

Western Canada Chinese Catholic Living Camp

Harassment Policy (2010)

At Western Canada Chinese Catholic Living Camp (WCCCLC), we are committed to providing an environment in which all individuals are treated with respect and dignity. The dignity and rights of all are to be preserved and respected as participating members of a Catholic Community. This community must be characterized by a safe and harmonious environment in which the needs and well-being of all are of utmost importance.

WCCCLC considers harassments of any forms a serious offence, and will not tolerate any behaviour which may undermine the dignity, respect and self-esteem of the participants. Both verbal and physical harassments are unacceptable.

Definition of Harassment

This policy adopts the definition of harassment that is similar to the one listed in the *B.C. Human Rights Code*. For the purpose of this policy, the alleged victim who files a harassment complaint is referred as the complainant whereas the alleged harasser is referred as the respondent.

Harassment is one or a series of incidents involving unwelcome actions, comments or gestures when:

1. Such conduct may reasonably be expected to cause discomfort, humiliation, insecurity or offence to another person or group;
2. Such conduct is made on the basis of age, ancestry, colour, creed, disability, family or marital status, nationality, physical attributes, place of origin, race, religion, sex, or sexual orientation;
3. Such conduct has the purpose or the effect of interfering with a participant's enjoyment of WCCCLC-related functions or creating an intimidating or offensive environment.

Harassment can involve individuals or groups. Both men and women can be the subject of harassment by either gender. Physical, sexual assault or threats of violence directed towards a participant, their families and their possessions are criminal matters and should also be referred directly to the local police department.

Examples of harassment as a form of discrimination could include, but are not limited to:

- Unwanted actions, demeaning or derogatory comments, jokes or slurs;
- Demeaning or derogatory cartoons, drawings, graffiti, pictures or posters;
- Innuendos, belittling, bullying, ostracizing or taunting a participant;
- Undermining a person's dignity by causing discomfort, embarrassment, humiliation or offense;
- Practical jokes which cause awkwardness or compromise the participant's safety;
- Creating an intimidating or offensive environment;
- Condescending, paternalistic or patronizing behaviour which undermines self-esteem.

While this Policy's definitions of harassment are not exhaustive, they have attempted to be definitive in the types of actions and behaviours that will not be permitted in WCCCLC. In assessing whether conduct constitutes harassment, WCCCLC will adopt the standard of the reasonable person; that is, "*what would the reasonable person think?*"

The question is not whether the respondent intended to offend, but rather the potential impact of his/her conducts on the reasonable person.

Definition of Sexual Harassment

Sexual harassment is defined here as a conduct that is *unwelcome* and is of a sexual nature. This definition of sexual harassment is not meant to inhibit interactions or relationships based on mutual consent or normal social contact between participants. This includes but is not limited to the following behaviours and activities:

- Sexual assault.
- Unwanted and unnecessary physical contact: brushing against, grabbing, hugging, kissing, patting, pinching, pulling or undoing clothing, touching;
- Unwanted gestures or actions which have sexual content: displaying sexually explicit material in WCCCLC-related functions, fondling or exposing oneself in an indecent manner, giving sexually suggestive gifts, leering, ogling;
- Unwanted verbal conduct: abusive or crude remarks, coercive social invitations, explicit or implicit sexual propositions, questions regarding "sex life" or preferred sexual practices, suggestive comments or innuendos about physical attractiveness, body parts, or clothing.

Although sexual harassment most commonly occurs in the form of behaviour by males towards females, it can also occur between males, between females, or as behaviour by females towards males.

According to the standard adopted for finding sexual harassment, the respondent must either *knew* or *should have known* that the conduct in question was "unwelcome". Questions therefore arise as to what responsibility, if any, the *complainant* has to explicitly tell or in some other way make clear to the respondent that such conduct was unwelcome.

Definition of Racial Harassment

Racial harassment is defined as discrimination based on race. It is generally defined as comment or conduct that is known, or ought reasonably to be known to be unwelcome focusing on an individual's race or ethnic origin.

Examples of racial harassment include but are not limited to:

- Racial or ethnic slurs, including racially derogatory nicknames;
- Unwelcome innuendo, jokes, remarks or taunting about a person's accent, racial background or ethnic origin.

Definition of Harassment Based on Sexual Orientation

Harassment based on sexual orientation is defined as comment or conduct that is known, or ought reasonably to be known to be unwelcome focusing on an individual's sexual orientation.

Examples of behaviour constituting harassment based on sexual orientation may include but are not limited to:

- Unwelcome innuendo, jokes, remarks or taunting about one's sexual preference;
- Inquiries about one's sex life or preference;
- Abusive or threatening behaviour because of one's sexual preference;
- Assumptions, decisions or remarks that reflect homophobic attitudes or behaviours.

