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Sexual Misconduct Policy

Office of Accountability:	President, Calgary Polo Club
Office of Administrative Responsibility:	Vice-President, Calgary Polo Club
Approver:	Board of Governors
Scope:	Contractors, Employees, Guests, Grooms, Members, Volunteers

1. Overview

- a. Sexual Misconduct is a complex and serious problem in society. Sexual Misconduct can affect individuals of all gender identities, gender expressions, and sexual orientations, as well as those from all ages, abilities, racial, cultural, and economic backgrounds.
- b. The Calgary Polo Club (CPC) recognizes the harm caused by a culture in which common attitudes, norms and practices tolerate, normalize, trivialize, excuse, or outright condone sexual Misconduct. Sometimes called rape culture, it is perpetuated through images, television, music, jokes, advertising, jargon, words and figures of speech that normalize sexual coercion and shift blame onto those who have experienced sexual Misconduct. As an institution that exists in the context of that culture, CPC takes seriously its responsibility to reduce sexual Misconduct by fostering a culture of consent and support through policy.
- c. This policy is guided by the following principles:
 - i. the need for safety in the work, and participate in the sport of Polo, providing a community in which sexual Misconduct is not tolerated,
 - ii. the inherent dignity of all participants of the Calgary Polo Club community,
 - iii. the importance of fostering a culture of consent and support through education, training and policy initiatives,
 - iv. the need to identify and dismantle barriers to making a disclosure and/or complaint,
 - v. access to support for anyone in the University community who discloses that they have experienced or been affected by sexual Misconduct, and
 - vi. procedural fairness and support for the parties to formal complaint processes related to sexual Misconduct.

2. Purpose

The purpose of this policy is to state the Calgary Polo Club's commitment to addressing sexual Misconduct through education and awareness, providing access to comprehensive support for those who have experienced or been affected by sexual Misconduct and implementing transparent and fair processes to resolve and adjudicate complaints of sexual Misconduct.



3. **POLICY**

It is the policy of the Calgary Polo Club that sexual Misconduct committed by any Employee/Member/Guest/Groom/Volunteer of the Calgary Polo Club community is prohibited and constitutes misconduct. Prohibited conduct includes:

- sexual Misconduct,
- sexual assault,
- sexual harassment,
- stalking,
- indecent exposure,
- voyeurism, and
- distribution of intimate images.

4. **COMMITMENT TO THOSE WHO HAVE EXPERIENCED SEXUAL MISCONDUCT**

- a. Sexual Misconduct can have serious and enduring negative effects on physical, mental, emotional and spiritual health and wellness. The Calgary Polo Club recognizes the possible effects of trauma on those who have experienced sexual Misconduct and supports the efforts of individuals to seek support and recover.

Regardless of where or when it took place, any person who discloses and/or makes a complaint of sexual Misconduct can expect to be:

- i. treated with respect, dignity and compassion,
- ii. informed about on- and off-Club resources and supports,
- iii. provided with access to support, which is non-judgmental, coordinated and comprehensive
- iv. offered options for Calgary Polo Club and workplace modifications to prevent further unwanted contact with the subject of the disclosure and ameliorate, to the extent possible, the negative impacts of the sexual Misconduct on the person's working, and Polo Club environment,
- v. provided with information about available complaint processes should they wish to pursue a complaint within the Calgary Polo Club and/or to an external law enforcement agency, and
- vi. offered safety planning assistance.

5. **RESPONSIBILITIES**

- a. The Calgary Polo Club recognizes its institutional responsibility to:

- i. provide an effective policy and procedures to address and prevent sexual Misconduct,
- ii. raise awareness about the policy and procedures and relevant support services on site through institution-wide education,
- iii. raise awareness of consent, sexual Misconduct, prevention, and appropriate responses to disclosures of sexual Misconduct through institution-wide education,
- iv. balance the duty to ensure procedural fairness for any person accused of sexual Misconduct with support and fairness for the complainant within the Calgary Polo Club's complaint processes,
- v. maintaining safe, confidential, and neutral mechanisms for individuals to disclose or make a complaint of sexual Misconduct,
- vi. provide coordinated and comprehensive supports for those who disclose sexual Misconduct, and
- vii. ensure that all individuals investigating, or adjudicating complaints of sexual Misconduct in any Calgary Polo Club complaints process have appropriate training.



- a. All members of the Calgary Polo Club community are responsible for promoting respect and dignity for each other by encouraging a culture of consent, in which individuals can disclose experiences of sexual Misconduct without fear of disbelief, disrespect or reprisal.

