- 1.6 The BC Games Society is committed to the prevention of harassment through education and training.
- 1.7 The purpose of this policy is to provide guidelines for dealing with Harassment complaints within the BC Games Society or the BC Games in an effective and timely manner, and at the earliest stage possible, and to provide a procedure for informal and/or formal review and resolution of a complaint.
- 1.8 This policy applies to all employees, directors, officers, volunteers, coaches, officials, athletes, and partners of the BC Games Society. The BC Games Society encourages the prompt reporting of all incidents of harassment, regardless of who the offender may be.
- 1.9 For the purposes of this policy, sport and/or volunteer harassment may occur anywhere a person being harassed is there as a result of their responsibilities, or relationship, with the BC Games Society or as a result of their participation in the BC Games.
- 1.10 In addition to the procedure available under this policy, every person who experiences discrimination or harassment has the right to:

- a) file a complaint with the BC Human Rights Tribunal if the alleged behaviour falls within the definition of discrimination under the BC Human Rights Code; (see Section 2.13 for definition),
  - b) file a complaint with the police and/or other appropriate authorities if the alleged behaviour constitutes criminal activity (i.e. abuse, stalking, etc.), and
  - c) pursue private proceedings in civil court.
- 1.11 If a Complainant initiates proceedings under the BC Human Rights Code with respect to the same incident(s), which is the subject matter of a Complaint under this policy, the Complainant shall be deemed to have withdrawn the Complaint filed under this policy and the process under this policy will cease.
- 1.12 If a person proceeds with a Complaint under this policy, the Complaint will be resolved either informally, with the assistance of a Harassment Advisor or Intake Volunteer, or formally after an investigation by an Investigation Officer.
- 1.13 If abuse (defined in section. 2.1) of a child is suspected or disclosed, reporting to the appropriate authorities is mandatory and it should be reported to the police and/or the Child Protection Branch of the Ministry of Children and Family Development.
- 1.14 As a condition of funding (see the Agreement for Financial Assistance), BC Games Host Communities will:
- a) abide by this policy and implement the procedures, as required.
  - b) select two individuals, one male and one female, who are trained in mediation, dispute resolution, or counselling to receive complaints under this policy. These volunteers must be appointed within six (6) months of the election of the Board of Directors.
  - c) Name members to a Host Community Dispute Discipline Committee based on Terms of Reference provided by the BC Games Society. Refer to definitions contained in this policy for the make-up of the Host Community Dispute Discipline Committee.
- 1.15 In the management of a complaint under this policy, the following general practices will be observed:

- a) each party will be advised on the provisions of this policy;
- b) each party will be given an opportunity to present evidence in support of his/her position and to defend himself/herself against allegations of harassment;
- c) the issues will be clearly and concisely stated so that the Respondent is aware of the allegations;
- d) the Respondent and the Complainant will have the right to be represented at any stage of the process, at their own expense;
- e) the Respondent and the Complainant will receive a copy of the Investigation Report;
- f) the Respondent and Complainant have the right to an appeal pursuant to Section 7; and
- g) the decision makers (Investigation Officer, Harassment Discipline Committee, and Appeals Panel) have a duty to listen fairly to both sides and to reach a decision untainted by bias.

1.16 In the interest of all parties concerned, the formal resolution of a Complaint under this policy (including an appeal) should proceed as expeditiously as possible within the specified time limits. However, failure to meet the time limits will not invalidate the Complaint process.

