

The Toronto Bicycling Network Inc. (TBN), is committed to providing an environment in which all TBN participants are treated with respect and dignity. Harassment or discrimination will not be tolerated from any person in the workplace.

For the purposes of this policy:

- *workplace* means the location where any TBN event or activity takes place or TBN business is conducted and includes forms of electronic communication operated by TBN.
- *TBN participant* means registered members, volunteers and non-members who attend TBN events or participate in TBN activities.
- *Discrimination* means words or actions that are likely to promote discrimination, contempt or hatred toward any TBN participant on the basis of race, national or ethnic origin, ancestry, colour, citizenship, religion, age, sex, marital status, family status, sexual orientation, gender identity, disability, political affiliation, receipt of public assistance or level of literacy.
- *Workplace harassment* means engaging in a course of vexatious comment or conduct against a registered TBN member in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.
- *Workplace sexual harassment* means:
 - (a) engaging in a course of vexatious comment or conduct against a TBN Participant in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
 - (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the TBN Participant and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

- *Respondent* means any person who is alleged to have committed an infraction under this policy.
- *Complainant* means any person who alleges an infraction under this policy that has been committed against him or her or personally witnesses an infraction against another person by at TBN participant.

Reasonable action, including disciplinary action, taken by the TBN Board of Directors (The Board), relating to the management and direction of registered members is not workplace harassment.

TBN registered members, while performing TBN duties are encouraged to report any incidents of harassment or discrimination to any member of the TBN Board of Directors. A Director receiving a complaint must forthwith notify the President who shall arrange for the complaint to be addressed at the next meeting of the Board of Directors or if appropriate, call for a special meeting to address the complaint.

Confidentiality: The discussions held by the TBN Board involving any complaint received shall be dealt with 'in-camera'. Where the complainant or respondent is a member of the Board of Directors, that member is barred from any involvement surrounding the management of a complaint made under this policy.

No member of the Board of Directors may disclose the identity of the complainant or respondent or discuss the contents of the complaint outside of an 'in-camera' session except as necessary with another member of the Board of Directors and/or the appointed investigative person, for the purposes of management of the complaint.

Neither the complainant nor the respondent may be present during any 'in-camera' session unless specifically invited to be present by the Board of Directors for the purposes of management of the complaint.

Filing a Complaint: Any complaint initiated under this policy must be submitted in writing and be signed by the complainant. To be accepted as a complaint under this policy, the event(s) prompting the allegation must have occurred within the previous six months. (An electronic email, text or similar form is not a complaint in writing.)

Notice To Respondent: Where a complaint has been received by the Board and the respondent is a registered member of TBN the respondent shall be notified in writing that a complaint under this policy has been received. The notice shall also inform the respondent that once an investigator has been assigned, that investigator will be in contact with the respondent as soon as is practical. This notice must be delivered within 15 days of receipt of the complaint by the Board.

Respondent not a Member: Where the Respondent was not a registered member of TBN either at the time of the alleged infraction or at the time the complaint is received by the Board, the Board may choose what, if any action is to be taken relative to the complaint. This action may include barring that person from becoming a member and/or from participating in any future TBN event or activity. Notice of this action may be in whatever form is determined by the Board to be most appropriate under the circumstances.

Notice To Complainant: Where a complaint has been received by the Board, the complainant shall be informed in writing that an investigator, once assigned, will be in contact with the complainant as soon as is practical.

Notice Delivered: Where the respondent and or the complainant is a registered member of TBN, any notice issued under this policy shall deemed to have been delivered if done so in person or by registered mail to the most current address on file with the TBN membership records. Where the complainant or respondent is not a registered member then notice may be by any means determined by the Board to be reasonable and appropriate under the circumstances.

Complaint Investigation: Where a complaint is received, the Board shall appoint an appropriate person, who may or may not be a member of the Board, to conduct an inquiry into the complaint's allegation(s).

The appointed person shall interview the complainant, the respondent and any witnesses and collect and secure any other information and evidence deemed relevant. The appointed person shall return a report to the Board, in writing, within 45 days of the appointment, detailing the results of his/her inquiry, which shall include summaries of any interviews conducted and copies of any relevant photographic, video images or other relevant documentation that may exist.

The Board, by majority vote, may extend this timeline once, for an additional 30 days, where it is determined reasonably necessary in order to ensure a complete and thorough inquiry.

Receipt of Investigator's Report: Upon receipt of the investigator's inquiry report, the Board, must consider the results of the report and within 45 days make a determination on what, if any action is to be taken in accordance with Section 3.06 of the TBN constitution.

Informal Resolution: Nothing in this policy or the TBN Constitution prohibits the informal resolution of any such complaint entered into with the consent of both the complainant and the respondent. On consent of both the complainant and the respondent, the assigned investigator may act as the mediator to achieve any such informal resolution.

Where, during the course of the assigned investigator's inquiry, the complainant and respondent choose to resolve the complaint informally, the complaint and respondent must indicate in writing that they have resolved the matter informally and require no further action by the Board of Directors.

All registered members of the Toronto Bicycling Network Inc, including members of the Board are expected to adhere to this policy, and will be held responsible by the Board in accordance with the TBN Constitution for not following this policy.

Once a complaint has been received under this policy, failure or refusal by the respondent, the complainant or any identified witness to participate in this process or cooperate with the assigned investigator will be viewed as a violation of this policy and such action may be subject to discipline under section 3.06 of the TBN Constitution.

Complainants or witnesses are not to be penalized or disciplined for reporting an incident involving a complaint under this policy.

Retention and Destruction of Records: Once a complaint disposition has been finalized all information and documentation relating to this complaint shall be sealed and retained in a secure location by the TBN secretary for a period of 2 years plus current, from the date of the disposition and then destroyed.