This policy, effective November 1, 2005 and subject to change without notice, is updated as of May 1, 2007 and February 19, 2010.

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Harassment Policy—Addendum (2010)

Handling Procedures

All complaints of harassment need to be taken seriously and will be investigated in as impartial and confidential manners as possible, and, if substantiated, corrective or disciplinary action will be taken. Retaliation against a person who files a complaint of harassment or who participates in an investigation of harassment is prohibited.

The following procedures aim to minimize further distress for the complainant. Each stage in dealing with a case of harassment will involve as few personnel as possible; those who are involved in handling the case will be familiar with the issues involved in harassment. Every effort will be made to stop the harassment without grievance procedures.

The following steps should be taken in the case of a potential harassment:

1. The complainant should immediately inform the person engaging in the harassing conduct (the respondent) in an unambiguous manner that the conduct is offensive, unwelcome and must stop.
2. The complainant should immediately report the conduct to the person to whom he or she is responsible (in this case, the group facilitator of the complainant during the WCCCLC camp). This person will then report this incident to the Support Team Representative of WCCCLC. The complainant should report such incident to the person-in-charge if this is to occur during WCCCLC-related functions. The Support Team Representative should then notify at least one of the Advisors (Fr. Paul Chu and Sr. Cecilia Cham) of WCCCLC immediately.
3. Any person who has observed harassment or retaliation for making a harassment complaint should report his or her observations to the Support Team Representative of WCCCLC.
4. If an injury is to occur, the complainant will be referred to first-aid attendants or the local hospital immediately.
5. All clergies, guests and participants of WCCCLC or WCCCLC-related functions are subject to the harassment policy and procedures enclosed in this article.

Investigation Steps

1. When a complainant is acknowledged, an investigation committee will be formed. It will consist of the Support Team Representative of WCCCLC as well as a clergy available immediately for the circumstance. At least one of the Advisors of WCCCLC will immediately be notified. If the respondent is the Support Team Representative, another member of the WCCCLC Core Team will be responsible to fill the vacancy. The committee will arrange an appointment to interview the complainant and respondent within 24 hours of the complaint.
2. The respondent will be informed by the Support Team Representative about the content of the complaint including the specific areas of complaint and the name of the complainant in private. The respondent will be instructed to refrain from contacting the complainant with respect to the complaint.
3. The investigation committee will conduct an interview with the complainant. The complainant may bring a support person if they so wish. Detailed notes will be taken. The same process will be followed with the respondent.

4. Persons who may support or refute the allegations may be named by either the complainant or the respondent. Named persons will be interviewed, at the discretion of the investigation committee, in the same process as named above. The same procedure will be followed with additional persons who may have direct personal knowledge of the alleged circumstances.

Analysis and Recommendations

1. Upon the conclusion of the investigation stage, the investigation committee will review the information gathered and will make a decision with respect to the appropriate action in response to the complaint. Such action must be consistent with the results of the investigation.

The factors to be considered in the decision-making process will consist of, but not inclusive to, the following:

- The nature of the harassment: verbal, physical or both;
 - The degree of aggressiveness and/ or physical contact in the harassment, if applicable;
 - The ongoing nature of the harassment: time period;
 - The frequency of the harassment;
 - The age of the complainant;
 - The vulnerability of the complainant;
 - The psychological impact of the harassment upon the complainant.
2. If this is to occur during the camp itself, WCCCLC reserves the right to expel the respondent from the camp without refunding the camp fee; the respondent will be sent home at her/his own expense. This incident, depending on the severity of the offense, may be reported to the local police department.
 3. The complainant may choose to take legal action against the respondent at her/his own discretion and expense; however, this is not within the legal liability of WCCCLC. A record of the investigation will be kept confidential and sealed in the WCCCLC archive. This will only be made available for criminal investigative purposes by the police department if necessary.

Procedures for Cases of Harassment Involving Legal Minors

When a complaint of sexual or physical harassment of a person designated by The Criminal Code as a legal minor is disclosed or where there are reasonable grounds to suspect such abuse, the person to whom the disclosure is made or who suspects such abuse will immediately report the suspicion and the information on which it is based to the authority (according to the procedures as outlined above) as defined in the provincial/territorial statutes in the jurisdiction where the abuse is alleged to have occurred.

Once the appropriate authority is contacted, an investigation committee will be formed and will contact the individuals as they see fit (according to the procedures as outlined above).

When the complainant or respondent is a legal minor, the parent/guardian must be contacted. The suspicion and/or disclosure will not be reported to the family of the complainant if a family member is involved or named as the respondent.

Only the investigation committee or the police may question the complainant or the respondent in order that the investigation may proceed unhindered.