1.17 Disciplined training is an indispensable part of high performance sport and should not be confused with harassment. However, it is of importance that those in authority;

- a) set and communicate performance and training standards to all participants;
- b) ensure that training involving touching or other physical contact occurs in an appropriate setting and only after informed consent has been sought and received;
- c) are consistent and non-harassing in taking any corrective or punitive action;
- d) use non-harassing terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

## 2. Definitions

- 2.1 Abuse: If child abuse is suspected or disclosed, reporting to the appropriate authorities is mandatory and it should be reported to the police and/or the Child Protection Branch.
- a) Abuse can be physical, emotional or sexual.
  - b) Physical Abuse – using physical force or action that results, or could result in injury.
  - c) Emotional Abuse – a pattern of hurting individual's feelings to the point of damaging his/her self-respect. It includes verbal attacks on the individual, insults, humiliation or rejection.
  - d) Sexual Abuse – using a child or an adult (in the case of the adult, without consent) for sexual stimulation or gratification.

*(Source: Help Stop Child Abuse: A Handbook for Employers and Volunteer Coordinators, Province of BC Ministry of Social Services, 1995)*

- 2.2 Appeals Panel: At least three (3) individuals appointed by the BC Games Society based on the BC Games Society Appeals Policy and process to consider an appeal from a decision of the BC Games Society Harassment Discipline Committee or the Host Community Dispute Discipline Committee.
- 2.3 Appeals Administrator: The person designated by the BC Games Society to coordinate appeals.
- 2.4 Board of Directors: The BC Games Society Board of Directors. The Board of Directors is responsible for the administration of this policy.
- 2.5 Complaint: A written statement made by a Complainant seeking recourse pursuant to this policy.
- 2.6 Complainant: Individual(s) making a complaint.
- 2.7 Harassment Discipline Committee: A committee of individuals established by the BC Games Society to review the Investigation Report and accept or reject some or all of the recommendations of the Investigation Officer. No members of the Harassment Discipline Committee shall have any personal or professional involvement with either the Complainant or Respondent and no prior involvement with the matter under consideration.
- 2.8 Harassment: Any behaviour that satisfies one or more of the following definitions of harassment:
- a) Personal Harassment: behaviour including comments, conduct or gestures which:

- i. is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals (including a statement with respect to a Prohibited Ground or otherwise) and;
  - ii. would be considered by a reasonable person to create an intimidating, humiliating or uncomfortable work, volunteer, or sport environment.
- b) Sexual Harassment: behaviour involving unwelcome sexual advances, request for sexual favours, or other verbal or written conduct of a sexual nature when:
  - i. such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence, or humiliation to another person or group; or
  - ii. submission to such conduct is made either implicitly or explicitly a condition of employment, volunteerism or participation in a sport-related activity; or
  - iii. submission to, or rejection of, such conduct is used as a basis for any employment, volunteerism or sport-related decision; or
  - iv. such conduct has the purpose or the effect of interfering with a person's work or volunteer performance or of creating an intimidating, hostile, or offensive work, volunteer, or sport environment.
- c) Retaliation: act of retaliation as defined in Section 2.18.
- d) Types of behaviour that may constitute Harassment include, but are not limited to:
  - i. written or verbal abuse or threats;
  - ii. physical assault;
  - iii. unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion, or disability;
  - iv. displaying of or making visible, sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic or religious graffiti;

- v. practical jokes or hazing or initiation rites which cause awkwardness or embarrassment, or endangers a person's safety or negatively affects performance;
- vi. obscene gestures;
- vii. intimidation;
- viii. bullying;
- ix. behaviour which undermines self-respect or adversely affects performance or working conditions;
- x. false accusations of harassment motivated by malice or mischief, and meant to cause other harm.

