

Operating Policy 14 – Harassment

Policy

- 14.1. GaLTT's Harassment Policy is intended to:
 - Prevent, detect, and correct discriminatory, harassing, or bullying conduct or behaviour;
 - Encourage individuals to report what they in good faith believe to be improper conduct or behaviour directed toward themselves;
 - Ensure the receipt, documentation, and resolution of reports received under this policy; and
 - Protect reporting individuals from discrimination and retaliation.
- 14.2. Gabriola Land and Trails Trust (GaLTT) recognizes a moral and legal responsibility to provide an environment for its officers, directors, employees, contractors, and volunteers that is free from discrimination and all forms of harassment and bullying.
- 14.3. Discrimination, harassment and bullying are unacceptable behaviours that will not be tolerated.
- 14.4. The Executive Committee will take steps to ensure that all officers, directors, contractors, and volunteers have a common understanding of appropriate and expected conduct and behaviour as well as their own rights and responsibilities regarding harassment. On an ongoing basis, the GaLTT president will:
 - provide all new directors, employees, and contractors with a copy of this policy and review it with them.
 - ensure that all members and volunteers are advised about the existence of this policy and provided with instructions on how to access it on the GaLTT website.
- 14.5. Harassment is defined as any form of conduct or comment that is directed at, and is offensive to, another person, and which that person knew or ought reasonably to have known, would be unwelcome and cause offence or harm. It comprises objectionable conduct, comment, or display that demeans, insults, belittles, or causes personal humiliation or embarrassment, and any acts of intimidation or threats, which detrimentally affects individual well-being or the communal environment. It includes, but is not limited to, harassment of a sexual nature (offensive and/or unwelcome sexual invitations, conduct, or contact) and bullying behaviour.
- 14.6. Harassment includes discriminatory harassment within the meaning of the Canadian Human Rights Act (CHRA). For the purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction of an offence for which a pardon has been granted or in respect of which a record of suspension has been ordered.
- 14.7. When undertaken in an appropriate manner, harassment excludes differences of opinion, constructive feedback, guidance or advice about organizational-related behaviour and performance, or actions taken by an employer or supervisor relating to the management and direction of a worker or the place of employment. However, interactions of this type must be undertaken in a constructive, objective way that does not humiliate or intimidate.
- 14.8. No officer, director, employee, volunteer, contractor, or other individual who, in good faith, reports a concern shall be threatened, discriminated against, or otherwise subject to retaliation or, in the case of an employee, suffer adverse employment consequences as a result of such report. This applies even

if an investigation proves that no unlawful activity has occurred. Moreover, an officer, director, employee, volunteer, contractor, or other individual who retaliates against a person who has reported a concern in good faith is subject to discipline, up to and including dismissal from the organization, termination of employment or contract, or prohibition from attending an activity or future activity.

- 14.9. A person making a report under this policy must have reasonable grounds for believing that the matter raised is a significant violation of law or policy. The act of making allegations maliciously, recklessly, with gross negligence, or with the foreknowledge that the allegations are false or unsubstantiated, will be viewed as a serious offense and may result in discipline, up to and including dismissal from the organization, termination of employment or contract, or prohibition from attending an activity or future activity.
- 14.10. This policy applies to any person:
- engaged in GaLTT business, or participating in any GaLTT-sanctioned activity, as a director, employee, contractor, or volunteer;
 - acting on behalf of GaLTT; or
 - doing business under contract with GaLTT.

Practice

- 14.11. GaLTT employees who believe they have been subjected to harassment of any kind have the responsibility to report the harassment as quickly as possible to their supervisor. Employees who are uncomfortable reporting the harassment to their immediate supervisor (whether because the supervisor has committed the harassment, or for any other reason whatsoever) or who do not believe the concern is being addressed appropriately, must report the harassment to the next higher level of management above the immediate supervisor or, if they prefer, to any member of the Executive Committee.
- 14.12. Officers, directors, volunteers, and contractors should report concerns to the Executive Director (if applicable) or to the Board president. If the person making the report is not comfortable reporting to either of these individuals or if he/she does not believe the issue is being addressed appropriately, the individual may report directly to any member of the Executive Committee.
- 14.13. Members of the public who believe they are being subjected to harassment of any kind at a GaLTT-sanctioned event or activity should immediately report concerns to any GaLTT board member present. Pending further investigation, immediate steps may be taken to stop the alleged harassment, up to and including dismissal of the accused person from the event.
- 14.14. All complainants are encouraged to report harassment behaviour in writing. A complaint form may be found in the Policies section of the GaLTT website. If a written report is not possible, the person receiving the complaint shall take detailed written notes of the individual's oral report. Individuals who are not themselves complainants, but who assist in an investigation relating to unlawful activity, will also be protected from discrimination and retaliation.
- 14.15. Reports should be as detailed as possible, including names of the people involved, witnesses, when and where the incident occurred, and what behaviour and/or words led to the complaint. Supporting documents, such as emails, handwritten notes, or photographs should be attached to the report. Physical evidence, such as vandalized personal belongings, can also be submitted.
- 14.16. Unless required by law to immediately report a violation, GaLTT shall promptly and with due care investigate all complaints made in accordance with this policy. The person receiving the initial report

