

# **ASUA Harassment Policy**

## **DEFINITIONS**

1. The following terms have these meanings in this policy:
  - “Complainant”- An individual who experiences harassment.
  - “Member”- All categories of membership defined in the ASUA Bylaws, as well as all individuals employed by or engaged in activities with ASUA.

## **POLICY STATEMENT**

2. The Board of Directors of ASUA is committed to providing a sport and work environment that is safe, welcoming, inclusive and respectful. Such an environment does not include or condone discrimination or harassment. The Board of Directors recognizes that harassment is a form of discrimination, and like discrimination is prohibited in Alberta under the Alberta Human Rights Act and by human rights legislation in Canada. In its extreme forms, harassment can also be an offence under Canada’s Criminal Code.
3. The Board of Directors does not tolerate discrimination or harassment; therefore, individuals that are found to have discriminated or harassed another individual will be subject to strict discipline. Depending on the circumstance and tempered by the factor of common sense, such discipline may include reprimands, suspension and/or dismissal.

## **DISCRIMINATION**

4. Discrimination is a distinction, based on grounds relating to personal characteristics of an individual or group which, whether intended or not, has the effect of imposing disadvantages on that individual or group not imposed on others, or withholding or limiting access to advantages available to others.
5. Distinctions that constitute discrimination include, but are not limited to:
  - Age
  - Ancestry
  - Colour
  - Disability
  - Family status
  - Gender
  - Marital status
  - Physical or mental disability
  - Place of origin
  - Race
  - Religious beliefs
  - Sexual orientation

## HARASSMENT

6. Harassment is a form of discrimination and takes many forms, but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals that is known, or ought to be known, to be unwelcome.
7. Behaviours that constitute harassment include, but are not limited to:
  - Written or verbal abuse or threats;
  - The display of audio or visual material which is offensive, or which one ought to know is offensive;
  - Unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation, or abilities;
  - Leering or other suggestive or vulgar gestures;
  - Condescending, paternalistic or patronizing behaviour that undermines self-esteem, diminishes performance, or adversely affects working conditions;
  - Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - Unwanted physical contact including touching, petting, pinching or kissing;
  - Unwelcome sexual flirtations, advances, requests, invitations, questions or discussions;
  - Use of homophobic or other derogatory sexual terms;
  - Any form of hazing;
  - Behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative, hostile or poisoned environment;
  - Criminal conduct such as stalking and physical or sexual assault or abuse; or
  - Retaliation or threats of retaliation against an individual who reports harassment.
8. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:
  - Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
  - Such conduct has the purpose or effect of interfering with an individual's performance; or
  - Such conduct creates an intimidating, hostile or poisoned environment.
9. Behaviours that constitute sexual harassment include, but are not limited to:
  - Sexist jokes;
  - Display of sexually offensive material;
  - Sexually degrading words used to describe a person;
  - Inquiries or comments about a person's sex life;
  - Unwelcome sexual flirtations, advances or propositions;
  - Persistent unwanted contact; or
  - Sexual assault.

## APPLICATION

10. This policy applies to all Members as defined in the definitions relating to discrimination and harassment that may occur during the course of all ASUA business, activities and events.
11. Harassment and discrimination arising within the business, activities and events of clubs, leagues, associations, affiliates or partners of ASUA will be dealt with using the policies and mechanisms of such other organizations.

## PROCEDURE

12. If you are being harassed:
  - a) Tell the harasser that their behaviour is unwelcome and ask them to stop.
  - b) Make a complaint. If, after asking the harasser to stop their behaviour, the harassment continues, promptly report the conduct to a Representative of ASUA. A Representative may be any one of the following with whom you feel most comfortable:
    - an ASUA representative in charge of the event,
    - any member of the Board of Directors,
    - the President or Vice President of the zone Branch.
  - c) Keep a written record of details about the incidents that you consider constitute harassment (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.

## COMPLAINTS

13. Receipt of a complaint must be timely and will be held in strict confidence. Information regarding a complaint will be communicated to only those individuals who must have knowledge of the complaint for the purposes of investigation or the imposition of discipline.
14. Once a written complaint, signed by the Complainant, is received, it will be kept strictly confidential. An investigation will be undertaken immediately and all necessary steps taken to resolve the problem. If appropriate, action taken may include conciliation.
15. The role of the Representative is to serve in a neutral capacity in assisting in an informal resolution of the complaint, where this is appropriate. If the Representative is unable to assist in an informal resolution of the complaint, or if an informal resolution is not appropriate, the Representative will report the complaint to the President of ASUA.
16. Except in the case where the President is the subject of the complaint or is the Complainant, it is the responsibility of the President to ensure the complaint is fully investigated. Where the President is the Complainant or the subject of the complaint, the Board of Directors shall appoint another person to be in charge of the investigation.

## INVESTIGATION

17. Both the Complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.
18. The investigation will be carried out in a timely manner and at the conclusion of the investigation a written report will be provided to the President. This report will make findings and where the complaint is substantiated, will set forth recommendations of appropriate discipline.
19. If the evidence does not support a complaint which has been made with sincerity and without malice, the Board of Directors will undertake all reasonable steps to ensure that no one suffers because of the allegations.
20. If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately. The President may determine that the alleged conduct is of such seriousness as to warrant immediate suspension of the Member.
21. Harassment and discrimination complaints arising during competition may be dealt with immediately by an ASUA representative in a position of authority. In such instances, disciplinary sanctions will be for the duration of the event only. Further sanctions may be applied but only after a review of the matter in accordance with the procedures in this policy. This review does not replace the appeal provisions of this policy.

## DISCIPLINE

22. Discipline sanctions that may be imposed include the following, singly or in combination, depending on the nature and severity of the case:
  - Verbal or written apology;
  - Letter of reprimand;
  - Suspension from membership for a defined period of time;
  - Indefinite suspension from membership to be reviewed at a future time;
  - Termination of membership or employment;
  - Any other sanction considered appropriate under the circumstances.
23. Any sanctions applied will take effect immediately. Failure to comply with a sanction will result in automatic suspension of membership in ASUA until such time as the sanction is fulfilled.

## RELUCTANT COMPLAINANT

24. If at any point during the proceedings under this policy, the complainant becomes reluctant to continue, it will be at the sole discretion of ASUA to continue the review of the complaint in accordance with this policy. In such instances, ASUA will take the place of the complainant.

## APPEAL

25. An individual who is sanctioned under this Policy may appeal, in accordance with ASUA's Discipline and Appeal Procedures Policy.