- 2.9 Harassment Advisor: A designate of the BC Games Society who has been trained in respect of this policy and its procedures. The role of the Harassment Advisor is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, to receive Complaints, assist in informal resolution of low level complaints, and to make recommendations as to further action. The Harassment Advisor will handle complaints which may be resolved through informal procedures, and refer all other complaints to the Investigation Officer.
- 2.10 Host Community: The Host Community Society awarded a particular set of Games.
- 2.11 Host Community Dispute Discipline Committee: A committee of individuals established by the Host Community, based on the terms of reference provided by the BC Games Society, to review reports and recommendations from the Intake Volunteer on non-harassment disputes between Games volunteers and parties participating in the Games. No members of the Host Community Dispute Discipline Committee shall have any personal or professional involvement with either the Complainant or Respondent and no prior involvement with the matter under consideration.
- 2.12 Host Community Volunteer or Volunteer: as anyone who is required to complete a volunteer registration form in order to participate in the Games;
- 2.13 Intake Volunteer: An individual identified by the Host Community, based on parameters provided by the BC Games Society, as possessing the training and appropriate background to investigate and manage complaints and disputes as outlined in this policy and other policies.
- 2.14 Investigation Officer: An individual identified by the BC Games Society as possessing the training and appropriate background to investigate complaints as outlined in this policy.
- 2.15 Investigation Report: The draft or final report of the Investigation Officer prepared following an investigation, including, but not limited to, a summary of details, determination of whether harassment occurred, and

recommendations for resolution, including recommendations for disciplinary action.

2.16 President and CEO: The senior staff member with the BC Games Society, who is responsible for the operations of the BC Games Society and the BC Games.

2.17 Prohibited Grounds: The BC Human Rights Code provides that no person shall discriminate against another person with respect to, among other things, employment, publications, accommodation, service, and facilities on any of the following grounds:

- race
- colour
- ancestry
- place of origin
- political belief
- marital status
- conviction for an offense unrelated to employment
- physical disability
- mental disability
- sex
- age
- sexual orientation
- family status
- religion

2.18 Reasonable Person Standard: In relation to a determination of harassment under this policy, an assessment of responsibility that takes into account not only what the Complainant and the Respondent actually experienced, knew or understood about one another or the situation, but also what a reasonable person in each of these circumstances would have, or ought to have experienced, known or understood.

2.19 Respondent: The person who has allegedly committed the act(s) of harassment.

2.20 Responsible Adult: Where the Complainant or the Respondent is a minor (under 19), or otherwise unable to speak for themselves, a parent, guardian, or other adult of the person's choice, who may speak on behalf of the Complainant or minor Respondent, as referred to in section 8 of this policy.

2.21 Retaliation: Any action taken against an individual in retaliation for:

- a) having invoked this policy on behalf of himself/herself or another individual;
- b) having participated or cooperated in any investigation under this policy; or
- c) having associated with anyone who has invoked this policy or participated in an investigation.

### **3. Responsibility**

- 3.1 The BC Games Society recognizes Provincial Sport Organizations may have harassment policies. In cases of incidents involving members of PSO's, and volunteers of host community societies, the BC Games Society policy will apply only when another does not, or do not meet the standards of the BC Games Society policy. The BC Games policy will apply in incidents between members of two different partner organizations. The recommended procedure is for the Complainant to contact the appropriate person within their organization. This person will then contact their counterpart in the other organization, if necessary. During the Games, the Intake Volunteers will receive all complaints and address the issues, or direct them to the appropriate person for further action.
- 3.2 Provincial Sport Organization harassment policies apply when an incident occurs between two members or volunteers of the same Provincial Sport Organization.
- 3.3 The BC Games Society Harassment Policy applies when incidents occur:
  - a) involving BC Games Society staff or Board members;
  - b) between members of different Provincial Sport Organizations;
  - c) between Host Community volunteers or BC Games Society staff and Sport Volunteers and Provincial Sport Organization members or volunteers;
  - d) between two members of the same Provincial Sport Organization that occurred during the BC Games, as a direct result of participation in the BC Games and where the BC Games Society Harassment Advisor or Intake Volunteer feels the issue can be resolved informally during the duration of the Games without an investigation;
  - e) between parties as described in Section 3.1 or 3.2 where the appropriate organization's policy does not meet the standards of the BC Games Society policy.
- 3.4 The BC Games Society Board is responsible for the implementation of this policy.
- 3.5 The Host Community Board is required to abide by this policy.
- 3.6 The BC Games Society is responsible for:
  - a) ensuring that all of its directors, officers, employees, persons under an employment contract, and volunteers, are familiar with this policy;

- b) appointing trained Harassment Advisor or Intake Volunteers;
- c) paying for any costs associated with processing a Complaint;
- d) ensuring a fair and impartial Discipline Committee;
- e) imposing disciplinary or corrective measures in a fair and timely manner, taking into account the recommendations made by the Harassment Discipline Committee;
- f) ensuring a fair and impartial Appeals Panel, should an appeal be launched.

