



HARASSMENT POLICY

1. The Alberta Sprint Canoe Racing Association (ASRCA) 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. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.

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

Whether the harasser is a director, supervisor, employee, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.

The ASRCA is committed to providing a work and sport environment free from harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability. Harassment will not be tolerated.

2. This policy applies to all employees, directors of the Board and committees thereof, volunteers, coaches, athletes, officials and members of the ASRCA. The ASRCA encourages the reporting of 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 ASRCA business, activities and events. It also applies to harassment between individuals associated with the ASRCA but outside ASRCA business, activities and events when such harassment adversely affects relationships within the ASRCA work and sport environment.

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

What is harassment?

5. Harassment can take many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive.



In most cases, harassment is an attempt by one person to inappropriately exert power over another person.

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

- submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
- such conduct has the purpose or effect of interfering with an individual's performance; or
- such conduct creates an intimidating, hostile or offensive environment.

7. Types of behavior which constitute harassment include but are not limited to:

- written or verbal abuse or threats;
- the display of visual material which is offensive or which one ought to know is offensive;
- unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- leering or other suggestive or obscene gestures;
- condescending, patronizing behavior which undermines self-esteem, diminishes performance, or adversely affects working conditions.
- practical jokes which cause embarrassment, endanger a person's safety or negatively affect performance;
- unwanted physical contact including touching, petting, pinching or kissing;
- unwelcome sexual flirtations, advances, or invitations; or
- physical or sexual assault.

8. Sexual harassment can occur in the form of behavior by males toward females, between males, between females, or as behavior by females toward males.

9. For the purposes of this policy, retaliation against an individual:

- for having filed a complaint under this policy;
- 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.



Responsibilities

10. The ASRCA executive director and executive committee are responsible for the implementation of this policy. In addition, the executive director and executive committee are responsible for:

- discouraging harassment within the ASRCA;
- investigating formal complaints of harassment in a sensitive, responsible and timely manner;
- imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- providing advice to persons who experience harassment;
- circulating the definition of harassment and of the procedures contained in this policy;
- making all employees and contracted personnel of the ASRCA aware of the definition of harassment and of the procedures contained in this policy;
- informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
- regularly reviewing the terms of this policy to ensure that they adequately meet the ASRCA's policy objectives;
- appointing unbiased case review panels and providing the resources and support they need to fulfill their responsibilities under this policy.

11. Every member of the ASRCA has a responsibility to play a part in ensuring that the ASRCA sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy.

12. In the event that either of the ASRCA executive directors or member(s) of the executive committee are involved in a complaint which is made under this policy, the ASRCA president shall appoint a suitable alternate for the purposes of addressing the complaint.

Disciplinary Action

13. Employees or members of the ASRCA against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal, dismissal from the Board or termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

Confidentiality



14. The ASRCA 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. The ASRCA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

15. The ASRCA 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.

Harassment Official

16. The ASRCA shall appoint the Vice President to serve as the harassment official under this policy.

17. The role of harassment official is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duty under this policy, the official shall be directly responsible to the ASRCA president.

18. The ASRCA shall ensure that the official receives appropriate training and support for carrying out their responsibilities under this policy.

Complaint Procedure

19. 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.

20. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of the harassment official.

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.

21. The harassment official shall inform the complainant of:

- options for pursuing an informal resolution of his or her complaint; the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
- 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;
- the right to withdraw from any further action in connection with the complaint at any stage, (even though the ASRCA might continue to investigate the complaint); and
- other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

If the harassment official suspects child abuse of a physical or sexual nature, the harassment official must report it to the local police and/or local Ministry for Children and Families Services.

22. There are four possible outcomes to this initial meeting of complainant and official:

- a) The complainant and official agree that the conduct does not constitute harassment.
 - If this occurs, the harassment official will record, date and file a report that an interview regarding harassment took place, but which excludes the identities of the complainant and respondent and take no further action.
- b) The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.
 - If this occurs, the harassment official will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and if appropriate, the harassment official may also seek the assistance of a neutral mediator.
 - If informal resolution yields a result which is acceptable to both parties, the harassment official will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
 - If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
- c) The complainant brings evidence of harassment and decides to lay a formal written complaint.
 - If this occurs, the complainant will draft a formal written complaint, to be signed by the complainant and a copy given to the ASRCA, and a copy given to the respondent within 14 days of submitting the complaint to the ASRCA. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.



- The respondent will be given an opportunity to provide a written response to the complaint within 14 days of receiving the written complaint.
- d) The complainant brings evidence of harassment but does not wish to lay a formal complaint.
- If this occurs, the harassment official must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
 - When the harassment official decides that the evidence and surrounding circumstances require a formal written complaint, the harassment official will issue a formal written complaint within 14 days of receiving the complaint and, provide copies of the complaint to both the complainant and the respondent.

As soon as possible after receiving the written complaint, but within 21 days, the harassment official shall submit a report to the ASRCA executive committee, containing the documentation filed by both parties along with recommendation that:

- no further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
- the complaint should be investigated further.

A copy of this report shall be provided, without delay, to both the complainant and the respondent.

24. In the event that the harassment official's recommendation is to proceed with an investigation the ASRCA executive committee shall within 14 days appoint three members of ASRCA to serve as a case review panel. This panel shall consist of at least one woman and at least one man. To ensure freedom from bias, no member of the panel shall have significant personal or professional relationship with either the complainant or the respondent.

25. Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:

- the complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing;
- members of the panel shall select a chairperson from among themselves;
- a quorum shall be all three panel members;
- decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel;



- the hearing shall be held in camera;
- both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint, but the official concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed;
- the complainant and respondent may be accompanied by a representative or advisor;
- the harassment official may attend the hearing at the request of the panel.

26. Within 14 days of the hearing, the case review panel shall present its findings in a report to the complainant and the respondent and a copy to the ASRCA executive committee, which shall contain:

- a summary of the relevant facts;
- a determination as to whether the act(s) complained of constitute harassment as defined in this policy;
- recommended disciplinary action against the respondent, if the act(s) constitute harassment; and
- recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the act(s) constitute harassment.

27. If the panel determines that the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

28. The decision of the case review panel shall be final.

29. When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

- the nature of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between the complainant and harasser;
- the age of the complainant;
- whether the harasser had been involved in previous harassment incidents;
- whether the harasser admitted responsibility and expressed a willingness to change; and
- whether the harasser retaliated against the complainant.



30. Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the harassment official's files. These files shall be kept confidential and access to them shall be restricted to the ASRCA executive committee.

31. Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. This report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

Procedure Where a Person Believes that a Colleague has been Harassed

32. Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to the harassment official, the official shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with Section 21.

Review and Approval

33. This policy was approved by the ASRCA Board of Directors on April 4th 2012.

34. This policy shall be reviewed by the ASRCA's executive director on an annual basis.