



YOUR HEALTHY CHOICE AMBASSADOR

## Discrimination and Harassment Prevention Policy and Procedures

**Effective Date: February 4, 2014**

The Mentoring Junior Kids Organization (MJKO) is committed to fostering and sustaining an inclusive, diverse, and accessible sport and volunteer environment that is respectful and free from discrimination and harassment. MJKO will take every reasonable step to:

- Create and sustain a supportive, safe environment for all volunteers
- Prevent workplace discrimination and harassment and promote awareness of the rights and responsibilities of all volunteers
- Identify and eliminate any discrimination and harassment in a timely manner

Notwithstanding this policy, every person who experiences discrimination or harassment continues to have the right to seek assistance from the Human Rights Tribunal of Ontario, even when steps are being taken under this policy.

### Purpose and Scope

The purpose of this policy is to provide direction to all MJKO volunteers on compliance with statutory requirements for human rights and health and safety regarding discrimination and harassment. It is also intended to aid all volunteers in understanding their responsibilities for maintaining a discrimination and harassment-free environment.

This policy applies to all MJKO volunteers. MJKO encourages the reporting of all incidents of discrimination and harassment, regardless of who the offender may be. This policy applies to harassment which may occur during the course of all MJKO business, activities and events.

### Definitions

For purposes of this policy, **discrimination** is defined as any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on one or more of the prohibited grounds under applicable legislation in the province of Ontario. Discrimination may arise due to unequal treatment, or from the same treatment which has an unequal effect on an individual or group protected from discrimination under current legislation.

The prohibited grounds of workplace discrimination are race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, age, record of offences, marital status, family status and disability. MJKO does not condone discrimination of any kind and maintains a zero tolerance approach to any behaviour that is deemed to be discriminatory, per the complaint and investigative processes outlined within this policy.

**Guidance Comment:** MJKO requests all staff and volunteers over the age of 18 to provide a Toronto Police Services (TPS) background check report. Should a background check reveal criminal convictions or legal restrictions prohibiting contact with youths or vulnerable persons, MJKO reserves the right to ban the individual's participation or presence.



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**Reason:** MJKO intends to use due diligence to mitigate the possibility of concerned parents lodging complaints or legal action against MJKO because children under our care may have come into direct contact with individuals convicted of crimes. In addition, individuals with court-ordered restrictions limiting their contact with youths or vulnerable persons may not be invited to volunteer at MJKO events, dependent on the nature of the restrictions.

**Guidance Comment:** In cases where an individual applies to MJKO, and is deemed to be mentally or physically unable to perform regular volunteer duties by the Board of Directors and the Executive Director, MJKO reserves the right to limit or ban the individual's participation in, or presence at events.

**Reason:** MJKO is currently a small organization of volunteers, with limited resources and numerous overlapping volunteer accountabilities. Volunteers are required to participate in sometimes rigorous workouts, normally in very noisy settings. Unless modified duties can be established to accommodate existing physical or cognitive restrictions as confirmed by the prospective volunteer, the individual's participation will be limited, per MJKO's discretion.

For purposes of this policy, **harassment** is defined as engaging in a course of vexatious comments or conduct against any individual that is known or ought reasonably to be known to be unwelcome. Types of behavior which constitute harassment include, but are not limited to:

- written or verbal abuse or threats
- the display of 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
- leering or other suggestive or obscene gestures
- condescending or patronizing behavior which undermines self-esteem, diminishes performance or adversely affects all working or volunteer environments
- practical jokes which 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 or invitations
- physical or sexual assault

### Principles

- MJKO will not tolerate discrimination or harassment during the course of any MJKO business, activities and events
- Every MJKO representative and volunteer has the right to participate in an inclusive, respectful environment, free of discrimination and harassment
- Every MJKO representative and volunteer is responsible for respecting the dignity of others with whom they may come into contact during the course of any MJKO business, activities and events
- The prevention of discrimination and harassment is an integral part of all MJKO business and activities. It is a shared responsibility, requiring cooperation between the Board of Directors, all MJKO representatives, and volunteers



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- All allegations of discrimination and harassment are treated seriously and handled on a confidential basis in accordance with this policy and applicable law, with an aim to preserve the dignity, self-respect and rights of all parties
- Responses to discrimination and harassment will be timely, take into consideration all factors, and will hold accountable those who fail to abide by this policy

### Policy Violations

Policy violations are included but not limited to:

- Any activity that could be construed as hateful, violent, or otherwise contrary to applicable legislation
- Engaging in behaviours such as those summarized under the *Definitions* section of this policy
- Making false or frivolous complaints, allegations or accusations under this policy
- Interference with an investigation, including intimidating a complainant, respondent or witnesses, or influencing a person to give false or misleading information
- Threatening or retaliating against any individual who exercises a right under this policy, or against any other person who is performing a legitimate role under this policy
- Failure of MJKO leadership to respond appropriately to information about discrimination or harassment will constitute a violation of this policy

### Accountability

During and following the resolution of alleged policy violations, all information must remain strictly confidential by all parties involved in the investigation, except when sharing information as required by law.

MJKO shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint or the name of the respondent unless such disclosure is required by law.

