



## CALGARY FIELD LACROSSE CLUB RULES & REGULATIONS ON DISCRIMINATION AND HARASSMENT

Approved May 19, 2019

### **Purpose**

The Calgary Field Lacrosse Club does not tolerate or condone any degree of discrimination and or harassment by anyone associated with the Calgary Field Lacrosse Club. It is the responsibility of the Calgary Field Lacrosse Club, its staff and its Board of Directors; its members; the team officials, and parents of players registered with the Calgary Field Lacrosse Club; and all volunteers associated with the Calgary Field Lacrosse Club, to promote a harassment free sport environment.

The Calgary Field Lacrosse Club is committed to investigating reported incidents of discrimination and or harassment in a prompt, objective, and sensitive manner, taking necessary corrective action and providing appropriate support for individuals that have been adversely affected by harassment.

### 1) Non-Application of the Rules & Regulations

- a) The Calgary Field Lacrosse Club will not commence or continue its investigation should evidence be presented that a higher authority has been asked to review the case, such higher authority including:
  - i) enforcement services (municipal police, RCMP, etc);
  - ii) the Alberta Human Rights Commission, and
  - iii) Courts of the Province of Alberta.
- b) The Calgary Field Lacrosse Club will advise complainants of their right to refer any case to a higher authority should the Calgary Field Lacrosse Club feel that a higher level of expertise is needed given the nature of the complaint.
- c) Examples of these cases include, but are not restricted to:
  - i) Any complaint sexual in nature, and
  - ii) Any type of physical abuse.
  - iii) Any type of discrimination.



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### 2. Harassment Defined

- a) Discrimination and Harassment can take many forms but generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise causes offence, discomfort or personal humiliation or embarrassment to a person or group of persons;
- b) The test to determine whether harassment has occurred is three-fold:
  - I. whether a reasonable person knew or ought to have known that a behaviour would be considered unwelcome or offensive by the recipient;
  - II. the recipient found the behavior offensive; and
  - III. there is a connection between the behaviour and the mandate of the Calgary Field Lacrosse Club.

### 3. Delegation of Authority

- a) The Calgary Field Lacrosse Club Board of Directors shall appoint as they deem appropriate from time to time, a minimum of two directors who will work with the Calgary Field Lacrosse Club Board of Directors on the implementation of these Rules & Regulations.
- b) If for any other reason the Board of Directors is unable to act in these Rules & Regulations, they may delegate that function to another member of the Calgary Field Lacrosse Club staff; and in the absence of such delegation the President shall so act, including delegating that function to another member of the Calgary Field Lacrosse Club Board of Directors, staff or an impartial member of the club.

### 4. Confidentiality

- a) The Calgary Field Lacrosse Club recognizes the sensitive and serious nature of discrimination and or harassment and will strive to keep all matters relating to a complaint confidential.

### 5. Complaint Procedure

- a) Making a Complaint
  - I. A complaint shall be made by the complainant to the President in writing setting out:
    - a. the complainant's name, contact telephone number and contact email address "email address");
    - b. the name of the alleged harasser(s);
    - c. the time and place of the alleged harassment;



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- II. the events leading up to the alleged discrimination and or harassment;
  - a. the details of the alleged discrimination and or harassment; and
  - b. the names (and if possible the contact information) of any witnesses to the alleged discrimination and or harassment.
- III. The complainant may submit other written evidence relating to the complaint.

### 6. Complaint Review

- a) The President shall within 30 days review the complaint and any submitted other evidence relating to the complaint, and may interview the complainant, to determine whether the behaviour complained of meets the test of discrimination and or harassment as defined in these Rules & Regulations.
- b) If the President concludes that the behaviour complained of does not meet the test of harassment as defined, the President shall so advise the complainant in writing addressed to the complainant at the complainant's email address within that 30 day period, and provide the complainant with a copy of the Rules & Regulations.
- c) The complainant shall have 15 days from the date that email was sent, to request, in writing by email addressed to the President, a Complaint Investigation whereupon the President shall within 7 days refer the matter to a director for investigation.
- d) If the President concludes that the behaviour complained of does meet the test of discrimination and or harassment as defined, he or she may in his or her own discretion refer the matter to a director for a Complaint Investigation.

### 7. Complaint Investigation ("Investigation")

- a) A director upon receiving a referred complaint as noted above, shall interview and receive evidence from the complainant; the person(s) whose behaviour is being complained about ("respondent"); any witness identified by the complainant or the respondent as a witness; and any other person the director considers may have relevant evidence.
- b) Upon the conclusion of the Investigation, the director shall prepare a written Complaint Investigation Report ("Report"), which shall:
  - a) outline the findings made by the director as to whether the behaviour complained of, or other behaviour found by the director, is
  - b) substantiated on a balance of probabilities, and
  - c) meets the test of harassment as defined in these Rules & Regulations; and
  - d) the reasons for those findings.



