

BCDSS Harassment Policy

1. STATEMENT OF POLICY

- 1.1 There will be no tolerance of harassment in the British Columbia Disc Sports Society (BCDSS).
- 1.2 The BCDSS is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices.
- 1.3 The BCDSS is committed to the education of all its members in the area of harassment.
- 1.4 This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials, and members of the BCDSS. The BCDSS encourages the prompt reporting of all incidents of harassment, regardless of who the offender may be.
- 1.5 For the purposes of this policy, sport and/or workplace harassment can occur in the following places:
 - a) at sporting events, competitions, and in training sessions;
 - b) at BCDSS-related social functions;
 - c) at the organization's business functions, such as meetings, conferences, training sessions, and workshops;
 - d) during work-related travel;
 - e) over the telephone and electronic communication;
 - f) elsewhere if the person harassed is there as a result of work-related responsibilities or a work-related relationship.
- 1.6 Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the BC Council of Human Rights, even when steps are being taken under this policy.
- 1.7 An investigation under this policy shall follow the process of natural justice, as described in this policy.

2. PREVENTION

- 2.1 The BCDSS is committed to the eradication of harassment through educational programs including information and training. Refer to Appendix 1.

3. DEFINITIONS

- 3.1 Appeals Committee: A multi-disciplinary committee consisting of members of the sport and recreation community. The committee shall consist of at least one woman and one man, each of whom have no personal or professional involvement with either the Complainant or Respondent, and no prior involvement in the matter under appeal.

- 3.2 **Complainant:** An employee, athlete, coach, official, or other participant of BCDSS activities, who thinks s/he has been harassed.
- 3.3 **Harassment:** Behavior including comments, conduct or gestures which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group, including, but not limited to:
- a) written or verbal abuse or threats;
 - b) physical assault;
 - c) unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion, etc.;
 - d) displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic or religious graffiti;
 - e) practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
 - f) hazing or initiation rites;
 - g) leering or other suggestive or obscene gestures;
 - h) intimidation;
 - i) condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
 - j) conduct, comments, gestures or contact of a sexual nature that is likely to cause offense or humiliation or that might, on reasonable ground, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
 - k) false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
 - l) sexual harassment, as further described in section 3.10.
- 3.4 **Harassment Advisor:** A designate of the BCDSS who is conversant with the issue of harassment. The role of the Harassment Advisor is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to receive simple complaints, assist in informal resolution of complaints, and to make recommendations as to further action. The Harassment Advisor will handle complaints which may be resolved through informal procedures, and refer all other complaints to the Harassment Officer.
- 3.5 **Harassment Officer:** An individual identified by the BCDSS as possessing the training and appropriate background to investigate complaints. The Harassment Officer will be responsible for compiling the annual statistics for presentation at the BCDSS Annual General Meeting (this presentation will be general in nature and will outline the types of incidents and the number of complaints, but not the names of people involved) and the investigation report.
- 3.6 **Investigation Report:** The product of an investigation completed by the Harassment Officer, including, but not limited to, a summary of details, determination of harassment, and recommended disciplinary action if harassment is found.
- 3.7 **Respondent:** The perpetrator of the action(s) which the Complainant thinks constitutes harassment.

- 3.8 Responsible Adult: Where the Complainant or the Respondent is a minor, a parent, guardian, or other adult or the minor's choice, who may speak on behalf of the minor Complainant or minor Respondent, as referred to in paragraphs 7.1 and 7.2.
- 3.9 Standing Disciplinary Committee: A sub-committee of the BCDSS Board that decides whether harassment occurred and confirms or rejects the recommendation(s) of the Harassment Officer. Committee members will be selected from the membership by the BCDSS Board. The committee will be composed of individuals identified by the BCDSS Board as possessing the training and appropriate background to investigate complaints. Refer to Appendix 2 for more details on the Standing Disciplinary Committee.
- 3.10 Sexual Harassment: One or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature:
- a) when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
 - b) when submission to such conduct is made either implicitly or explicitly a condition of employment;
 - c) when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matter of promotion, raise in salary, job security, or benefits affecting the employee);
 - d) when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

4. RESPONSIBILITY

- 4.1 The BCDSS board is responsible for the implementation of this policy.
- 4.2 The BCDSS board will identify and designate Harassment Advisors, Harassment Officers and Standing Disciplinary Committee members.
- 4.3 The BCDSS will act quickly on any complaint of harassment with the goal of resolving the situation fairly and of preventing future occurrences, including determining and enforcing appropriate discipline, if required.

5. CONFIDENTIALITY

- 5.1 In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.

6. COMPLAINANT PROCEDURE

- 6.1 A person who thinks s/he has been subjected to conduct which constitutes harassment under this policy (the "Complainant") is encouraged to make it known to the person responsible for the conduct (the "Respondent") that the behaviour is unwelcome, offensive, and contrary to this policy.
- 6.2 If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant should seek the advice of the Harassment Advisor.

