



ATHLETICS ONTARIO HARASSMENT POLICY

Note: For convenience, this policy uses the term "complainant" to refer to a person who experiences, or alleges to have experienced, 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. AO is used instead of Athletics Ontario for brevity.

1. Policy Statement

AO 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.

Harassment is a form of discrimination and is prohibited by the Canadian Charter of Rights and Freedoms and by Human Rights legislation in every province and territory of Canada.

Harassment/discrimination is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.

1.1 AO has adopted this Policy to make it clear that harassment will not be tolerated. Members found to have engaged in conduct constituting harassment/discrimination, may be disciplined and/or suspended to the full extent of this policy and the law.

1.2 AO is committed to the education of all its members and to providing information to parents/guardians of youth members regarding this policy.

1.3 This policy applies to all employees, directors, officers, administrators, volunteers, coaches, athletes, officials, and members of Athletics Ontario. Every member of Athletics Ontario shall avoid and shall discourage others' expressions or displays of prejudice, bigotry, sexual comments or racial slurs. Even the appearance of bigotry or prejudice can damage mutual respect between teams, athletes, management, staff, etc.

1.4 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 the office; c) at sport related social functions; d) at the business functions of Athletics Ontario and its member clubs, such as meetings, conferences, training sessions and workshops; e) during sport related travel; f) through any form of communication device/system including but not limited to telephone, email, fax, websites, postal service; g) any formal or informal location where the harassment of a person is a result of their sport related involvement.

1.5 Notwithstanding this policy, every person who experiences harassment has the right to seek assistance from the appropriate levels of government related to provincial and federal law. Each individual has the right to pursue athletics in an atmosphere which promotes equal opportunities and prohibits discriminatory practices.

2. The Objectives of this Policy are:

2.1 To prevent discrimination and harassment within Athletics Ontario on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, sex, sexual orientation, age, marital status, family status, ability or religious affiliations;

2.2 To alert all members of Athletics Ontario to the fact that harassment is an offence under the law;

2.3 To establish the types of behaviour that shall be considered offensive;

2.4 To establish a mechanism for receiving complaints of harassment and provide a procedure by which Athletics Ontario shall deal with these complaints;

2.5 To establish Athletics Ontario as an organization in which all members, employees and volunteers may reasonably expect to participate free from harassment;

2.6 To provide an environment where members, employees and volunteers contribute to Athletics Ontario's goals in the knowledge that their personal aspirations and dignity will be respected;

2.7 To create an awareness of the nature and types of harassment;

3. Definitions

3.1 Appeal: The process outlined within this policy which allows the Respondent to have the complaint reviewed.

3.2 Complainant: An employee, athlete, coach, official or other member of Athletics Ontario or participant involved in the activities of Athletics Ontario who believes they have been harassed.

3.3 Disciplinary Committee: A committee of persons as defined in the Athletics Ontario By Laws and Constitution. The Disciplinary Committee decides whether harassment occurred and confirms or rejects the recommendation(s) of the Harassment Officer.

3.4 Harassment: Improper behaviour by any person towards another which a person knows or ought to know would be unwelcome. This behaviour includes comments, conduct or gestures which are 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:

- written or verbal abuse or threats;
- physical assault;
- unwelcome remarks, jokes, innuendos, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion, etc;
- displaying of sexually explicit, racist or other offensive or derogatory material, or sexual, racial, ethnic or religious graffiti;
- practical jokes which directly or indirectly cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
- hazing or initiation rights;
- leering or other suggestive or obscene gestures;
- intimidation, through the suggestion or offer of a reward or privilege or through threats of retaliation related to speaking out about harassment;
- condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- conduct, comments, gestures or contact of a sexual nature that is likely to cause offence or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
- false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
- sexual harassment, as further defined below.

3.5 Harassment Officer: An individual designated by Athletics Ontario possessing the appropriate background and training in the implementation of this policy. Harassment Officers should be trained by existing, resigning or outgoing officers.

3.6 Investigation Report: The written record of an investigation, completed by the Harassment Officer(s), including but not limited to, a summary of details, determination of harassment, and recommended disciplinary action if harassment is found.

