

Our Commitment

The Association of Canadian Mountain Guides (ACMG) is committed to providing a safe, healthy, and rewarding environment where everyone is treated with respect and dignity. We believe in a culture free of harassment, discrimination, violence, and bullying - allowing everyone to contribute fully, having equal access to opportunities and all that the mountains have to offer.

The ACMG does not tolerate any form of harassment, discrimination, violence, or bullying (the “prohibited conduct”). The ACMG is committed to promoting appropriate standards of conduct and a comprehensive strategy to address complaints of prohibited conduct, including:

- Providing clear rules so that obligations, rights, and responsibilities are understood
- Providing fair and effective complaint, investigation, and resolution procedures
- Providing training and education toward eliminating Prohibited Conduct
- Regularly monitoring organizational systems for biases and barriers

Application of the Policy

This policy applies to the conduct of ACMG Members (“Associates”) while:

- Offering or fulfilling professional services to a member of the public as an Associate
- Marketing or promoting themselves as an Associate
- Participating in ACMG Continuing Professional Development (CPD) or Training and Assessment Program
- Otherwise engaging in activities directly associated with the ACMG and where their conduct affects other Associates, ACMG employees, contractors, students, volunteers, or members of the public

This policy is intended to prevent or respond to Prohibited Conduct by Associates and supplement, support and ensure compliance with Human Rights legislation.

Protected Grounds

The ACMG considers the following to be Protected Grounds:

- Race
- Color
- Ancestry
- Place of Origin
- Religious Beliefs
- Gender
- Gender Identity
- Gender Expression
- Age
- Physical Disability
- Mental Disability
- Marital Status
- Family Status
- Source of Income
- Sexual Orientation

Prohibited Conduct

Violence: Violence, whether at a work site or work-related, is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. This Prohibited Conduct includes, but is not limited to:

- Physically injuring another person
- Making threats
- Engaging in aggressive or hostile behaviours that create the fear of injury to another person or subjects another person to emotional distress
- Intentionally damaging, or threatening to damage, property belonging to another Associate or another person

The ACMG prohibits Violence by Associates.

Discrimination: A distinction, whether intentional or not but based on any of the Protected Grounds, which has the effect of imposing burdens, obligations, or disadvantages on an individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society. Even if many factors affect a decision or action, if discrimination is one factor, that is a violation of this policy.

The ACMG prohibits discrimination by Associates.

Harassment: A vexatious course of behaviours, comments or actions that are known, or ought reasonably to be known, to be unwelcome to any other person. Harassment does not include any reasonable action taken by an Associate regarding reporting on the conduct of another Associate. This Prohibited Conduct includes, but is not limited to:

- Epithets, remarks, jokes, or innuendos related to a Protected Ground
- Posting or circulating offensive pictures, graffiti, or materials, whether in print form, email, or other electronic means
- Singling out a person for humiliating or demeaning “teasing” or jokes
- Comments ridiculing a person because of characteristics related to a Protected Ground

If a person does not explicitly object to harassing behaviours or appears to be going along with it in the moment, this does not mean that the behavior is acceptable.

The ACMG prohibits Harassment by Associates.

Bullying: Any behaviours, comments or actions that were known or reasonably could have been known would cause a person to be humiliated or intimidated. Bullying does not include any reasonable action taken by an Associate regarding reporting on the conduct of another Associate. This Prohibited Conduct includes, but is not limited to:

- Nicknames, insults, teasing, taunting, or making jokes that shame or humiliate someone
- Hitting, grabbing, hazing, making obscene gestures, or stealing property
- Gossiping or spreading rumours
- Sending mean or hurtful content through texts, email, or social media

The ACMG prohibits Bullying by Associates



Sexual and Gender-Based Harassment: A single or repeated course of behaviours, comments or actions directed against a person because of sex, sexual orientation, gender identity, or gender expression that is known or ought reasonably to be known to be unwelcome by that person. The ACMG prohibits sexual and gender-based harassment by Associates. This Prohibited Conduct includes, but is not limited to:

- Unwelcome sexualized physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Leering or inappropriate staring
- Having to work, guide, or learn in a sexualized environment (e.g., bragging about sexual prowess or questions/discussions about sexual activities)
- Offensive jokes, rumours, or comments of a sexual nature about another person
- Display of sexually offensive or derogatory pictures, graffiti, or other materials – including through electronic means

Retaliation: Retaliation against any person who makes a complaint in good faith under this policy is a violation of this policy. As used in this policy, retaliation refers to behaviour whereby an individual is treated differently, unequally, or negatively for reporting alleged Prohibited Conduct or for assisting in a complaint investigation pursuant to this policy.

