



CANADIAN SPORT INSTITUTE ALBERTA HARASSMENT POLICY

PURPOSE

The purpose is to provide a sport and work environment in which all individuals are treated with respect and dignity. Every individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.

Canadian Sport Institute Alberta (CSIAB) values the well-being of our staff and supports productive relationships in which all are treated fairly, with dignity and respect for their individual rights in an atmosphere free of all types of harassment.

POLICY STATEMENT

- 1.1** This policy applies to all Institute staff; employees, board and committee members, contractors, and volunteers.
- 1.2** Harassment arising within the business, activities and/or events of the CSIAB by affiliates shall also fall under the policies and mechanisms of the affiliate's organization.
- 1.3** Harassment means any objectionable conduct, verbal or physical action which may create an intimidating, hostile or offensive work environment. It may be a single event or occur over a period of time. The behaviour need not be intentional in order to be considered harassment. Individuals have different tolerance levels for what is unacceptable behaviour; however, harassment is considered to have taken place if a reasonable person knows or ought to have known the behaviour is unwelcome.
- 1.4** Any form of harassment relating to an individual's race, religious belief, colour, gender, physical or mental disability, marital status, ancestry, age, place of origin, family status, source of income, sexual orientation, gender identity, gender expression or any other prohibited ground of discrimination under Human Rights legislation, will not be tolerated. Additionally; any form of harassment is considered a workplace hazard under Alberta's Occupational Health and Safety Act and will not be tolerated by CSIAB or its staff.
- 1.5** All employees are responsible to prevent, report and stop violence from occurring in the workplace. Violence, whether at a work site or work related event, is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence, and includes:
 - Physical attack or aggression;
 - Threatening behaviour;

- Verbal or written threats;

1.6 Sexual harassment includes, but is not limited to:

- unwanted sexual advances, unwanted requests for sexual favours, derogatory comments, gestures or looks
- unnecessary or unwanted verbal or physical contact, jokes or slurs
- derogatory or demeaning material in any medium including printed matter, posters, cartoons, graffiti, drawings or any display of sexually suggestive material
- actual or implied threats, reprisal or discriminatory behaviour either on or off the job, for refusal to comply with a sexually oriented request
- any of the above instances that occur, not only in person, but through email or social media.

1.7 Other forms of harassment include, but are not limited to:

- unwanted actions, verbal or physical attacks, taunting, comments, jokes or slurs
- derogatory or demeaning material in any medium including posters, cartoons, graffiti, drawings and innuendo
- any unacceptable actions or material in the workplace
- any of the above instances that occur, not only in person, but through email or social media.

1.8 Bullying is a type of harassment involving repeated, persistent, continuous behaviour that is usually associated with a power imbalance, where the victim is made to feel inferior. Bullying behaviour includes, but is not limited to, silent treatment, starting or encouraging rumours, excessive or unjustified criticism, withholding job related information or job responsibility or deliberate interference with the performance of job responsibilities.

The following are not considered to be Harassment or Bullying:

- Allocation of Resources: In order to get work done, supervisors may have to make unpopular decisions, such as changing work assignments or reporting relationships. Such decisions may or may not please others, but they do not constitute harassment.
- Performance Feedback: Feedback regarding unsatisfactory work conduct and/or negative performance evaluation is not harassment. Supervisors have a responsibility to give appropriate criticism and to take appropriate corrective action when the work of an employee is not satisfactory. Such criticism should, however, be made in a reasonable manner and should be constructive.

1.9 Anyone covered under this policy who believe they are being harassed or bullied are encouraged to make their objections known to the harasser or bully, if possible. They should keep a written record of all incidents, naming any witnesses, and then contact their manager. If that is not possible, then they should follow the process listed below. The CSIAB encourages the prompt reporting of all incidents of harassment, regardless of who the offender may be.

1.10 Anyone covered under this policy is required to report any observed incidents of workplace harassment (of any form) to their manager or to any senior member of the organization. The Harassment Advisor will investigate any potential harassment incidents following the outlined investigation process.

1.11 Every person who experiences harassment continues to have the right to seek assistance from the Alberta Human Rights Commission or Alberta Occupational Health and Safety (OHS), even when steps are being taken under this policy.

POLICY GUIDELINES

2.0 DEFINITIONS

For the purposes of this policy, sport and/or workplace harassment can occur in the following places:

- At sporting events, competitions, and in training sessions;
- At the office;
- At office-related social functions;
- At the organization's business functions, such as meetings, conferences, training sessions, and workshops;
- During work-related travel;
- Over the telephone, email; or
- Elsewhere if the person harassed is there as a result of work-related responsibilities or a work-related relationship.

