

## Harassment Policy 2007

### **Policy Statement**

1. It is the policy of Sask Volleyball that every employee and member of Sask Volleyball can expect to be afforded a sport and work environment free of harassment and to be treated with respect and dignity.

Sask Volleyball is committed to providing a quality sport experience for all its members, staff, and volunteers. Therefore Sask Volleyball does not tolerate any form of harassment, i.e., zero tolerance.

Zero tolerance is defined as meaning that no level of harassment is acceptable.

Sask Volleyball will also not accept a hostile atmosphere. This may be defined as an atmosphere of tolerance for behaviour, language, or treatment of individuals which undermines their personal power, created personal discomfort, or jeopardizes their career aspirations.

Sask Volleyball will act quickly on any complaint of harassment with the goal of resolving the situation fairly and of preventing future occurrences.

2. This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of Sask Volleyball. Sask Volleyball encourages the reporting all incidents of harassment, regardless of who the offender may be.

3. This policy applies to harassment which may occur during the course of all Sask Volleyball business, activities, and events when such harassment adversely affects relationships within Sask Volleyball's work and sport environment.

4. Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the provincial human rights commission even when steps are being taken under this policy.

### **Goals of the policy**

- to resolve a situation fairly and in a timely manner
- to prevent any further harassment
- to eliminate harm to the complaint
- to reduce liability of the organization and its Directors, staff and members through responsible policies, procedures and implementation strategies
- to educate and train organization members and participants about harassment and, in particular, sexual harassment

### **Authority Reference**

The Ontario Human Rights Code as it applies to Sask Volleyball national ruling body, Volleyball Canada and subsequently Sask Volleyball, 1981 provides under the Sections shown that

4. (a) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status or handicap.

(b) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

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5. (1) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.

5. (2) Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought to reasonable know that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

6. Every person has a right to claim and enforce his or her rights under the Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.

7. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.

Note This policy shall comply with the relevant articles of the Ontario Human Rights Code as they are updated.

In keeping with the spirit of this commitment, Volleyball Canada does not tolerate any form of harassment and undertakes to protect all workers and participants regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, record of offences, marital status or family status from harassment by other employee's or members, including officers of the association, administrators, organizers, coaches, athletes and volunteers of Volleyball Canada with whom they may have contact.

### **Definition of Harassment**

Harassment is defined as "a course of vexious comment or conduct that is known or ought reasonably to be known to be unwelcome" (Section 9(f)),

Interpretation from "A Guide to the Human Rights Code", 1981 "harassment is a course of comment or conduct consisting or words or actions that disparage or cause humiliation to a person in relation to one of the prohibited grounds."

Sexual harassment has been describes as

- gender harassment - generalized sexist remarks and behaviour. In sport, this would be comment or conduct consisting of words or actions that disparage or cause humiliation to a person in relation to one of the prohibited grounds.
- seductive behaviour that is viewed by another as an unwanted sexual advance.
- Sexual bribery - sexual advances made by a person who is able to grant or to deny a benefit to another; an advancement from a supervisor to an employee, for example. In sport, this would be unwanted sexual advances by someone who is able to grant or to deny benefit (such as team membership) to another.
- Sexual coercion - coercion of sexual activity with threat of punishment or penalty. In sport, this could be, for example, the person who says, "if you don't sleep with me, I'll make sure you don't get an invitation to the national team training camp."
- Sexual imposition or assault - touching, grabbing, fondling, rape.

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Harassment may include

- written or verbal abuse or threats;
- sexually oriented comments;
- racial or ethnic slurs;
- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, age, marital status, ethnic or racial origin, religion, etc.;
- displaying of sexually explicit, racist or other offensive or derogatory material;
- sexual, racial, ethnic or religious graffiti;
- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation;
- condescension, paternalism or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- physical conduct such as touching, kissing, patting, pinching, etc;
- vandalism;
- physical assault.

Harassment may be done by

- Man to Woman, Woman to Man, Woman to Woman, Man to Man or by Coach to Athlete, Athlete to Coach, or Athlete to Athlete.

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.