3.7 Racism: Examples of Racism include but are not limited to:

- interpersonal behaviour such as name calling, derogatory remarks, gestures and physical attack.
- racial bias in AO, club or sport related decisions such as team selection, program access, and participation in activities and decisions related to sport related issued.
- racial bias in administrative decisions, assignments, promotion, holidays, leave, salary increases.
- stereotyping language which universalizes experience and ignores the differences between people and cultures.
- discriminatory language: language which denotes a stereotyped view of a subject or which has offensive overtones.

3.8 Respondent: The perpetrator of the action(s) which the complainant thinks constitutes harassment.

3.9 Responsible Adult: Where the Complainant or the Respondent is a minor, a parent, guardian, or other adult of 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.

3.10 Sexual Harassment: One or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature:

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
- when submission to such conduct is made either implicitly or explicitly a condition of employment/sport related activity;
- when submission to or rejection of such conduct is used as a basis for any employment/sport decision (including, but not limited to, matters of promotion, raise in salary, job security, benefits affecting the employee, team selection);
- when such conduct has the purpose or the effect of interfering with a person's work/sport performance/experience or creating an intimidating, hostile or offensive work/sport environment.

3.11 Sexual Abuse: Sexual abuse is when a young person is used by an older child, adolescent or adult for his or her own sexual stimulation or gratification.

3.12 For the purposes of this policy, retaliation against an individual for having filed a complaint under this policy, or for having participated in any procedure under this policy, or for having been associated with a person who filed a complaint or participated in any procedure under this policy, will be treated as harassment, and will not be tolerated.

4. Responsibilities

Members, employees and volunteers of Athletics Ontario are jointly responsible to free their sport/working environment of harassment by:

- taking assertive action should they feel that they are being subjected to harassment.

- fostering an environment free of harassment by attempting to stop incidents of harassment whether there is a complaint or not. Failure to take appropriate corrective action may be interpreted as condoning the prohibited behaviour.

4.1 The Athletics Ontario Board of Directors is responsible for the implementation of this policy.

4.2 The Athletics Ontario Board of Directors will identify and designate one or more Harassment Officer(s) and access the identified Harassment Officer(s) as necessary.

4.3 Athletics Ontario 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.

Athletics Ontario recognizes that its members may be subjected to harassment by individuals who conduct business with the association. In these circumstances, Athletics Ontario acknowledges its responsibility to do all it can within its authority to support and assist any person subject to such harassment.

Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Ontario Human Rights Commission or other avenues.

4.4 Harassment Officers

Athletics Ontario shall appoint at least one person who may be - but is not required to be - members of the sport organization, to serve as a Harassment Officer under this policy. If more than one officer is appointed, Athletics Ontario shall try to ensure a gender balance.

The role of the Harassment Officers is to serve in a neutral, unbiased capacity to receive complaints, assist in an informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, Harassment Officers shall be directly responsible to the Athletics Ontario Chair.

Athletics Ontario shall ensure that Harassment Officers receive appropriate support and training as required to carry out their responsibilities under this policy.

5. Confidentiality

Athletics Ontario understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. Athletics Ontario recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

Athletics Ontario and its representatives shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by Athletics Ontario except where disclosure is required by a disciplinary or other remedial process or where required to disclose by statute.

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.

5.2 The regular procedures associated with privacy and confidentiality will be observed at all times, including the sealing of all documents upon the conclusion of the investigation.

HARASSMENT COMPLAINT PROCEDURE

6. Complaint Procedure

6.1 The Complainant is encouraged to make it known to the Respondent that the behaviour is unwelcome, offensive, and/or 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 an AO Harassment Officer. A preliminary written report should be prepared each time the Harassment Officer is initially consulted. A Harassment Officer may conduct an initial consultation and offer advice to a Complainant in a one-on-one context prior to the receipt of a written complaint.