The MJKO Executive Director and Board of Directors are accountable for:

- Implementation of this policy
- Reviewing this policy on an annual basis, and updating it whenever necessary to ensure relevance to MJKO's objectives, and adherence to applicable legislation
- Ensuring that this policy is posted on the MJKO website, and is accessible to all MJKO volunteers
- Complying with obligations in this policy
- Discouraging any activity contradicting this policy, and preventing it, wherever possible
- Investigating any claims made under this policy, and discussing options for effective and timely resolution of all claims
- Acting in a neutral, unbiased capacity to receive, investigate, and assist in the informal or formal resolution of complaints



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- Take appropriate action to resolve complaints within the timeframes outlined under this policy
- Not threaten, intimidate or retaliate against another individual for exercising their entitlements under this policy or associated legislation

MJKO representatives overseeing events, activities and volunteers are responsible for:

- Complying with obligations in this policy
- Discouraging any activity contradicting this policy, and preventing it, wherever possible
- Escalating complaints or reporting any incidences witnessed to the Board of Directors immediately
- Following the complaint filing protocols outlined under this policy, using the *Discrimination and Harassment Prevention Policy Complaint* form appended to this policy
- Cooperating fully and completely in the investigation of discrimination/harassment allegations
- Ensuring that their behaviour does not threaten, intimidate or retaliate against another individual, for exercising their entitlements under this policy or associated legislation

Complainants, respondents, and witnesses are encouraged to cooperate fully in the process, and will have access to statements they have made and personal information that they have provided to the Board of Directors.

Every member of MJKO has a responsibility to ensure that all activities and events are free from discrimination and harassment. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy. In addition, any member of MJKO who believes that a fellow member has experienced or is experiencing discrimination or harassment during the course of MJKO events or activities is required to notify any member of the Board of Directors or the Executive Director under this policy.

In the event that a member of the Board of Directors is involved in a complaint made under this policy, MJKO's Executive Director shall appoint a suitable alternate for the purposes of dealing with the complaint.

### **Consequences for Policy Violations**

Any members of MJKO (representatives, staff, or volunteers) found to be in violation of this policy may be temporarily suspended from their duties, or may be permanently stripped of their volunteer status. In either circumstance, offenders will be banned from participating in any MJKO business, events or activities indefinitely, at the discretion of the Board of Directors and the Executive Director. All complaints will be reviewed on a case by case basis.

If it is found that the allegations of discrimination or harassment are false, vexatious, retaliatory or unfounded, MJKO reserves the right to remove the complainant from their duties as a member of the organization, and possibly to ban the individual from participating in any future activities or events.



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## Timeframes

All parties involved in the resolution of discrimination or harassment issues or complaints are expected to make every effort to act as quickly as possible, and to demonstrate full and complete cooperation in the resolution of issues or complaints.

All complaints under this policy must be filed within six months of the alleged incident.

## Complaint Procedure

MJKO representatives and volunteers are encouraged, when possible, to tell alleged offenders about unwelcome conduct or actions perceived to be discriminatory or harassing, and to ask the alleged offender to stop. Witnesses to such unwelcome behaviour are encouraged, when possible, to tell the alleged offender(s) about unwelcome conduct or actions perceived to be harassing, and to tell the alleged offender to stop.

MJKO representatives and volunteers either experiencing or witnessing behaviour contrary to this policy are encouraged to notify the MJKO representative overseeing the activity or event, or a member of the MJKO Board of Directors immediately upon experiencing or witnessing said behaviour.

The MJKO representative overseeing the event is required to take a written statement of events and to advise the complainant to review this policy and submit a written complain using the *Discrimination and Harassment Prevention Policy Complaint* form appended to this policy.

When filing a complaint, complainants must provide sufficient information to facilitate a preliminary assessment. Complaints without sufficient information will be assessed based on the information provided.

Upon receiving notification of behaviour which violates, or potentially violates this policy, either from an MJKO event or activity leader, or directly from the complainant, the Board of Directors will convene to review and discuss the written complaint and appoint a lead to investigate this matter further.

The assigned lead will contact the complainant, and will advise upon the entitlement to have a support person (or legal guardian, if underage) present during any discussions. The lead will set up a time and place to meet with the complainant either in person or via telephone to:

- discuss the matter and obtain further details pertaining to the date, time, and place in which the alleged conduct occurred
- if appropriate, identify any potential witnesses and their contact information, so that they may be asked to provide additional information
- advise the complainant of their entitlement to lodge a formal, written complaint when an information process or resolution is not appropriate
- advise upon the confidentiality provisions under this policy
- the right to withdraw from any further action in connection with the complaint at any stage
- where appropriate, direct the complainant to contact the police immediately



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The assigned lead will contact the respondent to advise of the allegations, and to obtain further details and provide him/her with an opportunity to respond to said allegations. The lead will also contact any named witnesses, if appropriate.

The lead will present a confidential written summary of findings and recommendation(s) to the Executive Director and Board of Directors for review and determination of next steps. Recommendations may include:

- No further action to be taken, because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
- The complaint should be investigated further, possibly requiring the assistance of an outside party (i.e. the police); or
- Any other resolution deemed appropriate for recommendation by the assigned lead

A copy of this report, without preliminary recommendations attached, may be provided to both the complainant and respondent, upon request. For clarity, the report shall not name individuals. Rather, the complainant will be referred to therein as "*the Complainant*", the respondent as "*the Respondent*", and any witnesses listed as "*Witness 1*", "*Witness 2*", etc.

If further formal investigation of an allegation is required, the assigned lead must endeavor to complete a full review of the matter within 5 days of completing his/her investigation. Where an extension of these timelines is warranted, the assigned lead will advise the Board of Directors, the complainant and respondent in writing of the delay, and the approximate timeline for completion of the investigation.

**Note:** the assigned lead will not have a personal or professional relationship with either the complainant or the respondent. Where the complainant is female, MJKO will endeavor to assign a female lead to investigate the allegation. Where the complainant is male, MJKO will endeavor to assign a male lead to investigate the allegation.