### **Definition of Reprisal**

As part of their right to freedom from harassment, Sask Volleyball's employees and members are protected from reprisal or the threat of reprisal, whether this be done subtly or overtly or whether this is done in an implicit or explicit manner.

Reprisal may include situations in which an employee or member is

1. denied or threatened with denial or promotional, advancement, training, or other related opportunities or benefits (e.g. team selection, etc.);
2. disciplined or threatened with disciplinary action;
3. dismissed or threatened with dismissal.

On the same basis of

- rejecting the sexual advances of a person in authority who could or who could be perceived to have influenced over Sask Volleyball - related decisions affecting the employees or members;
- having made a complaint of harassment.

Reprisal may also include situations involving co-workers or co-participants who, because the individual worker or participant has made a complaint of harassment, continue or escalate the harassment; ostracize or isolate the individual; and /or engage in any behaviour with the intent to intimidate, threaten, hurt or adversely affect the performance or working conditions of the individual.

### **Applicability**

This policy applies to all departments, offices and committees subject to Sask Volleyball administrative policies and is directed towards the protection of employees and members from harassment which may occur

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- during the course of Sask Volleyball business and events; or
- outside such business and events where there may be repercussions in the work or sport environment adversely affecting members and Sask Volleyball relationships.

### **Procedure**

Sask Volleyball is committed to creating and maintaining a supportive sport environment free from all forms of harassment,

Board/committee members, affiliated groups, employees and members of Sask Volleyball are responsible for preventing and discouraging harassment by;

- understanding and upholding the principles of this policy;
- not engaging in behaviour contrary to this policy and ensuring that all members are treated fairly and equitably;
- communicating Sask Volleyball objectives to create and maintain a harassment-free environment;
- not allowing or condoning behaviour contrary to this policy;
- taking all complaints of harassment seriously by investigating complaints in a thorough and sensitive manner and taking prompt action to resolve the situation in accordance with procedures outlined in the following sections.

The law considers as socially responsible those organizations which have an harassment policy, take a proactive role, actively communicate their procedure and act quickly.

Any person who has the authority to prevent or discourage harassment may be held responsible for failing to do so.

All Sask Volleyball employees and members have a responsibility not to harass any other employee, member or participant. Individuals who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and/or report the incident(s) in accordance with the following complaint procedures. Workers and participants who witness harassment or who become aware that an individual is being harassed are encouraged to report the incident in accordance with the complaint procedure which follows.

Individuals are encouraged to report incidents of harassment. Individuals will receive the full support of Sask Volleyball and all complaints will be addressed in a sensitive, responsible, respectful and timely manner. Individuals filing a complaint will be made aware of their rights.

- during the course of Sask Volleyball business and events; or
- outside such business and events where there may be repercussions in the work or sport environment adversely affecting members and Sask Volleyball relationships.

### **Complaint Procedures**

#### **General Responsibility**

All parties involved (staff, committee members, Board of Directors, participants in Sask Volleyball, complainant(s), Investigating Officers, Alleged Harasser(s), Outside Parties and any other party privy to a harassment case are bound to maintain confidentiality throughout all stages of the investigation process or this could result in countersuits and charges of defamation of character. The privacy and reputation of all parties must be protected.

#### **Specific Responsibility / Accountability of Workers / Participants**

This may include the formation of a committee to address the educational and awareness program of the national sport organization relating to harassment. This committee might also maintain confidential records, make recommendations with respect to harassment policies,

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oversee the investigative or hearing process for the settlement or determination of complaints of harassment, and report its activities to the Board of Directors on a regular basis.

### **General Complaint Procedure Complaints**

C1) The Board of Directors shall appoint a Harassment Officer(s) whose duties include

- initiation of regular review of the Harassment Policy bases to ensure inclusion of the latest initiatives of the Human Rights code are represented.
- counseling and recommending on matters related to harassment as well as investigating.
- Establish a central registry to log all incidents of harassment to be kept in a confidential state

C2) Persons who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and contrary to the policy. If confronting the harasser is not possible, or if after confronting the harasser, the harassment continues, report the incident to the Harassment Officer of Sask Volleyball.