3.7 The BC Games Society will act quickly on any Complaint of Harassment with the goal of resolving the situation fairly and of preventing future occurrences, including determining and enforcing appropriate discipline, if required.

#### **4. Jurisdiction**

- 4.1 A Complaint may be lodged by any person against any employee, director, officer, volunteer, or participant of the BC Games Society or the BC Games.
- 4.2 A Complaint under this policy must be initiated within one year of the incident (or last of a series of incidents) giving rise to the Complaint.
- 4.3 A person may initiate a Complaint under this Harassment policy if:
  - a) the Complainant alleges that the respondent has committed an act of harassment as defined in this policy; and
  - b) the Respondent is an employee, director, officer, volunteer, participant, or agent of the BC Games Society;
  - c) the Complaint is initiated within one year of the incident (or last in a series of incidents) giving rise to the Complaint. If the Complainant is a minor, the one year commences when the parent or guardian of the minor is made aware of the incident or last in a series of incidents from herein referred to as “the Minor’s Limitation Period”; and
  - d) the Harassment Advisor or Intake Volunteer determined that the subject matter of the Complaint is appropriately dealt with under this policy rather than an alternate, internal

complaint process of an affiliated Provincial Sport Organization.

- 4.4 If the Complainant has initiated a complaint under any other internal or external complaint process (other than a complaint under the BC Human Rights Code) in relation to the incident(s) which is the subject matter of a Complaint under this policy, the BC Games Society may:
- a) hold the Complaint in abeyance until the other process is completed; or
  - b) decline to process the Complaint on the basis that the issues are being fully dealt with in the alternate process.

## **5. Confidentiality**

- 5.1 Subject to any limits or disclosure requirement imposed by law or required by this policy, any and all information, oral and written, created gathered, received or compiled through the course of processing a Complaint is to be treated as confidential by both the Complainant and Respondent, their representatives, witnesses and all persons dealing with the Complaint pursuant to this policy.
- 5.2 In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.
- 5.3 The Freedom of Information Act applies to this and all policies of the BC Games Society.

## **6. Complaint Procedure**

- 6.1 A person who thinks he or she has been subjected to conduct which constitutes harassment under this policy (the "Complainant") is encouraged to make it known to the person responsible for the conduct (the "Respondent") that the behaviour is unwelcome, offensive, and contrary to this policy.
- 6.2 If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant may initiate a complaint under this Harassment policy.
- 6.3 A Complaint is initiated under this policy by:
- a) delivering a written statement seeking recourse under this policy to the President and CEO or Harassment Advisor or Intake Volunteer of the BC Games Society or by verbally informing the President and CEO or the Harassment Advisor or Intake

Volunteer of the BC Games Society of an incident which may be in violation of this policy, when outside of Games-time.

- b) reporting the incident to the Intake Volunteer, when during Games-time.

6.4 At the first meeting the Complainant (either in-person or via telephone) shall be provided a copy of this policy and inform the Complainant of the following:

- a) the overall process of making and processing a Compliant;
- b) the option of pursuing an informal resolution of the Complaint;
- c) the option to proceed with a formal investigation under this policy when an informal resolution is not appropriate or feasible;
- d) the availability of counseling and other resources;
- e) the confidentiality provisions of this policy;
- f) the right to be represented by a person of his/her choice (including legal counsel) at his/her own expense at any stage in the complaint process;
- g) other avenues of recourse, including the right to file a complaint with the BC Council of Human Rights Tribunal or, where appropriate, to contact the police where the conduct may be an offense pursuant to the Criminal Code;
- h) the fact that discipline may be imposed on the Complainant if it is found that the Complaint is frivolous or vexatious.