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- c) The director may include in the Report any recommended resolutions or sanctions if harassment is so found.
  - d) The director shall then forthwith provide the President, the complainant and the respondent a copy of the Report, at their email addresses.
  - e) At any time before the Report is delivered, the director may, with the consent of the complainant and the respondent, refer the matter to Formal Mediation as described in these Rules & Regulations or conduct an informal mediation himself/herself.
  - f) In the event the matter is referred to Formal Mediation, the Investigation is suspended until the Formal Mediation has concluded.
  - g) Both the complainant and the respondent shall have 15 days from the date the Report was sent to them, in writing by email addressed to the President, to request a Harassment Hearing
  - h) Where there has been such a request for a Discrimination and or Harassment Hearing, the President shall within 21 days refer the matter to a Discrimination and or Harassment Hearing.
  - i) Where there has been no such request and the Report does find discrimination and or harassment, the Report shall be kept by the CALGARY FIELD LACROSSE CLUB for a period of 12 years.
8. Hearing
- a) A Hearing ("Hearing") shall be conducted by a panel ("Panel") of three independent persons, including its chairperson, all appointed by the President, before which shall be placed the Report.
  - b) The Hearing procedure shall be as follows.
    - a) The time and place of the Hearing shall be set by the President, in consultation with the Harassment Officer and the Panel.
    - b) Notice of the time and place of the Hearing shall be provided to the complainant and the respondent ("the parties") no later than 21 days before the commencement of the Hearing.
    - c) The Hearing may be adjourned at any time by the Panel on its own motion, but on motion by one of the parties only with the consent of the other.
    - d) The parties may attend in person, by counsel or by agent.
    - e) If the complainant fails to appear, the complaint will be dismissed
    - f) If the respondent fails to appear, the Hearing will proceed in the respondent's absence.
    - g) The Hearing shall be conducted in camera.



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- h) The parties may call evidence, which will not be taken under oath.
  - i) The Panel may recommend that the CALGARY FIELD LACROSSE CLUB pay the reasonable travel costs (limited to mileage and necessary accommodation) of one or both parties and a witness or witnesses.
  - j) The Panel shall prepare no later than 30 days from the conclusion of the presentation of evidence at the Hearing, a written Hearing Decision ("Decision"), which shall:
    - i) outline the findings made by the Panel as to whether the behaviour complained of, or other behaviour found by the Panel, is
      - (1) substantiated on a balance of probabilities, and
      - (2) meets the test of harassment as defined in these Rules & Regulations; and
      - (3) the reasons for those findings.
  - k) The Panel shall then forthwith provide the President, the complainant and the respondent a copy of the Decision, at their email addresses.
  - l) If the Panel concludes on a balance of probabilities that the complained of or other behavior does meet the test of harassment, it may impose any one or more of the following sanctions, which shall be included in the Decision:
    - i) a verbal apology, acceptable to the Panel;
    - ii) a written apology, acceptable to the Panel;
    - iii) a reprimand;
    - iv) a fine, not to exceed \$200.00 payable to the Calgary Field Lacrosse Club, in default of payment of which, within the time set by the Panel, all the respondent's rights and privileges with the Calgary Field Lacrosse Club will be suspended; and
    - v) removal of such Calgary Field Lacrosse Club membership rights and privileges as may be determined by the Panel for such time as may be determined by the Panel.
  - m) The Panel may make further recommendations to the President which in its opinion are consistent with and would further the goals of these Rules & Regulations
  - n) Subject to judicial review, any finding by the Panel, including sanctions, is full and final.
- c) Where the Decision does find harassment, the Decision shall be kept by the Calgary Field Lacrosse Club for a period of 12 years.



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### 9. Formal Mediation

- a) Any Formal Mediation (“Mediation”) shall be conducted by a Harassment Officer (“Mediator”) appointed by the President; but unless that person is appointed with the consent of both the complainant and the respondent (“the parties”) that person shall be a Harassment Officer other than the Harassment Officer who conducted the Investigation.
- b) The Mediation procedure shall be as follows.
  - a) The time and place of the Mediation shall be set by the Mediator, with the consent of the parties.
  - b) The parties may be accompanied by counsel or an agent.
  - c) The Mediation shall be conducted in camera.
  - d) Anything said at the mediation is and shall remain confidential, unless the parties otherwise agree in writing at the conclusion of the Mediation.
  - e) The Mediation may be adjourned at any time with the consent of the parties and the Mediator.
  - f) The Mediation shall be terminated upon the request of either party.
  - g) The Mediator may terminate the Mediation upon the Mediator concluding that there is no reasonable prospect of the Mediation being successful.
  - h) If the Mediation is terminated without a successful resolution of the complaint, the Investigation shall continue. If the Mediator is a person other than the Harassment Officer conducting the Investigation, the Mediator shall forthwith report that fact to the Harassment Officer conducting the Investigation.
  - i) If the Mediation successfully resolves the complaint, the Investigation shall cease.
- c) Where the Mediation successfully resolves the complaint, if one of the terms of the resolution is that there be kept a written record of that resolution, such written resolution shall be kept by the Calgary Field Lacrosse Club according to its terms.