The ACMG prohibits retaliation by Associates.

Roles and Responsibilities

Associates are responsible for:

- Reporting any threats or incidents of prohibited conduct
- Cooperating with investigations
- Respecting the confidentiality of information disclosed in any investigation process
- Upholding and abiding by this policy

Associates and members of the public can expect:

- To be treated with respect and dignity
- That reports of Prohibited Conduct shall be dealt with in a timely, confidential, fair, and effective manner
- That all investigations and adjudications will be procedurally fair
- That confidential information will be protected

The **Board of Directors** and **Executive Director** are additionally responsible for:

- Fostering a safe environment for all Associates and members of the public free from Prohibited Conduct and setting an example for appropriate behaviour
- Communicating this *Anti-Harassment and Prohibited Conduct Policy* to all Associates and the general public
- Encouraging all Associates and members of the public to report all potential breaches of this policy
- Taking all complaints seriously

The **Diversity, Equity, Inclusion (DEI) and Mental Health Services Manager** is additionally responsible for:

- Ensuring this policy and procedures are kept up to date, in compliance with Human Rights and Occupational Health and Safety legislation, and continue to meet the needs of the ACMG
- Providing all Associates with educational resources and training with regards to the Prohibited Conduct described in this policy
- Aiding all Associates to understand the specific procedures to be followed in the face of a complaint, including who, when, and how to notify the appropriate parties

Complaints Officer

- The Conduct Review Committee Chair will serve as the ACMG’s Complaints Officer
- The Complaints Officer’s duties are shown in red on the Informal and Formal Resolution Process flowcharts
- The Complaints Officer is in charge of receiving and responding to complaints, managing Complainant and Respondent needs, follow-up, and facilitating the process overall
- The Complaints Officer will access Talk-To-Spot to receive complaints

In cases where the Conduct Review Committee Chair cannot be the Complaints Officer for any reason, the Complaints Officer should be another, designated member of the Conduct Review Committee.

How To Submit and Receive a Complaint

- Complaints may be received only through Talk-To-Spot (<https://talktospot.com/acmg>)
- If a complaint is received any way other than Talk-To-Spot, then the potential complainant should be directed to Talk-To-Spot to formalize their complaint
- Complaints may be anonymous (But see section below on “Anonymous Complaints”)
- If the Complaints Officer has a conflict of interest in a complaint, then the complaint should be received by another member of the Conduct Review Committee (see “Conflicts of Interest”). In this case, the ACMG DEI and Mental Health Services Manager will facilitate the transfer of complaint information.

Initial Assessment of Complaint

- The Complaints Officer contacts the Complainant and confirms receipt of complaint
- The Complaints Officer gathers any remaining initial information and a summary of the incident(s)
- The Complaints Officer will inform the Respondent of the complaint and allow a chance to respond
- The Complaints Officer may suggest either the Formal or Informal Resolution Process as appropriate (see “Assess Severity”)
- If the Formal Resolution Process is appropriate, then the Complaints Officer will designate an Investigator
- If the Informal Resolution Process is appropriate, then the Complaints Officer will designate a Facilitator
- The Complaints Officer will inform the Complainant and the Respondent of the Rights and Responsibilities in an Investigation (see “Appendix B”)

Dismissing A Complaint

The Complaints Officer is empowered to dismiss a complaint. A complaint may be dismissed if:

- It is made as a retaliation
- A private employer has already handled the complaint adequately
- The complaint does not meet requirements outlined in “Application of the Policy”, above
- The complaint is determined to be made “in bad faith”
- The complaint does not allege a prohibited behaviour
- Another reason, as determined by the Complaints Officer

The Complaints Officer will convene a Decision Committee and explain their reasoning. The Decision Committee may vote to dismiss or continue the complaint.

A report should be made and shared with the Complainant, Executive Director, and Executive Committee.

Assess Severity

The Complaints Officer will assess the severity of the complaint and determine the most appropriate Resolution Process.

If any party feels that the scope and severity of the complaint is beyond their ability to resolve using the Informal Resolution Process, they should not engage in the Informal Resolution Process.