shall forward it to the Executive Committee (excluding any members of the executive who are included in the complaint) within five business days.

- 14.17. Mediation: under some circumstances, mediation, which is a process by which a neutral third party helps people involved in a complaint reach a solution acceptable to all parties, may be appropriate as an alternative to a formal investigation. Mediation is undertaken prior to initiating a formal investigation and will only proceed with the agreement of all parties to the complaint.
- The Executive Committee will make all parties to the complaint aware that mediation is an option.
 - If all parties agree to work toward a mediated settlement, the Executive Committee will appoint a mediator, from within the organization or from outside it, who is acceptable to all parties, is not otherwise involved in the complaint, and who will not be asked to represent the organization at any stage of any proceedings related to the complaint.
 - Any person may refuse mediation. Individuals should not accept mediation if they feel pressured or at a disadvantage or uncomfortable with the process for any reason. The investigating committee will not pressure parties to pursue this remedy.
 - If mediation does occur, each person has the right to be accompanied and assisted during the sessions by someone with whom they feel comfortable.
 - If mediation does not occur or is unsuccessful, a formal investigation will be initiated.
- 14.18. A formal investigation of a complaint will be directed by the Executive Committee (excluding any members of the executive who are included in the complaint). The Executive Committee may delegate the investigation to a standing harassment committee or external subject matter expert.
- 14.19. The investigating committee will meet to decide how to conduct an investigation to determine whether the allegations are true, whether the issue is significant, and what actions, if any, are necessary to address and correct the issue.
- 14.20. Investigation of the complaint must commence within 10 business days of the receipt of the report.
- 14.21. Investigations will include interviews with the complainant, respondent, and any witnesses. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.
- 14.22. Investigations will be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations.
- 14.23. If deemed appropriate, the investigating committee shall seek legal advice.
- 14.24. The investigating committee shall submit a written summary of the investigation to the Board of Directors. The report will include:
- a description of the allegations;
 - the response of the person the complaint was made against;
 - a summary of information learned from witnesses (if applicable); and
 - a conclusion about whether, on a balance of probabilities, harassment did occur;
 - recommendations for corrective action, if any.
- 14.25. Corrective action for the person found to have engaged in harassment may include: a reprimand; prohibition from participating in a GaLTT activity or committee; termination of employment; or dismissal from the organization.

- 14.26. If the Board is unsatisfied with the findings or recommendations of the investigating committee, it may request that the investigating committee provide a more detailed report for review. In this event, the final findings and decisions regarding corrective action will rest with the Board.
- 14.27. The complainant and respondent(s) will be provided with a copy of the final summary report and the decision regarding outcome.
- 14.28. Where complainants or respondents are dissatisfied with the outcome of a complaint, they will be reminded of their rights under the British Columbia Human Rights Tribunal (<http://www.bchrt.bc.ca>).
- 14.29. Privacy:
- All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.
 - GaLTT and all individuals involved in the harassment complaint process, will comply with all requirements of BC's Personal Information Protection Act to protect personal information.
 - Reports of concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible. However, due to the need to thoroughly investigate reports, GaLTT cannot guarantee absolute confidentiality.
- 14.30. Record keeping:
- All records of an active complaint and investigation including notes, documents, photographs, and other evidence will be kept securely. These records will be considered confidential and access will be given only to members of the investigating committee.
 - If a complaint is found to be substantiated, written records of the investigation will be retained. Such records may be opened by the complainant or requested by courts.
 - If a complaint is found to be false or unsubstantiated, all records of it will be destroyed.
- 14.31. Unauthorized disclosure of information relating to an investigation under this policy to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the organization.

—DATE ADOPTED: June 2020