

# **HARRASSMENT POLICY**

## **CASSA ANTI-HARASSMENT POLICY**

(as approved by Board of Directors, November 30, 1996 and aligned with Discipline Policy in January 1997)

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.

### **1. POLICY STATEMENT**

1.1 CASSA is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices.

1.2 Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in each province of Canada.

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

### **2. APPLICATION**

2.1 This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members and affiliates of CASSA. It applies to harassment which may occur during the course of all CASSA business, activities and events.

2.2 Harassment arising within the business, activities and events of clubs, provincial associations or affiliates of CASSA shall be dealt with using the policies and mechanisms of such organizations.

### **3. DEFINITIONS**

3.1 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.

3.2 For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

3.2.1 submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or

3.2.2 such conduct has the purpose or effect of interfering with an individual's performance; or

3.2.3 such conduct creates an intimidating, hostile or offensive environment.

3.3 Types of behavior which constitute harassment include, but are not limited to:

3.3.1 written or verbal abuse or threats;

3.3.2 the display of audio and visual material which is offensive or which one ought to know is offensive;

3.3.3 unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation and abilities;

3.3.4 leering or other suggestive or obscene gestures;

3.3.5 condescending, paternalistic or patronizing behavior which is intended to undermine self-esteem, diminish performance or adversely affect working conditions

3.3.6 practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;

3.3.7 unwanted physical contact including touching, petting, pinching or kissing;

3.3.8 unwelcome sexual flirtations, advances, requests or invitations;

3.3.9 physical or sexual assault.

#### 4. CONFIDENTIALITY

4.1 CASSA recognizes 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. CASSA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

## 5. COMPLAINT PROCEDURE

5.1 A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome, offensive and contrary to this policy.

5.2 If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should request a meeting with an official of CASSA (for the purposes of this policy, an "official" is any member of the Board of Directors, any Area Chair, Ethics Committee Chair, Personnel Leader or staff directors).

5.3 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 or she is unable to act in this capacity, the complainant shall be referred to another CASSA official.

5.4 There are three possible outcomes to this meeting of complainant and official:

- 5.4.1 It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;
- 5.4.2 The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint; or
- 5.4.3 The complainant may decide to lay a formal written complaint submitted to CASSA's Executive Director or President, in which case the official shall advise the President of CASSA, who shall appoint an independent individual to conduct an investigation of the complaint.

5.5 Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques. He or 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.

5.6 Within 7 days of receiving the written report of the Investigator, the President shall appoint three members of CASSA to serve as a Panel.

## 6. HEARING

6.1 A Hearing shall take place in accordance with the process set out in CASSA's Discipline Policy, provided that:

6.1.1 The complainant and respondent shall each receive a copy of the Investigator's report.

6.1.2 Both parties shall be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel.

6.1.3 The Investigator may attend the hearing at the request of the Panel.

6.2 As soon as possible but in any event within "21" days of the hearing, the Panel shall present its findings in a report to the President, with a copy provided to both the complainant and respondent. This report shall contain:

6.2.1 a summary of the relevant facts;

6.2.2 a determination as to whether the acts complained of constitute harassment as defined in this policy;

6.2.3 recommended disciplinary action against the respondent, if the acts constitute harassment; and

6.2.4 recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.

6.3 If the Panel determines that the allegations of harassment are vexatious, retaliatory or frivolous, their report may recommend disciplinary action against the complainant pursuant to Sections 19 and 20.

## 7. DISCIPLINE

7.1 When imposing appropriate disciplinary action, the Panel shall consider factors such as:

7.1.1 the nature and severity of the harassment;

7.1.2 whether the harassment involved any physical contact;

7.1.3 whether the harassment was an isolated incident or part of an ongoing pattern;

7.1.4 the nature of the relationship between the complainant and harasser;

7.1.5 the age of the complainant ;

7.1.6 whether the harasser had been involved in previous harassment incidents;

7.1.7 whether the harasser admitted responsibility and expressed a willingness to change;

7.1.8 whether the harasser retaliated against the complainant.

7.2 In imposing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:

7.2.1 verbal apology;

7.2.2 written apology;

7.2.3 letter of reprimand from the organization;

7.2.4 a fine or levy;

7.2.5 referral to counseling;

7.2.6 removal of certain privileges of membership or employment;

7.2.7 demotion or a pay cut;

7.2.8 temporary suspension with or without pay;

7.2.9 termination of employment or contract;

7.2.10 expulsion from membership.

Enforcement of the sanctions shall be the responsibility of the Board of Directors.

7.3 Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel, in accordance with CASSA's appeal policy.