Involvement of the Harassment Advisor

- 6.3 Upon receiving the complaint, the Harassment Advisor shall obtain from the complainant a statement in writing outlining the details of the incident(s) and the names of any witnesses. The statement should be dated and signed by the Complainant.
- 6.4 At the first meeting between the Harassment Advisor and the Complainant, the Harassment Advisor shall inform the Complainant of:
- a) the options of pursuing an informal resolution of the complaint;
 - b) the right to make a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - c) the availability of counseling and other resources;
 - d) the confidentiality provisions of this policy;
 - e) the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
 - f) other avenues of recourse, including the right to file a complaint with the BC Council of Human Rights or, where appropriate, to contact the police where the conduct may be an offense pursuant to the Criminal Code.
- 6.5 Following the initial meeting between the Complainant and the Harassment Advisor, any of the following steps may be taken:
- a) If the Complainant and the Harassment Advisor agree that the conduct does not constitute harassment, the Harassment Advisor will take no further action and will make no written record of the complaint
 - b) If the Complainant wished to proceed with a complaint investigation, the matter will be referred to a Harassment Officer for investigation.
 - c) If the Harassment Advisor believes that the alleged harassment constitutes prima facie evidence of harassment but the Complainant does not wish to proceed with a complaint, investigation, the following steps may be taken:
 - i) If the Complainant wishes to pursue an informal resolution of the complaint, the Harassment Advisor will meet with the Respondent with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated;
 - ii) If the Complainant does not wish to pursue an informal resolution of the complaint, the Harassment Advisor may, nevertheless, take either of the following steps:
 - A) The Harassment Advisor may meet with the Respondent with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated. In the case of a meeting pursuant to this cause, the Harassment Advisor will make every reasonable effort to protect the identity of the Complainant. If the Harassment Advisor is satisfied that the complaint has been resolved through this informal process, the Harassment Advisor will take no further action on the complaint. If the Harassment Advisor is not satisfied that the complaint has been resolved through this informal process, then the Harassment Advisor may refer the matter to a Harassment Officer for investigation.
 - B) The Harassment Advisor may refer the matter to a Harassment Officer for investigation.

Involvement of the Harassment Officer

- 6.6 When a Harassment Officer receives a complaint from the Harassment Advisor, the

Harassment Officer will:

- a) review and clarify the Complainant's written complaint;
 - b) give a written copy of the complaint to the Respondent and the Complainant.
- 6.7 Where the Harassment Officer gives a copy of the written complaint to the Respondent, the Harassment Officer will include with the written complaint a copy of this policy and a notice that the Respondent has the right to be represented by any person of choice at any stage of the process when the Respondent is required or entitled to be present.
- 6.8 The Respondent will provide a written response to the Harassment Officer with ten (10) days of receiving the complaint. If there are special circumstances, the Harassment Officer may extend time for response.
- 6.9 The Harassment Officer will receive and clarify the response from the Respondent.
- 6.10 Within 60 days of receiving the initial written complaint, the Harassment Officer shall conduct an investigation and prepare a written Investigation Report.
- 6.11 All investigations stemming from this complaint shall follow the principle of natural justice, which states that:
- a) everyone has the right to a fair hearing in the course of determining whether an infraction has been committed;
 - b) the issues should be clearly and concisely stated so that the accused is aware of the essentials of the complaint;
 - c) the accused has a right to have a representative present his/her case;
 - d) relevant information must be available to all parties;
 - e) the accused has the right to call and cross-examine witnesses;
 - f) the accused has the right to a written decision following the judgments;
 - g) the accused has the right to appeal a decision (if there are grounds);
 - h) the decision-maker has a duty to listen fairly to both sides and to reach a decision untainted by bias.

The Investigation Report

- 6.12 The Investigation Report from the Harassment Officer should contain:
- a) a summary of the relevant facts;
 - b) a determination as to whether the acts in question constitute harassment as defined in this policy;
 - c) if the act(s) constitute harassment, a recommended disciplinary action against the Respondent.
- 6.13 When recommending disciplinary action to be taken, the Harassment Officer shall consider factors such as:
- a) the nature 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 the Respondent;
 - e) the relative age of the Complainant and/or Respondent;
 - f) whether the Respondent had been involved in previous harassment incidents;
 - g) whether the Respondent retaliated against the Complainant.

- 6.14 On completion of the report, the Harassment Officer shall forward a copy of the Investigation Report to the Complainant, the Respondent, and the Standing Disciplinary Committee. If the Complainant or Respondent finds fault with the report s/he should notify the Standing Disciplinary Committee within 10 days of receiving the copy.