When looking at the complaint and intake form, the Complaints Officer will need to consider:

- Do the Complainant and Respondent have an ongoing relationship?
- Is there a violation of the law?
- Is the Complainant alleging violent behavior?
- Is there a reasonable fear of retribution?
- Is the Complainant impacted severely enough that consent cannot be given?
- Is either the Complainant or Respondent likely to be harmed through direct communication?

If the answer to any of the above questions is “yes”, then the Informal Resolution Process should not be used. If at any time the Informal Resolution Process breaks down or the discussion reveals behaviours of a nature that make this process no longer suitable, the complaint will be moved to the Formal Resolution Process.

Informal Resolution Process

Purpose

The purpose of the Informal Resolution Process is to facilitate relatively swift resolution of complaints with an emphasis on communication and restorative remedies.

The Informal Resolution Process will be facilitated by either the DEI and Mental Health Services Manager or another designated ACMG staff member (the “Facilitator”).

The Informal Resolution Process may only be used if the Complainant, Respondent, and Facilitator consent to its use and are able to work together. The Informal Resolution Process may not be mandated by any one party.

The Informal Resolution Process should take no more than 60 days to complete.

The Facilitator will ensure the ACMG has the necessary information and record that the complaint was received.

Facilitation

If both Complainant, Respondent, and Complaints Officer agree to the Informal Resolution Process, the Complaints Officer will contact a Facilitator and instruct them to begin the process. (The Complaints Officer and Facilitator may be the same person)

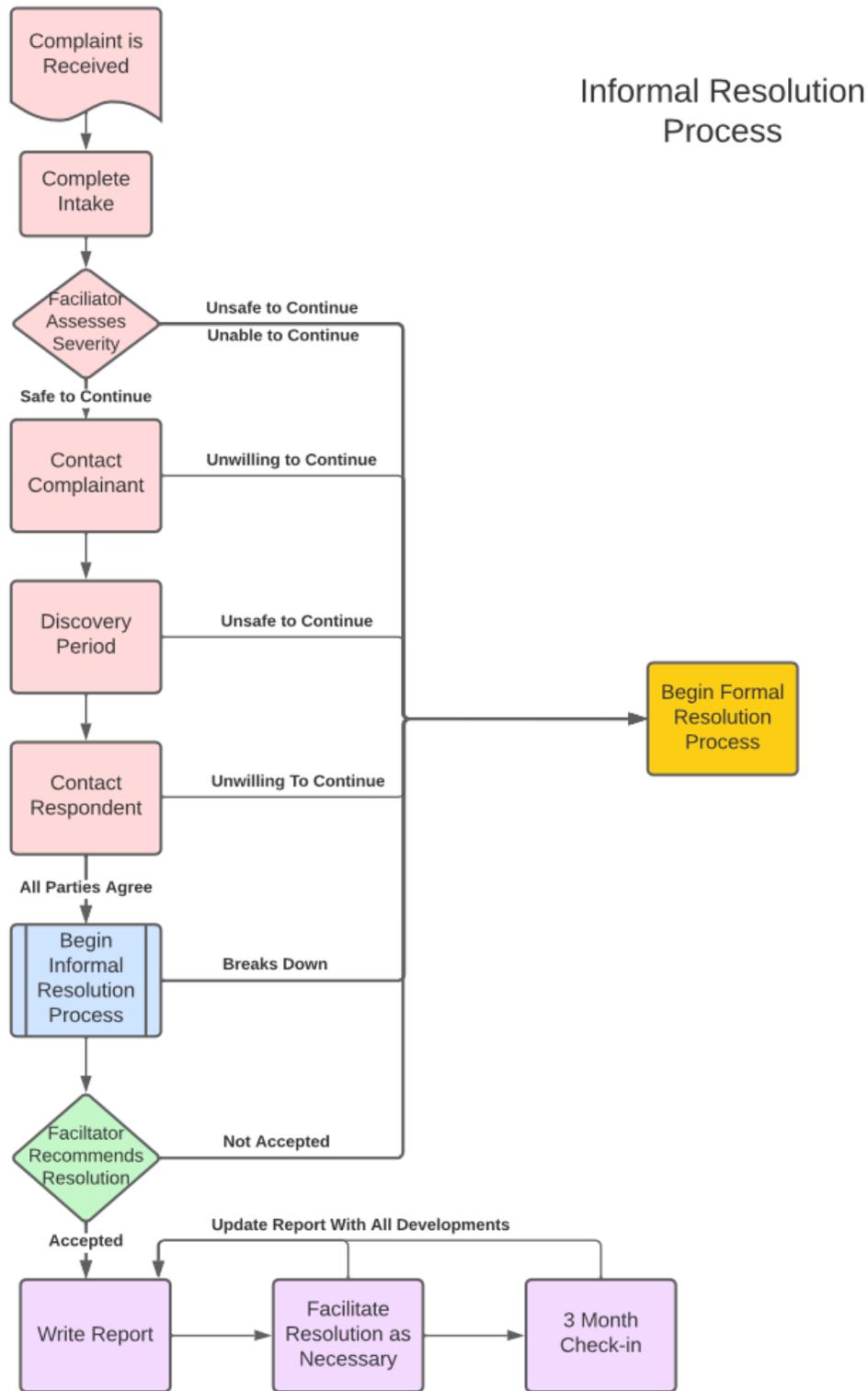
Communication can be done in person, over Zoom, on the phone, through email, or any other communication platform favoured by the parties involved.