6.3 Upon receiving the complaint, the Harassment Officer 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 A meeting should be held between the Harassment Officer and the Complainant, to inform the Complainant of:

- the options of pursuing an informal resolution of the complaint;
- the right to make a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
- the availability of counseling and other resources;
- the confidentiality provisions of this policy;
- the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- other avenues of recourse, including the right to file a complaint with the Ontario Human Rights Commission 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 Officer(s), any of the following steps may be taken;

- If the Complainant and the Harassment Officer agree that the conduct does not constitute harassment, the Harassment Officer will take no further action but a written record of the mutual resolution will be recorded and kept on file.
- If the Complainant wishes to proceed with a complaint investigation, the Harassment Officer will proceed with the investigation.
- If the Harassment Officer believes that the alleged behaviour constitutes harassment but the Complainant does not wish to proceed with a complaint investigation, the following steps may be taken:
 - A. If the Complainant wishes to pursue an informal resolution of the complaint, the Harassment Officer will meet with the Respondent with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated;
 - B. If the Complainant does not wish to pursue an informal resolution of the complaint, the Harassment Officers may, nevertheless, take either of the following steps:
 - i. The Harassment Officer may meet with the Respondent with a view to obtaining an assurance that the offensive conduct will not be repeated. In the case of a meeting pursuant to this clause, the Harassment Officer will make every reasonable effort to protect the identity of the Complainant.

- ii. If the Harassment Officer is satisfied that the complaint has been resolved through this informal process, the Harassment Officer(s) will take no further action on the complaint.
- iii. If the Harassment Officer is not satisfied that the complaint has been resolved through this informal process, then the Harassment Officer(s) may refer the matter to the Board of Directors.

6.6 Investigation by the Harassment Officer: the Harassment Officer will: a) review and clarify the Complainant's written complaint; b) give a written copy of the Investigation Report 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 be requested to provide a written response to the Harassment Officer within ten (10) days of receiving the written complaint. If there are special circumstances, the Harassment Officer may extend the time for response.

6.9 The Harassment Officers will receive and clarify, if necessary, the response from the Respondent.

6.10 Within sixty (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 principles of natural justice, which states that:

- everyone has the right to a fair hearing in the course of determining whether an infraction has been committed;
- the issues should be clearly and concisely stated so that the accused is aware of the essentials of the complaint;
- the accused has a right to have a representative present his or her case;
- relevant information must be available to all parties;
- the accused has the right to call and cross-examine witnesses;
- the accused has the right to a written decision following the judgment;
- the accused has the right to appeal a decision (if there are grounds);
- the Harassment Officer(s) have a duty to listen fairly to both sides and to reach a decision unaffected by bias.

6.12 The Investigation Report from the Harassment Officer(s) 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(s) shall consider factors such as:

- the nature of the harassment;
- whether the harassment involved any physical contact;
- if the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between the Complainant and the Respondent;
- the age of the Complainant and/or Respondent;

- whether the Respondent had been involved in previous harassment incidents;
- whether the Respondent retaliated against the Complainant
- any changes of Harassment Officer(s) and/or persons completing the investigation.

6.14 On completion of the report, the Harassment Officers shall forward a copy of the Investigation Report to the Complainant, the Respondent, and the Athletics Ontario Disciplinary Committee.

6.15 The Disciplinary Committee shall receive the Investigation Report as prepared by the Harassment Officers.

6.16 If the Investigation Report determines that Respondent has engaged in conduct constituting harassment, the Disciplinary Committee shall order such disciplinary action to be taken against the Respondent as it determines to be appropriate under the circumstances. Said disciplinary action may include, but is not limited to:

- a verbal apology witnessed by a member of the Disciplinary Committee;
- a written apology;
- a letter of reprimand from Athletics Ontario;
- referral to counseling;
- removal of certain privileges of membership or employment;
- demotion or pay cut;
- temporary suspension with or without pay;
- termination of employment or contract;
- expulsion from membership;
- a combination of actions outlined.

6.18 The Disciplinary Committee shall, not more than 10 days after it makes its decision, send a notice of the decision to the Complainant and the Respondent.

