



Policy:

# Harassment

# Policy & Procedure

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Board Approved April 2021

Ratified by Membership May 2021

# Harassment Policy

NOTE: For convenience, this policy uses the term “Complainant” to refer to the person who experiences harassment even though not all persons who experience harassment will make a formal complaint. The term “Respondent” refers to the person against whom a complaint is made.

## **POLICY STATEMENT**

1. SSBC is committed to providing opportunities for every individual within the speed skating community to reach his or her potential in skill and excellence. In keeping with the spirit of this statement, SSBC is committed to providing a work and recreational environment in which all individuals are treated with respect and dignity, which promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in Canada.
3. Harassment is offensive, degrading and threatening. In most extreme forms, harassment can be an offence under Canada’s Criminal Code.

## **APPLICATION**

4. This Policy applies to all categories of members in SSBC as well as to all individuals engaged in activities with or employed by SSBC, including but not limited to: officials, instructors, volunteers, directors, officers, athletes, coaches, administrators and staff (including contract personnel).
5. This Policy applies to harassment which may occur during the course of SSBC business, activities and events including, but not limited to: meetings, courses, competitions, training camps, exhibitions and travel associated with these activities. It also applies to harassment between individuals associated with SSBC but outside of SSBC’s business and events when such harassment adversely affects relationships within SSBC’s work and sport environment.
6. Harassment arising within the business, activities and events of member organizations of SSBC shall be dealt with using the policies and mechanisms of such organizations.

## **DEFINITIONS**

7. Harassment can generally be defined as comment or conduct directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment can also include acts referred to as bullying.

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8. Harassment of sexual nature will not be tolerated in any form and is addressed in SSBC's Safe Sport Policy.
  9. Types of behaviour which constitute harassment include, but are not limited to:
    - a. written or verbal abuse or threats;
    - b. the display of visual material which is offensive or which one ought to know is offensive;
    - c. unwelcome remarks, jokes comments innuendo or taunting about, but not limited to, a person's looks, body attire, age, race, religion, sex, or sexual orientation;
    - d. Aggressive or obscene gestures;
    - e. condescending, paternalistic or patronizing behaviour which undermines self-esteem, diminishes performance or adversely affects working conditions;
    - f. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
    - g. hazing rituals in any form.

## **CONFIDENTIALITY**

10. SSBC recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. SSBC recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential, except where such disclosure is required by law. This shall not preclude publication of the final outcome of any matter.

## **TIMELINES**

11. Timelines in this policy are in total days, irrespective of weekends or holidays. Where a deadline falls on a weekend or holiday, the next business day shall be the deadline for the purpose of procedures under this Policy.

## **COMPLAINT PROCEDURE**

1. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this Policy.
2. If confronting the harasser is not possible or if after confronting the harasser the harassment continues, the Complainant should request that SSBC appoint an accredited Harassment Advisor from within the association or outside of the association, or a meeting with an official of SSBC. For purpose of this procedure, an "official" may be a member of SSBC Board or

SSBC Harassment Advisor accredited within the BC sport system as a Provincial Harassment Advisor.

3. Nothing in this Policy precludes a representative of SSBC from bringing forward a complaint in accordance with the provisions of this Policy.
4. Once contacted by a Complainant the role of the official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the official considers that he/she is unable to act in this capacity, the Complainant shall be referred to another SSBC official.
5. There are three possible outcomes to this meeting of the Complainant and official:
  - a. it may be determined that the conduct does not constitute harassment as defined in this Policy, in which case the matter will be closed; or
  - b. the Complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two (2) parties to negotiate an acceptable resolution of the complaint; or
  - c. the Complainant may decide to make a formal written complaint to SSBC in which case the official shall advise the President of SSBC, or delegate of the President, either of whom may appoint an independent individual to conduct an investigation of the complaint.
6. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques, and may be an outside professional. He/she shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President or the President's delegate.
7. Where there is an investigation, within seven (7) days of receiving the written report of the Investigator, the President or delegate shall determine whether or not there are grounds for a hearing and shall appoint three (3) impartial individuals to serve as a Panel.
8. Where there is no investigation, within seven (7) days of receipt of the formal complaint the President shall appoint three (3) impartial individuals as a Panel.
9. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by a SSBC representative in a position of authority, provided the individual being disciplined is told the nature of infraction and has opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out by this Policy. This review does not replace the appeal provisions of this Policy.
10. This Policy and Procedure shall not prevent a person in authority taking immediate, informal corrective disciplinary action in response to behaviour that, in his/her view, constitutes a minor incidence of harassment.

## **HEARING**

11. A Hearing shall take place in accordance with the process set out in SSBC's Discipline Policy and in addition:
12. The Complainant and Respondent shall each receive a copy of the Investigator's report if such an investigation is carried out.
13. If there is an in-person hearing, the Complainant shall be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel.
14. If there is an in-person hearing, the Investigator may attend the hearing at the request of the panel.
15. As soon as possible but in any event within seven (7) days of the Hearing, the Panel shall present its Decision to the President or designate and to the Executive Director, with a copy provided to both the Complainant and Respondent. This Decision shall contain:
  - a. a summary of the relevant facts;
  - b. a determination as to whether the acts complained of constitute harassment as defined in this Policy;
  - c. recommended disciplinary action against the Respondent, if the acts constitute harassment; and
  - d. measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.
16. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, its Decision may direct disciplinary action against the Complainant.

## **RELUCTANT COMPLAINANT**

17. If at any point during the proceedings under this policy the Complainant becomes reluctant or unable to continue, it shall be at the sole discretion of the President, or designate, to continue the review of the complaint in accordance with this Policy. In such instances, SSBC shall take the place of the Complainant.

## **SANCTION**

18. When directing the appropriate disciplinary sanction, the Panel shall consider factors such as:
  - a. the nature and severity of the harassment;
  - b. whether the harassment involved any physical contact;
  - c. whether the harassment was an isolated incident or part of an ongoing pattern;
  - d. the nature of the relationship between the Complainant and Respondent;
  - e. the age of the Complainant;
  - f. whether the Respondent had been involved in previous harassment incidents;
  - g. whether the Respondent admitted responsibility and expressed a willingness to change;

- h. whether the Respondent retaliated against the Complainant;
19. In directing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
- a. verbal apology;
  - b. written apology;
  - c. letter of reprimand from the organization;
  - d. a fine or levy;
  - e. referral to counselling;
  - f. removal of certain privileges of membership or employment;
  - g. temporary suspension with or without pay;
  - h. termination of employment or contract;
  - i. expulsion from membership;
  - j. publication of the decision.
20. Failure to comply with a sanction as determined by the panel shall result in automatic suspension in membership from SSBC until such time as the sanction is fulfilled.
21. The President, or designate, may determine that the alleged conduct is of such seriousness as to warrant suspension of the member from SSBC pending the hearing and decision of the panel.
22. Notwithstanding the procedures set out in this Policy, any member of SSBC who is convicted of a criminal offence involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault shall face automatic revocation of membership in SSBC.

## **APPEAL PROCEDURE**

23. Both the Complainant and Respondent shall have the right to appeal the decision and sanctions of the Panel, in accordance with SSBC's Appeal Policy.