It is preferable that the Complainant and Respondent speak directly with each other, but it is not required for this process. If the parties can come to an agreement outside of direct communication, that should be considered a desirable outcome for this process.

The Facilitator will provide general guidance to the parties on how to proceed and should conduct the facilitation in accordance with their skillset and the needs of the situation.

The Facilitator should be trained in:

- Conflict resolution/mediation
- ACMG policies and procedures
- ACMG/Mountain culture
- Trauma-Informed communication and practise
- Diversity, equity, and inclusion concepts and practises
- Diversity, equity, and inclusion workplace investigations



Resolutions

No list of potential resolutions could ever be complete. As a start, resolutions may include:

- The process itself may result in an understanding that requires no further action
- Restorative Justice with an outside professional
- Requirement for training on the part of the Respondent
- An injunction against the Complainant and Respondent working together
- A formal apology from the Respondent
- Therapy for the Complainant or Respondent

Appeals

As the Informal Resolution Process requires consent from all parties from start to finish and the results are agreed to by all parties, there is no opportunity for appeals.

Post Process

The Facilitator will write a report outlining the details of the process and the resolutions. All parties will sign the report and agree to enact the resolutions in good faith. Failure to follow through on the agreed upon resolutions will be considered a breakdown of the Informal Resolution Process and the complaint will be moved to the Formal Resolution Process.

Three months after completion of the Informal Resolution Process, the Complaints Officer will reach out to the Complainant and Respondent for feedback and any updates.

Formal Resolution Process

Purpose

This process serves complaints that allege a violation of this policy that for any reason cannot be resolved by the Informal Resolution Process. It is not necessary to attempt the Informal Resolution Process before initiating the Formal Resolution Process.

The Formal Resolution Process Consists of 5 sections:

1. Intake and Initial Assessment
2. Investigation
3. Report
4. Decision Committee Analysis and Decision
5. Follow-up

The Formal Resolution Process is expected to last up to 60 days.

Investigators

- The DEI and Mental Health Services Manager and/or a third-party subject matter expert will serve as the ACMG’s Investigator(s)
- The Investigator’s duties are shown in blue on Formal Resolution Process flowchart
- There may be more than one Investigator if the Complaints Officer determines that the complaint is of a complicated enough nature that an additional Investigator is required
- The Investigator will have training in DEI investigations

The Investigator’s job is to collect the facts of the complaint and prepare them for the Decision Committee. The Investigator has no decision-making power and will be an impartial person in the complaint (see “Conflict of Interest”). An Investigator will:

- Interview the Complainant, Respondent, and any Witnesses
- Examine any evidence
- Provide Complainant, Respondent, and any Witnesses the chance to confirm their statements after the interview
- Provide Complainant and Respondent a summary of the facts before the end of the investigation
- Prepare a report and attach all collected documentation and information
- In cases where the respondent is ACMG staff, an ACMG contractor, or an ACMG volunteer, the Investigator should make a determination regarding whether prohibited behaviour occurred
- In cases where the respondent is an Associate, the Investigator should provide only facts without opinion or analysis

The Investigator’s duties and authority are clearly defined in the Mandate and Scope Document (see “Appendix A”). Once investigation is complete, the Investigator should send their report to the Complaints Officer. Upon receipt of the Investigator’s report, the Complaints Officer will convene a Decision Committee.