Complaints may also be made directly to

- any chairperson of any Sask Volleyball committee
- any member of Sask Volleyball Board of Directors
- any Sask Volleyball staff person

Individuals are encouraged to report incident of harassment. Individuals who bring the incident(s) to the attention of Sask Volleyball will receive the full support of the Association. Complaints will be addressed in a sensitive, responsible and timely manner. The receiver will then forward or work with the harassment officer to resolve the complaint.

In the case of suspected or alleged harassment, the offended party may contact the Harassment Officer for advice, or to make a verbal or written complaint.

C3) Individuals who experience harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status or handicap are specifically protected by The Ontario Human Rights Code, 1981 Sections 4.(1) and have the right to file their complaint with the Ontario Human Rights Commission or its Saskatchewan equivalent. We encourage individuals who experience harassment to utilize the internal process within Sask Volleyball prior to using external avenues.

C4) Unless exceptional circumstances exist, any complaint should be made as soon as possible but in any event, within six (6) months of the alleged incident(s).

C5) Any complaint may be made by either an individual who have been directly affected by the alleged harassment or by any persons who has actual knowledge that harassment has taken place.

C6) The Harassment Officer shall, within five (5) working days of the receipt of the complaint arrange to talk (in person, if at all possible) with the complainant in order to obtain information to confirm and clarify the circumstances giving rise to the complaint, and determine whether there is a need to refer the matter to another appropriate body. In the case of a complaint made verbally, if the matter cannot be resolved informally, the Harassment Officer shall assist the complainant to prepare a written complaint. No further official steps may be taken unless the complaint is in writing and signed by the complainant.

C7) The Harassment Officer shall then forward to the person(s) against whom the complaint is made (the respondent) a copy of the written complaint filed, any additional information obtained from the complainant, a and a request that the respondent reply to the complaint in writing within

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five working days. The Harassment Officer may assist the respondent in the preparation of a response.

C8) If a response is received, the Harassment Officer shall forward a copy of such response to the complainant and the complainant shall be given five working days to reply in writing. The Harassment Officer may assist the complainant in formulating a reply.

C9) Except where the Harassment Officer is absolutely convinced that there is no possibility for settlement by agreement or withdrawal, the harassment officer will convene a meeting with the parties to attempt a settlement.

C10) The Harassment Officer shall as soon as possible but in any event within thirty days of receipt of the complaint, file a report to the appropriate Chairperson and to the Executive Director of Sask Volleyball, setting out all of the information obtained as well as copies of all documentation filed by both parties and recommending that

- no further action be taken because the complaint is frivolous, vexatious or vindictive, or because the conduct complained of cannot reasonably be said to fall within the definition of harassment set out in this document;
- no further action be taken because a settlement has been reached; or
- the formal hearing process be initiated.

A copy of the report shall be sent to the complainant and the respondent.

C11) In the event that the recommendation is to begin the formal hearing process, the President of Sask Volleyball and the Executive Director together within 10 working days appoint three members of the Board of Directors of Sask Volleyball BOD and/or Sask Volleyball Committees to serve as a Harassment Panel. This panel shall consist of at least one woman and one man. To ensure freedom from bias, no member of the Panel shall have a significant personal or professional relationship with either the complainant or the respondent. The three members of the Harassment Panel shall select from amongst themselves, a chairperson.

C12) The Harassment Panel shall invite the complainant and the respondent to appear before it to submit any additional pertinent documentation and make oral submissions. Such meetings shall be held on a mutually convenient date but in any event within twenty working days of the appointment of the Harassment Panel. The respondent/complainant has 7 working days to accept or reject. The respondent/complainant may bring an advocate and/or legal representation.

C13) The Harassment Panel shall determine whether the acts outlined constitute harassment and, if so,

- recommend what appropriate disciplinary action, if any should be taken;
- recommend any other measures it considers appropriate for remedying or mitigating any academic or employment harm or disadvantage suffered by any person(s) as a result of the harassment.