6.5 Following the initial meeting:

- a) if the Complainant and the Harassment Advisor or intake volunteer agree that the conduct does not constitute harassment, no further action is taken and no written record of the Complaint will be made;
- b) if the Complainant and the Harassment Advisor or Intake Volunteer agree that the Complaint does constitute harassment and the Complainant wished to proceed with the complaint, the Complainant shall prepare a written statement outlining the name of the Respondent(s), the details of the alleged incidents of Harassment, and the names of any witnesses (the "Complainant's Statement"). The Complainant's

Statement shall be dated and signed by the Complainant;

- c) if there is a discrepancy between the Complainant and the Harassment Advisor or Intake Volunteer on whether the Complaint constitutes harassment, a second Harassment Advisor or Intake Volunteer will be asked to meet with the Complainant to review the Complaint and make a determination. The decision of the second Harassment Advisor or Intake Volunteer with respect to this issue shall be binding.

6.6 Upon receipt of the Complainant's Statement by the Harassment Advisor or Intake Volunteer, the Harassment Advisor or intake volunteer shall either:

- a) process the Complaint in accordance with this policy; or
- b) reject the Complaint on the basis that:
  - i. the facts alleged in the Complainant's Statement, if proven, would be insufficient to utilize the harassment policy given the Reasonable Person Standard;
  - ii. the subject matter of the complaint is frivolous or vexatious, made for an improper purpose, or otherwise not made within the spirit of the policy; and/or
  - iii. the subject matter of the Complaint falls within the jurisdiction of another internal policy of the BC Games Society or the jurisdiction of an external authority.
- c) if the Complainant has initiated a Complaint under any other internal or external complaint process (other than a complaint under the BC Human Rights Code, see Section 1.8) in relation to the incident(s) which is the subject matter of a complaint under this policy, the Harassment Advisor or Intake Volunteer may hold the Complaint in abeyance until the other external or internal process is completed.

6.7 In the event that the Harassment Advisor or Intake Volunteer rejects the Complaint pursuant to paragraph 6.6, the Complainant may appeal the decision by requesting that another Harassment Advisor or Intake Volunteer assess the Complaint. The second Harassment Advisor or Intake Volunteer may either confirm the rejection of the Complaint or allow the Complaint to proceed. The second decision with respect to this issue shall be final and binding.

## **Informal Resolution**

- 6.8 If the Complainant wishes to attempt resolution of the Complaint on an informal basis, the Harassment Advisor or intake volunteer will attempt an informal resolution, which may include:
- a) the Complainant talks to the Respondent about the behaviour;
  - b) the Harassment Advisor or Intake Volunteer talks to the Respondent about the behaviour;
  - c) the Harassment Advisor or Intake Volunteer acts as an informal mediator between the Complainant and Respondent;
  - d) the Harassment Advisor or Intake Volunteer accesses the services of a professional mediator for the Complainant and Respondent;
  - e) other types of informal resolution that do not include an investigation.
- 6.9 If the Complaint is resolved informally to the satisfaction of the Harassment Advisor or Intake Volunteer, the Complainant and the Respondent, or if the Complainant decides to withdraw the Complaint, the Harassment Advisor or Intake Volunteer will make careful notes of the actions taken and a report shall be submitted to the BC Games Society omitting names but outlining generalities of the Complainant and the resolution. This report will be securely filed by the BC Games Society.

