

HARASSMENT POLICY AND PROCEDURE

PURPOSE

The YQueerL Society for Change is dedicated to creating positive change within their community and providing support for the LGBTQ+ community, especially addressing areas that are not being addressed within the current capacity in the current community. Policies are essential in providing substance to this mandate. The purpose of this policy is to clarify the expectations regarding appropriate and inappropriate behaviour of Directors, Chairs, members, employees, volunteers, and any other individual operating on behalf of the Society.

PERSONS AFFECTED

The YQueerL Society for Change Board of Directors / The YQueerL Society for Change members / Employees & Volunteers of The YQueerL Society for Change, and any individual operating on behalf of The YQueerL Society Change.

POLICY STATEMENT:

The YQueerL Society for Change 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. The Society is committed to providing an environment free from all forms of harassment, including sexual harassment.

RESPONSIBILITIES

It is the responsibility of The YQueerL Society for Change Board of Directors to:

- a. Abide by this policy in its entirety,
- b. 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, and
- c. Under no circumstances dismiss or downplay a legitimate complaint, nor should the complainant be told to deal with it personally.

It is the responsibility of the membership, employees, volunteers, and any other individual operating on behalf of the Society to:

- a. Abide by this policy in its entirety.

PROCEDURES

1. COMPLIANCE WITH LAWS

- 1.1. Directors will conduct the Society's business in accordance with applicable legislation, and are expected to comply with the following but not limited to: *Alberta Societies Act, Employment Standards Code of Alberta, Freedom of Information and Protection of Privacy Act, Alberta Human Rights, Criminal Code of Canada, Citizenship, Multiculturalism Act* and all other applicable legislation.

2. ZERO TOLERANCE

- 2.1. Harassment or discrimination against any member, Director, employee or volunteer will not be tolerated.
- 2.2. The board will address all complaints in a manner it deems appropriate.

3. HARASSMENT

- 3.1. Harassment occurs when an employee is subjected to continued 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.
- 3.2. The Society will not tolerate harassing behavior such as, but not limited to, the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; 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. unwelcome invitations or requests, whether indirect or explicit.

4. **SEXUAL HARASSMENT**

- 4.1. 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:
 - 4.1.1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - 4.1.2. submission to, or rejection of, such conduct by an individual affects that individual's as above tenure.
- 4.2. The behaviour need not be intentional in order to be considered sexual harassment.

5. **BOARD OF DIRECTORS RESPONSIBILITY**

- 5.1. It is the responsibility of the Board 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.
- 5.2. Under no circumstances shall the Board dismiss or downplay a legitimate complaint, nor should the complainant be told to deal with it personally.

6. **ALBERTA HUMAN RIGHTS COMMISSION**

- 6.1. If pursued under Appendix A, Section 2 and as per current *Alberta Human Rights* legislation, complaints may be made to the [*Alberta Human Rights Commission*](#)

DEFINITIONS

- “Director” means an individual member elected to the Board of Directors, as stated in Article 5 of the Bylaws.
- “Employee” means a person who receives all or part of their income from the payroll of YQueerL.
- “Member” means an individual in Good Standing, as stated in Article 3 of the Bylaws
- “Volunteer” means any individual, other than a director, or employee.

REVISION HISTORY

- July 26, 2018: New Policy

APPENDIX A
HARASSMENT PROCEDURES

1. Anyone being harassed ought to:
 - 1.1. Tell the harasser that their behaviour is unwelcome and ask them to stop.
 - 1.2. 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.
 - 1.3. 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:
 - 1.3.1. A President of the Board
 - 1.3.2. A Director of the Board
2. All members, Directors, employees and volunteers have the right to contact the *Alberta Human Rights Commission* to make a complaint of sexual harassment.
3. Any incident of assault should be reported immediately to the Lethbridge Police Service, then to an individual identified in Section 6.1.c.

APPENDIX B COMPLAINT PROCESS

1. Any complaint will be kept strictly confidential.
2. The Board will immediately undertake an investigation of the complaint.
3. A neutral third party individual, agreed upon by both the Board and the accused, shall Chair the Committee
4. Committee members must sign a confidentiality agreement (Appendix A).
5. The Committee will undertake all necessary steps to investigate the complaint within 30 days.
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. Following the investigation, the Committee will meet, in camera, with the Board to report their findings.
8. The Committee will undertake all necessary steps to report their findings to the Board within 14 days of completing their investigation.

APPENDIX C
INVESTIGATION OUTCOME STAYS

1. If the investigation reveals evidence to support the complaint of harassment, the board will discipline the harasser appropriately.
 - a. If the accused is an employee of the Society the incident will be documented.
2. If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint of the alleged harasser.
 - a. If the complainant is an employee of YQueerL, no documentation will be placed in their employment file when the complaint has been made in good faith (see appendix D point 8), whether the complaint is upheld or not.
3. 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, employees, and / or volunteers.
4. All findings from the Committee, including confidentiality agreements and decisions, will be sealed by the Board after they act on the information. The sealed file will be stored at the offices of the Society and will be destroyed 18 months after the complaint was reported.
 - a. If YQueerL does not have an office to store the sealed file, an external auditor shall store the sealed file until the 18 month period expires.

APPENDIX D
DISCIPLINARY PROCEDURE

1. Once the Investigation Committee reports to the Board, the Board will, in camera, weigh the evidence and determine a resolution to the investigation.
2. If the Board deems the accused guilty of an offence under this policy, they shall, through an in camera resolution of the Board, determine the appropriate discipline for the accused.
3. At the discretion of the Board, appropriate discipline may include conciliation.
4. Discipline of a member, Director, or volunteer may include, but is not limited to, suspension from Board or volunteer work or revocation of membership.
5. Discipline of an employee of the Society may include, but is not limited to, suspension from work – paid or unpaid – and / or dismissal.
6. As part of its decision, the Board may report the incident to the Alberta Human Rights Commission.
7. If the Board deems the accused not-guilty of a violation under this policy, they shall, through an in camera resolution of the Board, 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.
8. If the Board deems that a complaint has not been made in good faith, they shall, through an in camera resolution of the Board, determine the appropriate discipline for the complainant.
9. Regardless of the decision of the Board, a President or designate will speak individually with only the accused and complainant, advising them of the decision of the Board and of next steps.