Sexual Harassment Policy

POLICY STATEMENT

The Shelburne Harbour Yacht Club (SHYC), the Shelburne Harbour Marina Association (SHMA) and the Shelburne Sailing School Association (SSSA) are committed to providing a safe environment for all its staff, members and guests, free from discrimination on any grounds and from harassment, including sexual harassment.

The three organizations operate a zero-tolerance policy for any form of sexual harassment at the club, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal, or loss of club membership, with no entitlement to a refund of any monies paid.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents that may be physical, verbal or non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical Conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
- Physical violence, including sexual assault.
- The use of job-related threats or rewards to solicit sexual favors.

Verbal Conduct

- Comments on somebody's appearance, sexual orientation or gender in a derogatory or objectifying way or in a way that makes them uncomfortable.
- Sexual comments, stories and jokes.
- Sexual advances.
- Flirting at an inappropriate time, for instance in a team meeting, even if these advances would have been welcome in a different setting. These actions can damage a person's reputation and expose them to further sexual harassment.
- Repeated and unwanted social invitations for dates or physical intimacy.
- Insults based on the sex of the member/staff/guest.
- Condescending or paternalistic remarks.
- Sending sexually explicit messages (by phone, email, social media or any means).

Non-verbal Conduct

- Display of sexually explicit or suggestive material.
- Creating or posting sexually offensive materials in the club or on (club) social media.
- Sexually suggestive gestures.
- Whistling.
- Leering.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. All three organizations recognize that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

The SHYC, SHMA and SSSA recognize that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships (in the workplace, for example between manager and employee).

Anyone - including employees of the three organizations, club members, clients, casual workers, contractors or visitors - who sexually harass another are subject to and will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within the Clubhouse, Marina or Sailing School premises or outside, including at social events or training sessions sponsored by any of the three organizations.

COMPLAINTS PROCEDURE

Anyone who is subject to sexual harassment should, if possible and comfortable/safe doing so, inform the alleged harasser that the conduct is unwanted and unwelcome. That said, the SHYC, SHMA and SSSA all recognize that it may be difficult, awkward, unsafe, or otherwise not possible for the victim to inform the alleged harasser.

A victim can also approach one of the designated people responsible for receiving complaints of sexual harassment. That person could be the Manager (manager.shyc.ns@gmail.com), or the organization's Flag Officers and executive members - the Commodore (commodore.shyc.ns@gmail.com), the Vice-Commodore (vicecommodore.shyc.ns@gmail.com), and the Rear Commodore (rearcom.shyc.ns@gmail.com), the Sailing Academy Director (saildirector.shyc.ns@gmail.com) or Secretary (secretary.shyc.ns@gmail.com)

If a report of sexual harassment is received by the Manager, the Manager will bring it to the attention of one or more of the above members of the Executive Committee, all of whom, for the purposes of this sexual harassment policy, should be considered of equal rank and authorized to investigate allegations, even if they are being directed at another Flag Officer or member of the Executive Committee.

Reports of sexual harassment by any staff, member(s) or (their) guests will be investigated by the Executive Committee, through the following steps:

- Although individuals may first choose to make a verbal complaint, a written summary of the incident will be required and may be sent to any of the Executive Committee members.
- A letter of complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses, if any. The letter should be signed and dated by the complainant.

- The executive member(s) receiving the complaint will:
    - Involve outside legal counsel when deemed neccessary.
    - Immediately record the dates, times and facts of the incident(s).
    - Ascertain the views of the victim as to what outcome they want.
    - Ensure that the victim understands the organization's procedures for dealing with the complaint.
    - Discuss and agree to the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if they are not satisfied with the outcome.
    - Keep a confidential record of all discussions.
    - Respect the choice or choices of the victim.
    - Ensure that the victim knows they can lodge the complaint outside of the organization through the relevant legal framework.
- Complaints should be reported as soon as possible. If the complaint is delayed beyond three months, the complainant should outline the reason for the delay in reporting the incident(s).

The three organizations recognize that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. As a result, we understand the need to support victims in making complaints.

INVESTIGATION

Within three working days (or a reasonable period of time) of receiving a complaint, the Executive Committee must start the investigation process. Next steps could be either an informal, or a formal complaint (depending on the wishes of the victim):

Informal Complaints Mechanism

If the victim wishes to deal with the matter informally, the designated person from the Executive Committee will:

- Give an opportunity to the alleged harasser to respond to the complaint.
- Ensure that the alleged harasser understands the complaints mechanism.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant or refer the matter to a designated mediator within the organization to resolve the matter.
- Ensure that a confidential record is kept of the process and resolution.

- Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.
- Ensure that the above is done speedily, preferably within 14 days of the complaint being made.

Formal Complaints Mechanism

If the victim wants to make a formal complaint, or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person from the Executive Committee who initially received the complaint will refer the matter to the SHYC Investigation Committee (which will be made up by at least 2 non-partial Executive Committee members and 1 non-partial non-committee member) for a formal investigation.

The formal investigation may include, but is not limited to the following:

- Interview the victim and the alleged harasser separately.
- Interview other relevant third parties (like witnesses) separately.
- Create and maintain a record of the inquiry.
- Decide whether or not the incident(s) of sexual harassment took place.
- Produce a report detailing the investigations, findings and any recommendations.
- If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. an apology, a change to working arrangements, training for the harasser, discipline, suspension, dismissal, etc).
- Follow up to ensure that the recommendations are implemented, that the behavior has stopped, and that the victim is satisfied with the outcome.
- If the committee cannot determine that the harassment took place, it may still make recommendations to ensure proper functioning of the workplace/club membership space.
- Keep confidential record of all actions taken.
- Ensure that the process is done as quickly as possible and in any event within 14 days of the complaint being made.

CONFIDENTIALITY

- Information about complaints and incidents shall be kept confidential to the extent possible.
- While the investigation is on-going, the complainant, the accused and any witnesses should not discuss the incident or complaint or the investigation with

each other or other members/staff, unless necessary to obtain advice about their rights.

- The Investigation Committee may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.
- Whenever possible, investigation reports are presented in a summary format without the names of witnesses.
- All records of the investigation will be kept confidential.

SANCTIONS AND DISCIPLINARY MEASURES

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- Verbal or written warning.
- Adverse performance evaluation.
- Reduction in wages.
- A negative performance review.
- Demotion.
- Suspension.
- DIsmissal.
- Loss of club membership, with no entitlement to a refund of any monies paid.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal or loss of club membership of the harasser.

POLICY IMPLEMENTATION

SHYC, SHMA and SSSA will ensure that this policy is widely disseminated to all relevant persons. It will be included in staff handouts and shared with all members (current and new). All new employees must be trained on the content of this policy as part of their induction into the organization.

Every year, SHYC, SHMA and SSSA will require all employees to attend a refresher training course reviewing the content of this policy. It is the responsibility of every Manager to ensure that all their employees are aware of the policy.

Notwithstanding the above, in any extremely urgent and/or life-threatening situation at the clubhouse or grounds, particularly regarding serious violence, the most important and immediate concern is the safety and well-being of the affected person. If there is imminent danger to a person's safety, police, fire department or paramedics should be called, by calling 9-1-1.

This code does not supersede an individual's right to pursue a police report and or investigation, or legal counsel.

This code does not supersede an individual's right to contact Safe Sport Canada: https://shyc.ca/wp-content/uploads/SHYC-Safe-Sport-Policy-April-24-2023.pdf