Standing Disciplinary Committee

- 6.15 The Standing Disciplinary Committee shall receive the Investigation Report as prepared by the Harassment Officer.
- 6.16 After considering the Investigation Report, the Standing Disciplinary Committee shall:
- a) make a determination as to whether the Respondent has engaged in conduct constituting harassment; and
 - b) if the Standing Disciplinary Committee determines that the Respondent has engaged in conduct constituting harassment, order such disciplinary action to be taken against the Respondent as is appropriate in the circumstances.
- 6.17 When imposing disciplinary action against the Respondent pursuant to subparagraph 6.16 (b), the Standing Disciplinary Committee may impose such disciplinary action as it considers appropriate in the circumstances which may include, but is not limited to:
- a) a verbal apology;
 - b) a written apology;
 - c) letter of reprimand from the Committee on behalf of the BCDSS;
 - d) a fine up to a maximum of \$100;
 - e) referral to counseling;
 - f) sensitivity training in harassment issues;
 - g) removal of certain privileges of membership, participation or employment;
 - h) demotion or pay cut;
 - i) temporary suspension with or without pay;
 - j) termination of employment of contract;
 - k) expulsion from membership.
- 6.18 The Standing Disciplinary Committee shall, not more than 10 days after it makes its decision pursuant to paragraph 6.17, send a notice to the Complainant and the Respondent.

Appeals Committee

- 6.19 A Complainant or Respondent who is dissatisfied with the decision of the Standing Disciplinary Committee of the BCDSS may, not more than 30 days after the date s/he receives notice of the Standing Disciplinary Committee's decision, serve the Chair of the Appeals Committee with a Notice of Appeal and Request for Hearing.
- 6.20 The Notice of Appeal and Request for Hearing shall be in writing and shall set out the grounds for appeal.
- 6.21 Upon receipt of a Notice of Appeal and Request for Hearing, the Chair of the Appeals Committee shall send a copy of the Notice of Appeal and Request for Hearing together with a Hearing Notice by registered mail to the last known addresses of the Complainant and Respondent.

- 6.22 The Hearing Notice shall be sent at least 30 days in advance of the scheduled hearing and shall:
- a) specify the date, time, and location of the hearing;
 - b) advise the parties that they should bring with them to the hearing all relevant witnesses and other evidence they wish to be considered by the Appeals Committee;
 - c) advise the parties that they have the right to be represented at the hearing;
- 6.23 Within 10 days after completing a hearing, the Appeals Committee shall send a notice of its decision, by registered mail, to the last known addresses of the Complainant and Respondent.

7. MINORS

- 7.1 If the Complainant is a minor, the complaint may be brought forward by a "Responsible Adult". The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:
- a) making a complaint;
 - b) receiving all notices on behalf of the Complainant;
 - c) being present at all dealings with the Complainant;
- 7.2 If the Respondent is a minor, the following shall apply:
- a) If the Harassment Advisor is attempting an informal resolution of a complaint, the Harassment Advisor may speak to the Respondent directly concerning the complaint PROVIDED THAT prior to speaking to the Respondent, the Harassment Advisor shall inform the Respondent that s/he may have a Responsible Adult present during the meeting.
 - b) If the complaint is referred to a Harassment Officer for investigation:
 - i) a copy of the written complaint shall be forwarded to a parent or guardian or the Respondent if such person is known;
 - ii) the Respondent shall be advised that s/he has the right to be represented by a Responsible Adult;
 - iii) The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process including:
 - A) responding to a written complaint;
 - B) receiving all notices on behalf of the Respondent; and
 - C) being present at all dealings with the Respondent.

8. REVIEW AND APPROVAL

- 8.1 This policy was approved the BCDSS Board Directors on the 8th day of September in the year 1997.
- 8.2 This policy shall be reviewed by the BCDSS Board President and one other Board Director on an annual basis.
- 8.3 This policy is included in the BCDSS Policies on Discipline and may only be changed at general meetings.

Appendix 1

Internal Education and Communication of Policy

1. Sample educational materials are available through Sport BC, Promotion Plus, the Coaches Association of BC and the BCDSS library.
2. First Newsletter after the BCDSS AGM will mention the Harassment Policy. Names and method of contacting Harassment Advisor and Officer will be included in the Newsletter.
3. The policy and process will be briefly explained or made available at annual meetings, volunteer training, skills clinics and/or where ever else deemed appropriate.

Coaching and Leadership

1. The Coaches Association of BC Coaching Code of Conduct and the Canadian Professional Coaches Association's Code of Ethics are available from Sport BC and the Coaches Association of BC.

Appendix 2

Standing Disciplinary Committee (SDC)

- composed of 2-6 members (must be BCDSS members).
- must have equal number of males and females on committee.
- SDC membership continues until:
 - SDC member resigns from the committee or
 - SDC member ceases to be a member of the BCDSS or
 - SDC member is removed by the vote of the membership at a general meeting or
 - SDC member is removed by vote at a BCDSS Board meeting.
- BCDSS Board selects committee members & pays for their training (if they do not already have credentials).
- BCDSS Board may add and/or remove members of the SDC.
- BCDSS Board will consider nominations and volunteers for the SDC.
- SDC must complete a given investigation within a 3 month time period (3 months starting from the time they are officially asked to consider a problem).
- SDC must select a Chairperson and a secretary at their first meeting
- SDC must submit receipts to the BCDSS Board for reimbursement. Large expenses require prior Board approval.