## **Formal Resolution**

- 6.10 If the Complaint is not resolved informally to the satisfaction of the Harassment Advisor or Intake Volunteer and the Complainant, the Complaint shall be referred to an Investigation Officer for investigation.
- 6.11 The BC Games Society may impose interim measures pending the investigation of a Complaint if the BC Games Society is of the view that the imposition of such measures is in the best interests of the Complainant, Respondent or the BC Games Society. Interim measures are not sanctions and may take many forms including, but not limited to:
- a) the imposition of conditions upon the continued participation of the Respondent in the activities or business of the BC Games Society;
  - b) suspension of the Respondent from participation in the activities or business of the BC Games

- Society, with or without pay, pending completion of the investigation; or;
- c) such other conditions as the BC Games Society determines necessary.
- 6.12 At the time the Complainant's Statement is forwarded to the Investigation Officer pursuant to paragraph 6.10, a copy of the Complainant's Statement shall be placed in the BC Games Society's records relating to the Respondent.
- 6.13 When the Investigation Officer receives the Complainant's Statement from the Harassment Advisor or Intake Volunteer, the Investigation Officer will:
- a) Review the Complainant's Statement; and
  - b) Give a copy of the Complainant's Statement to the Respondent.
- 6.14 When the Investigation Officer gives a copy of the Complainant's Statement to the Respondent, the Investigation Officer will include with the Complainant's Statement, a copy of this policy and a notice that the Respondent has the right to be represented by any person of her/his choice at any stage of the process when the Respondent is required or entitled to be present.
- 6.15 The Respondent will provide a written statement in response to the Complaint ("Respondent's Statement") to the Investigation Officer within 14 (fourteen) days of receiving the Complainant's Statement. If there are special circumstances, the Investigation Officer may extend the time for response.
- 6.16 The Investigation Officer shall forward a copy of the Respondent's Statement to the Complainant.
- 6.17 In a timely manner, the Investigation Officer shall conduct an investigation as to the facts and circumstances relevant to the Complaint.
- 6.18 During the investigation, the Complainant and Respondent shall advise the Investigation Officer of all evidence which is relevant to the Complaint. The Investigation Officer shall attempt to obtain written, signed statements from all relevant witnesses.
- 6.19 Upon completion of the Investigation, the Investigation Officer shall prepare a draft Investigation Report (the "Draft Investigation Report").
- 6.20 The Draft Investigation Report shall contain:
- a) a summary of relevant facts;
  - b) a determination as to whether the act(s) in question constitute(s) harassment as defined in this policy;
  - c) a statement of the standard of conduct used to assess the complaint;

- d) an executive summary, including findings;
  - e) an analysis of the complaint and conclusions;
  - f) if the act(s) constitute(s) harassment, recommendations for resolution which may include disciplinary action against the Respondent;
  - g) if the act(s) does(do) not constitute harassment, recommendation to dismiss the Complaint, and
  - h) if the Investigation Officer finds that the Complaint was frivolous or vexatious, recommendations for disciplinary action against the Complainant.
- 6.21 When recommending disciplinary action to be taken against the Respondent, the Investigation Officer 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 the Complainant and the Respondent;
  - e) the ages and mental abilities of the Complainant and/Respondent;
  - f) whether the Respondent had been involved in previous Harassment complaints;
  - g) whether the Respondent retaliated against the Complainant.
- 6.22 In the event that the Investigation Officer recommends that the Complaint be dismissed on the basis that the Complaint was frivolous or vexatious, the Investigation Officer may recommend both a form of discipline for the Complainant and a remedy for the Respondent.
- 6.23 In addition to recommendations for discipline against the Complainant or the Respondent, the Investigation Officer may recommend any other measure she/he considers appropriate in the circumstances. Such recommendations shall be made in writing and supported by reasons.
- 6.24 Upon completion of the Draft Investigation Report:
- a) the Investigation Officer shall provide the Complainant and the Respondent with a copy of the Draft Investigation Report; after which