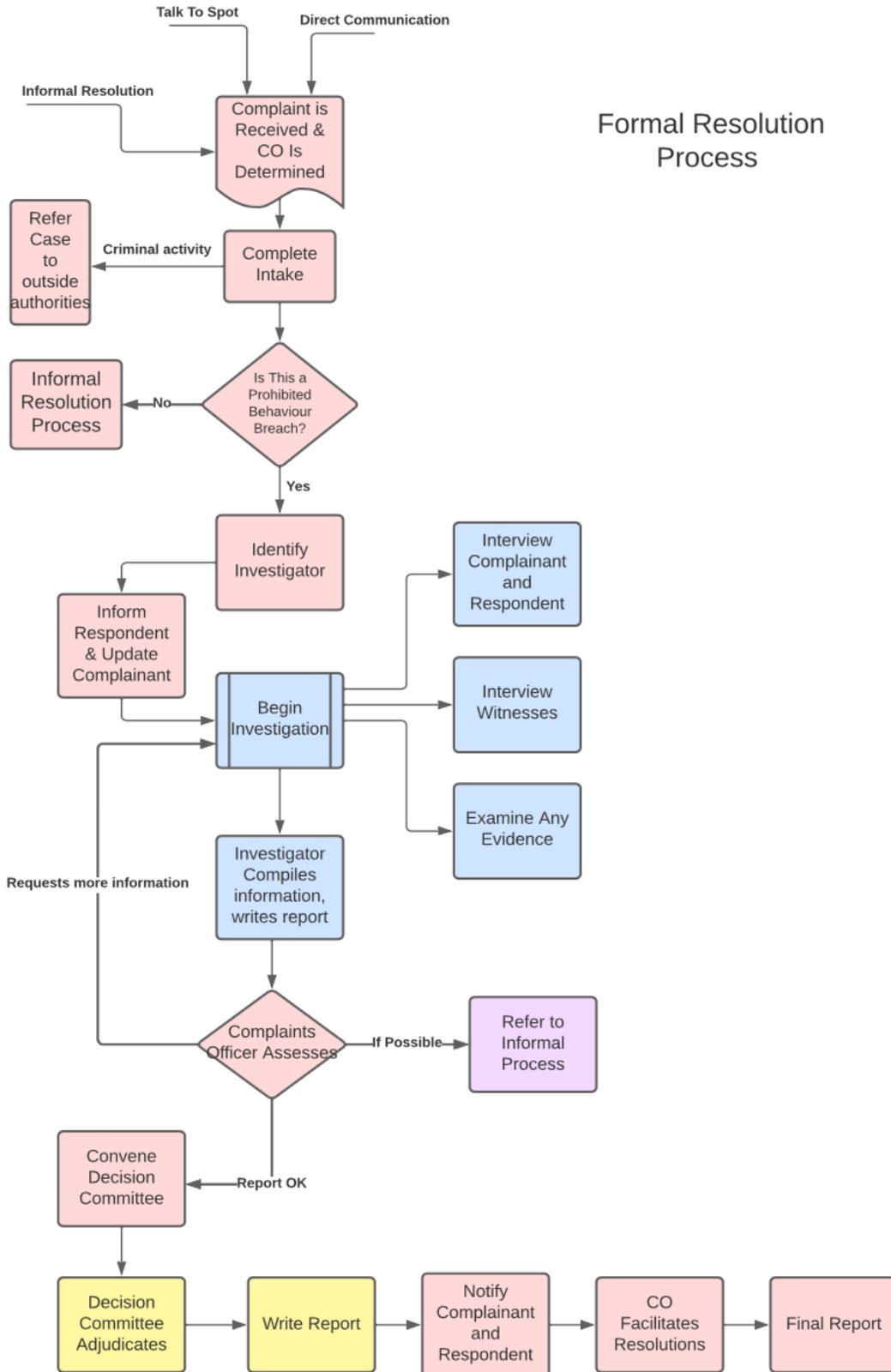
Decision Committee

The Decision Committee examines the Investigator’s report, comes to a determination on the complaint, and chooses resolutions. The duties of the Decision Committee are in yellow on the flowchart above

The Decision Committee will be comprised of three members of the Conduct Review Committee who:

- Have had no interaction with the complaint prior to this point
- Do not have a conflict of interest in the complaint
- Within reason and as is possible, represent a diverse cross-section of the Conduct Review Committee

Before agreeing to serve on a Decision Committee, potential members will be made aware of the broad nature of the complaint. Knowledge will be shared to empower potential Decision Committee members to determine their own psychological and emotional safety in regard to the complaint.