APPEALS

6.19 A Complainant or Respondent who is dissatisfied with the decision of the Athletics Ontario Disciplinary Committee may;

- Send a letter (registered preferred) which must be sent and received by the Athletics Ontario Chairperson within 14 days to notify the Chairperson of this fact. Having received this letter within the proper time period, the Chairperson will consider an appeal hearing after consulting with the Chairperson of the Disciplinary Committee only. This Appeal Committee will consist of no more than 3 neutral people, none of whom should have been on the original Disciplinary Committee. This meeting should take place within 30 days of receipt of the "Appeal Letter".

Once this Appeal Committee has met and deliberated, its findings will be conveyed to the President of AO who will confer with the Athletics Ontario Executive and convey the decision of the Appeal Committee in writing to both parties ("Plaintiff" and "Defendant").

The decision from the Athletics Ontario Appeal Committee is binding unless either party wishes to appeal to Athletics Canada under Rule 183 of the Athletics Canada Rules.

The Notice of Appeal and Request for Hearing shall be in writing and shall set out the grounds for appeal.

ASSOCIATED COSTS

6.20 Athletics Ontario will cover any costs for meetings, reporting, and information gathering that pertain to complaints, and dealing with complaints, as outlined in the Policy as they relate to the responsibilities of Athletics Ontario.

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:

- making a complaint;
- receiving all notices on behalf of the Complainant;
- being present at all dealings with the Complainant.

7.2 If the Respondent is a minor, the following shall apply:

- If the Harassment Officer(s) are attempting an informal resolution of a complaint, the Harassment Officer(s) may speak to the Respondent directly concerning the complaint provided that, prior to speaking to the Respondent, the Harassment Officer(s) inform the Respondent that he/she may have a Responsible Adult present during the meeting.
- If the complaint is referred to the Harassment Officer(s) for investigation:
 - a. a copy of the written complaint shall be forwarded to a parent or guardian of the Respondent if such person is known;
 - b. the Respondent shall be advised that he/she has the right to be represented by a Responsible Adult;
 - i. The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including: responding to a written complaint, receiving all notices on behalf of the Respondent, and being present at all dealings with the Respondent.

Note: This section of the policy only relates to the harassment of AO members who are minors by another AO member. The legal requirements to report suspected child abuse remain as well.

Physical Abuse of Children and Touching in a Sexual Manner

Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

Neglect

Neglect is chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. An example of this may be when injuries are not adequately treated or players are made to play with injuries, equipment is inadequate or unsafe, no-one intervenes when team members are persistently harassing another athlete, or road trips are not properly supervised.

DUTY TO REPORT

Abuse and neglect are community problems requiring urgent attention. Athletics Ontario is committed to help reduce and prevent the abuse and neglect of participants. Athletics Ontario realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore these people have a particular reporting responsibility to ensure the safety of Canada's young people by knowing their provincial protection acts and following through as required.

Ontario has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently, it is the policy of Athletics Ontario that any personnel (part-time and full-time staff, volunteer, participant, team official, parent, guardian) who has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and neglect and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. Across Canada a person is considered a child up to the age of 16 to 19 years depending on provincial legislation.

Those involved with Athletics Ontario in providing training and competitive opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence may result in charges and fines under the law.

8.0 Coach/Athlete Sexual Relationships:

Athletics Ontario takes the view that intimate sexual relationships between coaches (and other persons in positions of power) and adult athletes, except married or common-law relationships, while not against the law, can have harmful effects on the athlete involved, or on other athletes and coaches and on the public image of Athletics Ontario. Athletics Ontario, therefore, takes the position that such relationships are not acceptable.

Should a sexual relationship develop between a coach, trainer, manager or person in a similar positions of power and an athlete, Athletics Ontario will investigate and take action which could include re-assignment, the removal of the coach-athlete relationship, or if this is not possible, a request for resignation.

9. Review and Approval

- 9.1** This policy was approved by Ontario Track and Field Association Board of Directors November 6, 1998 and adopted by the membership at the Annual General Meeting of November 7, 1999.
- 9.2** This policy should be reviewed by Athletics Ontario Discipline Committee and senior staff from time to time to ensure it remains current.