- b) within seven (7) days of receiving the Draft Investigation Report, the Complainant shall provide the Investigation officer with a written statement outlining any alleged factual errors in the report (the “Complainant’s response”).
- 6.25 After receiving all comments and/or written statements from the Complainant and Respondent pursuant to paragraph 6.23, and conducting such follow up investigation as necessary, the Investigation Officer shall finalize the Investigation Report (the “Final Investigation Report”) and forward a copy of the Final Investigation Report to the Complainant, the Respondent, and the Harassment Discipline Committee;
- 6.26 The Harassment Discipline Committee shall consider the Final Investigation Report and make a determination as to whether the Respondent committed act(s) of harassment pursuant to this policy.
- a) if the Harassment Discipline Committee determines that the Respondent breached this policy, it shall recommend such resolution or disciplinary action to be taken against the Respondent as is appropriate in the circumstances.
  - b) if the Harassment Discipline Committee determines that the Respondent did not breach this policy, it shall dismiss the Complaint.
  - c) if the Harassment Discipline Committee determines that the Complaint was frivolous and vexatious it may recommend resolution or disciplinary action be taken against the Complainant.
- 6.27 When imposing disciplinary action, the Harassment Discipline Committee shall consider the factors referred to in paragraph 6.21 and may impose such action as it considers appropriate under the circumstances which may include, but is not limited to:
- a) no action;
  - b) a verbal apology;
  - c) a written apology;
  - d) a letter of reprimand from the BC Games Society;
  - e) a fine or levy;
  - f) referral to counselling;
  - g) sensitivity training in harassment issues;
  - h) removal of certain privileges of participation or employment;

- i) demotion or pay out;
  - j) temporary suspension with or without pay;
  - k) termination of employment or contract.
- 6.28 In addition to, or in place of, the recommendations for discipline against the Complainant or Respondent, made by the Investigation Officer in the Investigation Report, the Harassment Discipline Committee may recommend any other measures it considers appropriate in the circumstances. Such recommendations shall be made in writing and supported by reasons.
- 6.29 The Harassment Discipline Committee shall use the definitions contained in the BC Games Society Harassment policy when making its decision.
- 6.30 The Harassment Discipline Committee shall, not more than 14 (fourteen) days after it makes its decision, send a copy of its decision to the Complainant, the Respondent, the Host Community President, President and CEO of the BC Games Society and the Investigation Officer.
- 6.31 After completion of its duties, the Harassment Discipline Committee shall turn over all copies of the Final Investigation Report and other material related to the Complaint to the BC Games Society.

### **Standard of Proof**

- 6.32 In reaching a decision on whether the policy has been violated, the Harassment Discipline Committee will use a standard of proof corresponding to the civil burden of proof on a balance of probabilities.

### **Withdrawal**

- 6.33 If the Respondent withdraws from the Complaint process or chooses not to participate in the process, the process (including an appeal) may proceed based solely on the Complainant's testimony and supporting evidence and disciplinary measures may be imposed on the Respondent in his or her absence.
- 6.34 If the Complainant withdraws from the process or chooses not to participate in the process, the process (including an appeal) may either:
- a) be dismissed; or
  - b) proceed based solely on the Respondent's testimony and supporting evidence in which case disciplinary measures may be imposed on the Complainant in the Complainant's absence.

## **Suspension**

- 6.35 The Board of Directors may suspend a Respondent from participation in BC Games Society activities without notice or for failure or refusal to comply with any disciplinary action administered under this policy.
- 6.36 Notwithstanding the procedure set out in this policy, the BC Games Society may temporarily suspend, until further notice, any person who has been charged with a criminal offense that may constitute harassment under this policy, from membership or participation in any BC Games activities, whether or not a Complaint has been received or an investigation has been completed pursuant to this policy.
- 6.37 Notwithstanding the procedures set out in this policy, the BC Games Society may suspend any person who has been convicted of a criminal offense involving conduct that may constitute harassment under this policy, from membership or participation in any BC Games activities for an appropriate length of time having regard to:
- a) the seriousness of the incident(s);
  - b) the length of sentence imposed in the criminal proceeding, if any;
  - c) any other relevant circumstances.