Analysis and Decision

The Decision Committee will meet by video conference or in person.

If the Decision Committee feels there is information missing in the report, they may make a request of the Complaints Officer who may approve or deny this request. If the request is approved, then the Complaints Officer will contact the Investigator and follow up accordingly. The Decision Committee will provide their decision to the Complaints Officer.

The Complaints Officer will write an executive summary of the decision to circulate to the Executive Director and Executive Committee of the Board of Directors. The executive summary will:

- Have identifying information of the Complainant, Respondent, and Witnesses removed
- State whether the complaint was upheld or dismissed
- State which resolutions were chosen

The Complaints Officer will contact the Respondent with the following information:

- Whether the complaint was upheld or dismissed
- The resolution chosen by the Decision Committee
- Any requirements of the Respondent
- Supports – either within the ACMG or outside of the ACMG – that may be useful

The Complaints officer will contact the Complainant with the following information:

- Whether the complaint was upheld or dismissed
- Any offer made by the Decision Committee to the Complainant
- Any requirements of the Complainant
- Supports – either within the ACMG or outside of the ACMG – that may be useful

The Decision Committee's decision will be binding on all parties.

Resolutions

No list of potential resolutions could ever be complete. As a start, resolutions may include:

- Restorative Justice with a professional
- Requirement for training on the part of the Respondent
- An injunction against the Complainant and Respondent working together
- A formal apology from the Respondent
- Therapy for the Complainant or Respondent
- A probationary period for the Respondent
- Loss of employment, contract, or committee position for the Respondent

Conflicts of Interest

A Complainant, Respondent, or Witness cannot serve as Complaints Officer, Investigator, or a member of a Decision Committee.

If a Complaints Officer, Investigator, or Decision Committee member believes they have a conflict, they may recuse themselves at their own discretion.

In the event the Conduct Review Committee Chair is a Complainant, Respondent, or Witness, then another member of the Conduct Review Committee shall perform the role of Complaints Officer.

If the DEI and Mental Health Services Manager is Complainant, Respondent, or Witnesses, or has any other conflict of interest, then:

- One member of the Executive Committee may be selected to perform the role of Facilitator in an Informal Resolution
- An outside Investigator will be chosen in a Formal Resolution

If both the CRC Chair and the DEI and Mental Health Services Manager are Complainants, Respondents, Witnesses, or have some other conflict of interest, then the Executive Director or one member of the Executive Committee will be given temporary access to Talk to Spot to facilitate any necessary information transfer.

Anonymous Complaints

Although the ACMG will consider anonymous complaints, Complainants will be made aware that there is limited action the ACMG can take in the case of anonymous complaints. It is rarely possible to present a complaint to a Respondent without *de facto* revealing the identity of the Complainant. In addition, Respondents who are not given access to what they are accused of or who accused them often experience considerable distress. It is likely that an anonymous complaint would end before an Investigator is chosen.

Privacy and Confidentiality

All information gathered by the ACMG and any person it employs in the execution of this policy shall be kept confidential and in a secure location.

The Complaints Officer and Investigator will not share identifying details of the Complainant, Respondent, or witnesses outside of what is necessary to complete their roles.

The Decision Committee will not share identifying details of the Complainant, Respondent, or witnesses with any but the Complaints Officer. The Decision Committee is not to seek additional information, except through a formal request to the Complaints Officer. The Decision Committee will not speak to the Complainant, Respondent, or any Witnesses about the complaint.

The Complainant will be informed that the complaint has been resolved.

Training and Prevention

The DEI and Mental Health Services Manager will receive annual training regarding executing this policy and procedures. The DEI and Mental Health Services Manager will ensure that Conduct Review Committee members receive regular training specific to participation on a Decision Committee.

The ACMG will provide Associates with training sessions and CPDs designed to prevent intentional or unintentional breaches of this policy.

Review

The ACMG will review this policy and procedures on an annual basis or as required under Human Rights and Occupational Health and Safety legislation and make necessary adjustments to ensure it meets the needs of all Associates and the general public.

Inquiries

Inquiries about this policy and procedures can be made to the DEI and Mental Health Services Manager at dei@acmg.ca.