



# Historical Armored Combat Sports Association HACSA

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## HACSA HARASSMENT AND SEXUAL HARASSMENT POLICY

### Purpose

The Historical Armored Combat Sports Association (hereafter also referred to as “HACSA”) is committed to providing a safe learning and operating environment in which all of its members and participants are treated with respect and dignity and have the right to learn and work in an environment free from discrimination and harassment. As part of this commitment, this policy is aimed at preventing and resolving behavior and conduct that constitutes harassment and discrimination as defined in the Canadian Human Rights Act (herein referred to as “the Act”).

HACSA will not tolerate any form of discrimination, sexual harassment or any kind of harassment in its membership, event, educational, accommodation or business dealings. This includes but is not limited to training events, fundraising related social events, event settings, tournaments, national or international travel, conferences and seminars, and refers to all forms of communication.

This Policy provides guidelines on the reporting, investigation and resolution of complaints of discrimination and harassment. Each member and participant have an obligation to understand this Policy and how it applies to their involvement with HACSA. Every member of the HACSA community has the right to file a complaint of discrimination and/or harassment.

### Definitions

The following will assist in the identification of harassment and discrimination.

2. **Discrimination** – Discrimination is unequal treatment because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, age, sex, sexual orientation, gender identity, gender expression, record of offences, marital status, family status or disability.
3. **Bullying** – is defined as the act of intentional harm to others through verbal harassment, physical assault, or other more subtle methods of coercion such as manipulation. This can often be done to coerce others by fear of threat.
4. **Harassment** – Harassment is a form of discrimination defined as a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. In some cases, a single action may be classified as harassment.
5. **Sexual Harassment** - The *act* defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any member; or that might, on reasonable grounds, be perceived



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by that member as placing a condition of a sexual nature on participation, benefits or on any opportunity for training or promotion. Sexual harassment also means engaging in a course of conduct of a gender related or sexual nature that is known or might reasonably be known to be unwelcome or unwanted. In some cases, a single action may constitute sexual harassment.

Acts of harassment can include, but are not limited to:

- Profane language and inappropriate comments or gestures
- Inappropriate physical conduct
- Material or offensive pictures that are displayed publicly, circulated, put on someone's workspace or belongings, or on a computer or fax machine
- Any inappropriate electronic or cyber activity used for the purpose of violence, intimidation and/or harassment
- Creating an intimidating or offensive working environment; or
- Creating a degrading, humiliating, or hostile work environment
- Cyber bullying, defined as any inappropriate electronic or cyber activity used for the purpose of violence, intimidation and/or harassment

### **Sexual Harassment**

Sexual harassment may include but is not limited to:

- Requests for sexual favors
- Verbal or physical conduct of a sexual nature
- Offensive sexual comments, abuse, or innuendo about how someone talks, dresses or acts
- Jokes or gestures of a sexual nature
- Material or offensive pictures that are displayed publicly, circulated, put on someone's workspace or belongings, or on a computer or fax machine; in either print or electronic form
- Staring or leering in a sexual manner
- Telephone calls or e-mail of a sexual nature
- Soliciting sexual favors in exchange for a benefit
- Unnecessary physical contact, such as massages
- Asking for dates or personal contact when the person has already indicated they are not interested

Romantic or sexual relationships between a member and any other member who may be in positions of authority can cause issue because of the influence, authority or power imbalance in the relationship. Individuals in this situation should immediately disclose the relationship to their team captain, local representative or regional director so that any required or appropriate measures can be taken to safeguard both parties. Failure to disclose the relationship can be subject to disciplinary action.



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1. **Appropriate Authority** – This person is responsible for overseeing the proper implementation, administration and enforcement of this Policy. At HACSA, the Appropriate Authority may be the Society President, a member of the Board of Directors or any member designated by the Board of Directors for this position.
2. **Complainant** – A person who is or has been subjected to, or a person who has witnessed alleged discrimination or harassment.
3. **Respondent** – An individual who is alleged to have exhibited conduct that is the subject of a complaint.

### Freedom from Harassment and Discrimination

In keeping with the Canadian Human Rights Act, HACSA prohibits discrimination or any form of harassment in involvement as well as teaching and assessment on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Every person in the HACSA community has the right to file a complaint pursuant to this policy. Nothing in this policy shall limit a person's right to pursue legal recourse that may be available to that person, including filing a complaint with the Board of Directors, initiating a grievance or complaint according to this document, or commencing legal action separately from the Society.

Every person who attempts to enforce his or her rights as identified under this policy has a right to do so without reprisal or threat of reprisal.