C14) The Harassment Panel chairperson shall report in writing to the President of Sask Volleyball and the Executive Director of Sask Volleyball within ten working days of the meeting referred to in paragraph 1. The report shall set out;

- a summary of the relevant facts;
- a determination as to whether the acts outlined constitute harassment as defined in this policy;
- recommendations as to appropriate disciplinary action and other measures which in its opinion are necessary under the circumstances.

C15) If the report of the Harassment Panel contains any recommendations, the President of Sask Volleyball and the Executive Director shall forward a copy of the report to

- the Board of Directors of Sask Volleyball for appropriate action;

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- the (name of organization which would be the next step in the arbitration, mediation process, e.g..CCDS) to be held on file.

C16) Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court or through the Saskatchewan Human Rights Commission, or both, in additions to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or to be conducted by any outside agency.

### **Appeals**

A1) In the event that the Harassment Officer recommends that no further action be taken pursuant to 'C 10", the complainant shall have the right to appeal such a decision by forwarding to the Chair of the Harassment Panel, a notice to that effect within ten working days of the receipt of the committee's report. The Chair of the Harassment Panel then notifies the President of Sask Volleyball and the Executive Director

A2) The notice of appeal shall clearly set out all factors relied on by the complainant in disputing the recommendation made.

A3) In the event that a notice of appeal is filed, the President of Sask Volleyball and the Executive Director shall appoint three members of the Board of Directors and/or Sask Volleyball Committees to form an Appeals Panel. These persons must be different from the Harassment Panel. The three members of the Appeals Panel shall select from amongst themselves, a chairperson. The appeal must also be sent out to the Respondent who is allowed

10 working days to accept or reject.

A4) The Appeals Panel shall, after the expiry of time granted to the respondent to reply to the notice of the appeal, review all the material considered by the Harassment Officer as well as all other material filed and determined whether the grounds to appeal reasonably establish that the Harassment Officer was in error in making the recommendations and that the appointment of the Complaint Panel should have been recommended.

A5) The Appeals Panel shall notify the parties in writing of its decision within five working days and if the Panel agrees with the complainant that the Harassment Officer should have recommended the appointment of a Complaint Panel, then the matter shall proceed in accordance with C11-C15.

A6) If the Appeals Panel confirms the Harassment Officer's recommendation, the complaint file shall be closed and no further action may be taken by the complainant pursuant to this policy.

A7) Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court through the Saskatchewan Human Rights Commission or equivalent organization, or both, in additions to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or to be conducted by any outside agency.

### **Disciplinary Action**

D1) For the purposes of this policy, disciplinary action includes but is not limited to an apology, reprimand, transfer, suspension, expulsion, or dismissal, depending on the seriousness and/or frequency of the conduct, the respondent's connection to Sask Volleyball, the respondent's prior record and any mitigating factors, nature of harassment, degree of aggressiveness and physical contact, whether or not coercion occurred, it being understood that any disciplinary action shall be

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undertaken in conformity with procedures set out in employment agreements or Sask Volleyball policy.

D2) Any disciplinary action taken against an individual may be the subject matter of a grievance or appeal in accordance with within the procedures set out in any employment agreements or policies and procedures of Sask Volleyball.

### **Confidentiality of Records**

CR1) Any complaint received pursuant to this policy shall be considered to be strictly confidential and all committee members shall be under a duty to take all necessary steps to maintain such confidentiality. In particular, but without violating the generality of the foregoing, Sask Volleyball shall ensure that

- any reports of the Harassment Officer or reports of the Complaint and/or Appeals Panels
- required to be considered shall be amended so as to protect the identity of the complainant and the respondent, should the complainant/respondent request that their identity be protected.
- all procedures and deliberations of the Complaint Panel and the Appeals Panel be in camera.

### **Rights of Complaint and Respondent**

RCR1) The filing of a complaint of harassment is the right of each person involved in volleyball activities and may be exercised without fear of reprisal or threat thereof. It is further understood that the filing of a complaint shall not in itself constitute sufficient grounds for disciplinary action. In addition, the mere fact that a complaint has been filed against an individual shall not, in and of itself, constitute grounds for disciplinary action against that individual.

### **Exception**

E1) No exception may be made to this policy without the written consent of the Board of Directors of Sask Volleyball.