## **7. Appeals**

- 7.1 Appeals for a Harassment Complaint will follow the BC Games Society Appeals Policy and Process. Refer to the policy and process documentation and referenced additional materials.

## **8. Representation by Responsible Adults**

- 8.1 The BC Games Society policy will offer confidentiality in attempting to find an informal resolution of a Complaint in the case of minor incidents. Serious incidents will be referred to an Investigation Officer or the police. In cases where the Harassment Advisor or Intake Volunteer is unsure, the Harassment Advisor or Intake Volunteer should protect the confidentiality of the minor and request clarification from a lawyer.
- 8.2 If the Complainant is a minor, or someone otherwise unable to speak for themselves, the Complaint may be brought forward by a "Responsible Adult". The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:
- a) making a Complaint;
  - b) receiving all notices on behalf on the Complainant;

- c) being present at all dealings with the Complainant.
- 8.3 If the Respondent is a minor, or someone otherwise unable to speak for themselves, the following shall apply:
- a) if the Harassment Advisor or Intake Volunteer is attempting an informal resolution of a Complaint, the Harassment Advisor or Intake Volunteer may speak to the Respondent directly concerning the complaint PROVIDED THAT, prior to speaking to the Respondent, the Harassment Advisor or Intake Volunteer shall have informed the Respondent that he/she may have a responsible adult present during the meeting.
  - b) if the Complaint is referred to an Investigation Officer for investigation:
    - i. a copy of the Complainant's Statement shall be forwarded to the Responsible Adult representing the Respondent if such person is known;
    - ii. the Respondent shall be advised that he/she has the right to be represented by a Responsible Adult; and
    - iii. the Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including:
      - a) responding to the Complaint's Statement;
      - b) assisting the Respondent prepare a Respondent's Statement;
      - c) receiving all notices on behalf on the Respondent; and
      - d) being present at all dealings with the Respondent.

## 9. Records

- 9.1 The BC Games Society President and CEO shall be responsible to keep all records required to be kept under this policy, including the Harassment Advisor or Intake Volunteer's report and any Investigation Report(s).

- 9.2 Where a Complaint is resolved informally without investigation:
- a) the Harassment Advisor or Intake Volunteer shall provide the BC Games Society President and CEO with a confidential written record of the Complaint (without names) and details of the informal resolution; and
  - b) no reference to the incident shall be recorded in the BC Games Society's records relating to the Respondent.
- 9.3 Each Harassment Advisor or Intake Volunteer shall have access to notes and records made by any other Harassment Advisor or Intake Volunteer.
- 9.4 If the Complaint is not resolved informally and the complaint is referred to an investigation Officer for investigation, a copy of the Complainant's Statement shall be placed in the BC Games Society's records relating to the Respondent at the time the Complainant's Statement is forwarded to the Investigation Officer.
- 9.5 Where an investigation results in a finding of harassment, the outcome of the investigation and any disciplinary action shall be recorded in the BC Games Society's records, relating to the Respondent. The records shall include copies of the Complaint, the Investigation Report, the Discipline Committee report and, if applicable, the Appeals Panel's decision.
- 9.6 Where an investigation results in a finding that the Complaint is not substantiated, all records of the Complaint shall be removed from the BC Games Society's records relating to the Respondent.
- 9.7 Where an investigation results in a finding that the Complaint was frivolous and /or vexatious, the outcome of the investigation and any disciplinary action shall be recorded in the BC Games Society's records relating to the Complainant. The records shall include copies of the Complaint, the Investigating Report, the Discipline committee Report and, if applicable, the Appeals Panel's decision.

## **10. Review and Approval**

- 10.1 This policy was approved by the BC Games Society Board of Directors on the   26   day of  October , 2012          .