6. **PRIVACY AND CONFIDENTIALITY**

- a. Privacy and confidentiality are essential for creating an environment where those who have experienced sexual Misconduct feel safe in disclosing their experience and seeking support. The privacy and confidentiality of those involved in a disclosure of sexual Misconduct will be protected. However, it is important to note that there may be limits to the Calgary Polo Club's ability to do so, when:
 - i. there is a likely risk of harm to self or others, or
 - ii. reporting or action is required or authorized by law.
- b. Whether or not the Calgary Polo Club can maintain the privacy and confidentiality of a disclosure will be determined on a case-by-case basis, in consultation with relevant Calgary Polo Club Board of Director or special appointed committee or under direction by legal counsel to deal with the allegations.
- c. In relation to complaints, all Calgary Polo Club disciplinary processes are confidential. In any complaint process, sufficient information must and will be disclosed as directed by legal counsel to the accused in order to meet the requirements of procedural fairness.
- d. Whether in the context of a disclosure or a complaint, all parties will be informed of the limits of privacy and confidentiality. In cases where confidentiality cannot be maintained, those affected will be informed verbally and electronically, and supported throughout the process. In such cases, only necessary information will be disclosed, and only to those with a need to know.

7. **STATEMENT AGAINST RETALIATION**

Retaliation against any person involved in a disclosure or complaint of sexual Misconduct is prohibited. Where it has jurisdiction, the Calgary Polo Club will investigate all reports of retaliation in accordance with the appropriate processes which may include the hiring of lawyers versed in the sexual Misconduct procedures.

8. **BAD FAITH COMPLAINTS**

The Calgary Polo Club recognizes the serious nature of complaints made under this policy and may take disciplinary action where allegations of sexual Misconduct are shown to be malicious, fraudulent, and/or vexatious. A complaint made in good faith is not a violation of this policy even if it is not proven in a complaint process.

9. **REVIEW**

This policy will be reviewed every 2 years or when an incident occurs.



DEFINITIONS

Calgary Polo Club community	Includes employees, grooms, guests, members as well as third party contractors, volunteers, and visitors to the Calgary Polo Club
Complaint	Usually, a written report or statement alleging sexual Misconduct made to a Calgary Polo Club official or through the hotline for the purpose of initiating an investigation and resolution process.
Consent	<p>Voluntary, ongoing active and conscious agreement to engage in the sexual activity in question. Consent or a “yes” that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent.</p> <p>Additionally, there is no consent when:</p> <ul style="list-style-type: none"> • it is given by someone else. • the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent. • it was obtained through the abuse of a position of power, trust or authority. • the person does not indicate “yes”, says “no” or implies “no” through words or behaviour. • the person changes their mind and withdraws their consent. <p>Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say “no” or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur later. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.</p>
Disclose/Disclosure	A verbal or written report or account by any person to a member of the Calgary Polo Club community that they have experienced sexual Misconduct.
Distribution of intimate images	Includes showing, sharing, distributing or streaming of images, video or audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all parties involved, or the threat to do the same.
Indecent exposure	Exposing one’s genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically.



<p>Interim measures</p>	<p>Non-disciplinary conditions that the Calgary Polo Club may impose on a person alleged to have committed sexual Misconduct. Such conditions may be imposed in response to a disclosure or complaint. The purposes of interim measures are to ensure the safety of the person who disclosed.</p>
<p>Retaliation</p>	<p>Taking, attempting to take, or threatening to take any adverse action or retribution of any kind against anyone involved in a sexual Misconduct process including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of sexual Misconduct, or friends or family members of the same.</p> <p>Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, Misconduct or other forms or threats of harm to others, and in varying modes, including in person and in electronic communication or through third parties. Retaliation can also include adverse employment or educational actions made or taken against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of this policy, or any conduct that would discourage a person from engaging in the same.</p>
<p>Sexual assault</p>	<p>Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact.</p>
<p>Sexual Misconduct</p>	<p>Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, distribution of intimate images, inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity, and other analogous conduct.</p>



<p>Sexual harassment</p>	<p>Conduct or comment of a sexual nature, which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the sexual harassment. It can be either one-time or repeated and:</p> <ul style="list-style-type: none"> • is demeaning, intimidating, threatening, or abusive; and • is not trivial or fleeting in nature; and • causes offence and should have reasonably been expected to offend; and • serves no legitimate purpose for the work <p>It may consist of unwanted sexual attention, sexually oriented remarks or behaviour, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</p> <p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation. A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals</p>
<p>Stalking</p>	<p>Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual.</p> <p>Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), and/or through a third party.</p>
<p>Voyeurism</p>	<p>Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved.</p>



I have read and understand the Calgary Polo Club Sexual Misconduct Policy. I will hold myself accountable and responsible to adhere to this policy.

Signed: _____

Print Name: _____

Dated: _____