### Responsibilities

All members and participants of HACSA are responsible for maintaining and promoting an environment which is free of harassment and discrimination and for promptly reporting any incidents which they believe to be acts of discrimination or harassment. HACSA recognizes its responsibility to deal quickly, fairly and expeditiously with such complaints.

It is the responsibility of members of HACSA to perform the following:

- If at any time there is immediate danger to a member, the RCMP should be called.
- Reasonable effort shall be made to respect the confidential nature of a complaint; however, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the Respondent
- All members should report all situations of violence, harassment, discrimination or bullying regardless if they are a victim or a witness to a situation



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- No member shall engage in any act which constitutes violence, harassment, threats of violence or promotes situations which may lead to violence, harassment, bullying or the threat of violence.

A person who knows of, or is in possession of information about harassment or discrimination contrary to this policy and who has the authority to penalize or prevent the conduct and fails to exercise that authority may be held accountable for failing to exercise that authority and may be found to have violated this policy.

A person in authority includes any member of management (such as the Board of Directors, or Team Captains) of HACSA, or other person who is designated legally responsible for the protection of persons covered by this Policy. Such persons in authority are encouraged to seek assistance and guidance from the Appropriate Authority or his or her regional director.

Members who are contacted by an individual seeking to file a complaint about harassment or discrimination shall assist that person in obtaining the assistance in accordance with this policy and shall immediately report such matter to the Appropriate Authority or other outside legal entities as required.

### **Abuse of this Policy**

HACSA supports the prompt and timely investigation and resolution of complaints of harassment or discrimination. However, HACSA will not tolerate malicious, frivolous or vexatious complaints. Any person who makes a malicious, frivolous or vexatious or bad faith complaint may be subject to discipline up to and including termination of membership, or permanent expulsion.

Upon a finding of harassment or discrimination, the Respondent member may be subject to disciplinary action up to and including termination of membership or permanent expulsion and further legal discourse. Upon a finding of harassment or discrimination, a Respondent participant may be disciplined in accordance with HACSA's bylaws and may be subject to discipline up to and including expulsion or other legal actions as decided by the Board of Directors.

### **Confidentiality**

While individuals are encouraged to seek advice and counsel regarding possible violations of this policy, it is requested that all such information be kept confidential and not be disclosed except as provided by this Policy or in order to seek legal advice. A violation of this provision may result in discipline up to and including termination of involvement for staff, or expulsion in the case of participants.

HACSA recognizes the confidential nature of matters arising under this policy; however, it cannot guarantee that the subject matter of the complaint, the response or the



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investigation will be kept confidential. All information collected by HACSA pursuant to this policy will be kept confidential, except when disclosure is required to investigate, and/or resolve or otherwise deal with such matters, or when disclosure of evidence is required in the course of a legal proceeding.

### **Roles**

Any member or participant who feels that he or she has been the subject of harassment or discrimination contrary to this policy may attempt an informal resolution, seek advice from the Board of Directors, request informal intervention and/or file a formal complaint pursuant to this policy or the HACSA bylaws. Nothing in this policy shall limit a person's right to pursue such legal recourse that may be available to that person.

Complaints should be reported as soon as possible after the event has occurred. Parties to a complaint will be given a reasonable opportunity to dispute, correct or contradict all allegations, to present arguments and evidence in support of their position throughout all stages outlined in these procedures.

A Complainant may, at his or her discretion, withdraw a complaint at any time. However, HACSA may, at its discretion, pursue the complaint to comply with its legal obligations.

### **Process**

If you believe you have been the subject of harassment, bullying, threats, unwanted coercion, violence or sexual harassment, and if you feel comfortable in doing so, you should advise the offender that the action is unacceptable behavior and is unwelcome.

Members/participants who believe they have been subject to or have witnessed harassment, discrimination or reprisal are encouraged to resolve the issue directly by asking the person to stop immediately. They should keep a record of the incident and resolution.

Alternatively, a member/participant may seek guidance from an appropriate authority, director, or other person in authority to help in determining their course of action.

If advising the offender proves unsuccessful, or if circumstances make it difficult to take that measure, you should seek, in a timely manner, assistance from an Appropriate Authority, a Director or the President. This person will assist in helping the Complainant create or continue a careful personal written record of an incident, noting date and time, nature of behavior and the names of any witnesses. When and if the initial attempted resolution is not successful, the Complainant should not wait, and should report the complaint to their Regional Director, President, or other director in accordance with the provisions herein.



