

Harassment Claims Policy

The values of the Northview Homeowners Association are to uphold the practice of respect, fairness and courtesy and the importance of demonstrating human dignity within neighborly relationships. Success in the practice of these values will foster a safe and healthy living environment, free from harassment. In a complex and demanding environment that brings together diverse people, misunderstandings and interpersonal conflicts are inevitable. The homeowner association culture has an influence on how neighbors interact with one another, and should therefore promote the awareness and practice of good communication and effective interpersonal skills. The ongoing effort to demonstrate respect is everyone's personal responsibility.

In light of these values, the Board of Directors adopts the following policy to address claims of harassment on the basis of race, color, religion, national origin, gender, familial resident's status or disability.

Informal Resolution Process

Whether or not a written complaint has been filed, a resident who believes he or she has experienced harassment from a neighbor or a person affiliated with the Northview Homeowners Association, should be encouraged, if appropriate, to make the situation known to the other person as constructively as possible in an attempt to resolve the situation. The words chosen and the tone used to express issues and concerns, and the intent behind messages all have an impact on how the recipient receives the information and responds.

If the problem is not resolved, or if one of the parties feels he or she cannot speak directly with the other person, other options such as a facilitated dialogue or mediation can be explored. Informal resolution processes can be effective in resolving issues related to harassment but require the willingness of the parties to participate. These are voluntary processes that cannot be forced on anyone.

If the issue cannot be resolved informally, or if the parties at any point opt out of the informal process and want to address the issue in a formal way, the complainant may file a written complaint using the procedures described below and provide it to the Board via the management company.

Regardless of the success of the informal resolution process, the closure of the informal process is usually documented in writing and constitutes a statement as to whether or not the process was successful in whole or in part, recognizing that any agreement between the parties will remain confidential. However, some information may be communicated to individuals in order to help implement the agreement. The agreement does not set a legal precedent.

The Harassment Complaint Process

Step 1 – Acknowledging receipt of the complaint

The complainant submits a harassment complaint in writing within three months of the last alleged incident to the Board of Directors via the management company. Some consideration may be given to extenuating circumstances where a complaint may otherwise have been deemed to be filed outside of the time limit. Examples of extenuating circumstances may include illness, extended stay away from home, or efforts to informally resolve the matter without the assistance of the homeowners association.

The complaint should at least include the nature of the allegations; the name of the respondent; the relationship of the respondent to the complainant and/or homeowners association (e.g., neighbor, vendor, etc.); the date of the incident(s) and a detailed description of the incident(s); and, if applicable, the names of witnesses. The onus is on the complainant to provide sufficient information, and to be as precise and concise as possible.

Upon receipt of the complaint, the manager notifies the complainant in writing acknowledging receipt. If the complaint is incomplete (following clarification) or has not been filed within three months of the last incident of the alleged harassment (unless there are extenuating circumstances), or if a grievance has already been filed on the same issue, then the complaint does not proceed further and the complainant is notified.

Step 2 – Reviewing the complaint

Once the complaint has been acknowledged, the managing agent or director designated for this purpose shall review the complaint to determine whether or not the allegations satisfy the definition of harassment and, if necessary, seeks additional information from the complainant. Generally, harassment will require an allegation that (1) the behavior was directed to or at the complainant (2) the complainant was offended or harmed, and (3) the respondent knew or reasonably should have known that his or her behavior would cause offence or harm. While normally a series of events is required to establish harassment, one single incident can constitute harassment when it is demonstrated that it is severe and has an important and lasting impact on the complainant.

If the person responsible for managing the complaint process determines that the allegations are frivolous or do not satisfy the definition of harassment, he or she informs the complainant that the complaint cannot be accepted and provides the reasons for his decision. The complaint should not proceed any further when, from a simple initial review, it is evident that it will not be possible to substantiate the claims because the complainant provided no specific allegations or information surrounding the allegations and, upon request, does not provide the necessary information. Further, the complaint process will not proceed if there is evidence of bad faith on the part of the complainant indicating an intention to mislead or if there is the presence of ill-will unrelated to the claim of harassment.

In order to respect the principles of procedural fairness, the respondent is notified that a complaint was received, is provided with the allegations as they relate to him or her and the reasons why the complaint was not accepted (if applicable). If the respondent requires a copy of the complaint, he or she has a right to obtain it. If appropriate, the parties' landlords (when applicable) can be made aware of the situation and provided with the information on a need-to-know basis only. If the complaint is accepted, the respondent is provided with a copy of the allegations and is given an opportunity to respond to the allegations in writing.

Step 3 – Investigation

The person responsible for managing the complaint process notifies the complainant and the respondent that an investigation has been launched. The Board of Directors is empowered to speak to witnesses, including the complainant and respondent, obtain police reports and take what steps it deems necessary and within the best interests of the community to obtain the information necessary to render a decision.

If appropriate, the parties should be reminded of the options for informal resolution throughout the formal process. At any time, should the parties decide to resolve informally, the parties should be redirected to a community-based mediation program.

Step 4 – Rendering a decision

Following a fact-finding exercise or an investigation, the Board of Directors shall review all the relevant information and render a decision in a closed hearing.

The Board of Directors shall cause that decision to be provided in writing to both parties. If the Board of Directors will be considering taking disciplinary measures, such as suspension of privileges or fines, the respondent shall be entitled to notice of their hearing at which the complainant and respondent may address the Board of Directors in person. In the event that disciplinary measures may be imposed against the complainant for lodging a complaint in bad faith, the complainant will be entitled to a noticed hearing at which the complainant and respondent may address the Board of Directors in person.

The nature of the disciplinary measures imposed, such as the type and quantum of such measures (for example: a 10 day suspension), may be disclosed to the complainant. Likewise, if the complaint is determined to have been vexatious or made in bad faith, the respondent may be informed of the nature of the corrective or disciplinary measures imposed.

Information management

Any documents related to the investigation or complaint shall remain confidential, except as described herein.