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During the investigation procedure of a complaint the following steps will be attempted by the Appropriate Authority:

1. Ensure the immediate safety of all members.
2. Confirm receipt of the complaint and all records pertaining to the complaint.
3. Inform the person against whom a complaint has been lodged.
4. Inform all parties involved of their rights and responsibilities as it pertains to the Society and its bylaws/policies.
5. Inform any other Appropriate Authority member.
6. Interview the parties concerned and any witnesses and document those interviews, as necessary.
7. Document all evidence.
8. Prepare a report and make a recommendation to the Board of Directors for their review if necessary.
9. The President, in consultation with the Appropriate Authority and other board members shall determine the appropriate action to be taken in respect to the complaint.
10. The President or other Appropriate Authority shall meet with the Complainant and the alleged harasser separately to advise them of the action to be taken and the reason for justifying it, without delay.
11. If corrective action is being taken the Appropriate Authority will inform the Respondent that the corrective measures being implemented is intended to change the behavior and any repetition of unacceptable behavior may result in more serious disciplinary action being taken.

### **Complaint Resolution Procedures**

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The President or other member of the Board of Directors may assist the Complainant in completing a written statement or, in the event a member refuses to provide information in writing, the President or member will dictate the verbal complaint.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the Complainant should provide as much of the following information as is possible:

1. The name and position of the person or persons allegedly committing harassment.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. The effect of the incident(s) on the Complainant's, or if not directly involved, in other terms or conditions of his or her involvement.
4. The names of other individuals who might have been subject to the same or similar harassment.



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5. What, if any, steps the Complainant has taken to try to stop the harassment.
6. Any other information the Complainant believes to be relevant to the harassment complaint.

### **Initial Assessment of Complaint**

Once the Complainant lodges a complaint with his/her Regional Director or Society President, the person receiving the complaint shall first determine if the complaint is within the scope of this policy, and shall advise the Complainant in writing if:

- the complaint does not fall within the definitions outlined in the policy, is not subject to this policy, and should be pursued through an alternate mechanism;
- the subject matter has been found to be frivolous, vexatious or in bad faith;
- the complaint appears to be outside the jurisdiction of HACSA; or,
- the complaint cannot be supported or substantiated.

If the complaint is deemed to be within the scope of this policy, a discussion will take place during which the Complainant shall be invited to provide details of the complaint.

During this discussion, the recipient of the complaint will explain all options available to the Complainant.

### **Informal Resolution**

The Complainant may be, and is encouraged to seek the assistance of the Appropriate Authority towards an informal resolution of the complaint. The Appropriate Authority or designated member will meet with each party involved and attempt to affect an informal resolution of the complaint.

In the absence of an informal resolution of the complaint, the Complainant may withdraw the complaint, or file a formal complaint with the Appropriate Authority.

### **Formal Complaint**

If the Complainant wishes to proceed further with his or her complaint, the Complainant must then provide a written statement regarding the alleged harassment or discrimination. This written statement will be shared with the Respondent who shall have at least 5 business days to respond, in writing, to the allegation.

The Respondent's statement should provide a specific response to each complaint. The Respondent must sign his or her statement, which will then be attached to the original complaint.



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If the Appropriate Authority determines that a formal investigation is warranted, the Appropriate Authority will investigate within a reasonable period after receiving the Respondent's response.

### **Investigation**

HACSA seeks to resolve every harassment and discrimination claim as expediently as possible. The Appropriate Authority may investigate the matter, or appoint another person or persons to conduct the investigation. The investigator(s) shall determine, on a balance of probabilities, whether a violation of this policy has occurred.

The investigator(s) shall meet with the Complainant, the Respondent and any person that may have information relevant to the complaint.

The investigator(s) may request and will receive documents, evidence or objects that may be relevant to the investigation, and the opportunity to interview any person about matters relevant to the complaint.

At the conclusion of a formal investigation(s), the investigator will prepare a written report which will include a statement of factual findings and a determination of whether, on a balance of probabilities standard, this policy has been violated.

### **Report Handling Procedures**

The Appropriate Authority shall advise the Complainant and the Respondent of the findings of any investigation conducted under this policy. In all cases, HACSA's secretary or designated document retainer shall hold a copy of the findings report.

Upon a finding of harassment or discrimination, the Respondent member may be subject to disciplinary action up to and including termination of involvement.

Upon a finding of harassment or discrimination, a Respondent participant may be disciplined in accordance with HACSA's bylaws and may be subject to discipline up to and including expulsion.

Likewise, any acts of reprisal or complaints made that are malicious, frivolous, vexatious or in bad faith may be subject to discipline up to and including termination of involvement for members or expulsion for participants.