Appeals Board: A multi-disciplinary committee, appointed by the CSI Chair, consisting of a minimum of four members of the sport and recreation community. The committee shall consist of at least one woman and one man, each of who have no personal or professional involvement with either the Complainant or Respondent, and no prior involvement in the matter under appeal.

Complainant: An employee, contractor, athlete, coach, official, or other participant of the CSIAB activities, alleging harassment.

Harassment Advisor: A designate of the CSIAB 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, 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.

Harassment Officer: An individual identified by the CSIAB who possesses the training and appropriate background to investigate complaints.

Investigation Report: The product of an investigation completed by the Harassment Officer, including, but not limited to, a summary of details, determination of harassment.

Respondent: The perpetrator of the action(s) which the Complainant alleges constitutes harassment.

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.

Standing Disciplinary Committee: A committee of persons as defined in the CSIAB by-laws and Constitution. The Standing Disciplinary Committee decides whether harassment occurred and confirms or rejects the recommendation(s) of the Harassment Officer.

3.0 RESPONSIBILITY

- 3.1** The CSIAB Board is responsible for the implementation of this policy.
- 3.2** The CSIAB will identify and designate Harassment Advisors, Harassment Officers and a standing disciplinary committee.
- 3.3** The CSIAB 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.

4.0 CONFIDENTIALITY

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. The CSIAB will ensure the appropriate maintenance of investigation documents and complaints adhering to investigation protocol and privacy requirements.

5.0 COMPLAINT PROCEDURE

- 5.1** A person alleging subjection 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.
- 5.2** 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.
- 5.3** 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.
- 5.4** At the first meeting between the Harassment Advisor and the Complainant, the Harassment Advisor shall 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 Alberta Human Rights Commission, OHS Alberta, or, where appropriate, to contact the police where the conduct may be an offense pursuant to the Criminal Code.
- 5.5** Following the initial meeting between the Complainant and the Harassment Advisor, any of the following steps may be taken:

- 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.
 - If the Complainant wishes to proceed with a complaint investigation, the matter will be referred to a Harassment Officer for investigation.
- 5.6** 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:
- 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;
- 5.7** 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:
- 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 clause, 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.
 - The Harassment Advisor may refer the matter to a Harassment Officer for investigation.

6.0 INVESTIGATION BY THE HARASSMENT OFFICER

- 6.1** When a Harassment Officer receives a complaint from the Harassment Advisor, the Harassment Officer will:
- Review and clarify the incident or Complainant's written complaint;
 - Give a written copy of the complaint to the Respondent and the Complainant;
 - Determine if the course of action is based on an employment relationship or a volunteer/athlete relationship;
 - Based on the severity of the complaint, an employee may be sent home on paid leave while the investigation is conducted.
- 6.2** 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.
- 6.3** An athlete or volunteer (not bound by an employment arrangement) must provide a written response to the Harassment Officer within ten (10) business days of receiving the written

complaint. If there are special circumstances, the Harassment Officer may extend the time for response.

6.4 An employee will be interviewed by the Harassment Officer at the soonest possible opportunity.

6.5 The Harassment Officer will receive and clarify the response from the Respondent.

6.6 The Harassment Officer shall conduct an investigation and prepare a written Investigation Report. For non-employment relationships the report will be conducted as soon as possible and within a maximum of 60 days. Investigations involving Respondents who are employees or contractors of CSIAB will be conducted within a maximum of 14 business days.

6.7 All investigations stemming from this complaint shall follow the principle 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 respondent is aware of the essentials of the complaint;
- The respondent has a right to have a representative present his or her case;
- Relevant information must be available to all parties;
- The respondent has the right review and rebut witness statements;
- The respondent has the right to a written decision following the judgment;
- The respondent has the right to appeal a decision (if there are grounds);
- The decision-maker has a duty to listen fairly to both sides and to reach a decision untainted by bias.

7.0 THE INVESTIGATION REPORT

7.1 The Investigation Report from the Harassment Officer should contain:

- A summary of the relevant facts;
- A determination as to whether the acts in question constitute harassment as defined in this policy;
- If the act(s) constitute harassment, a recommended disciplinary action against the Respondent.

7.2 When recommending disciplinary action to be taken, the Harassment Officer shall consider factors such as:

- The nature of the harassment;
- Whether the harassment was an isolated incident or part of an ongoing pattern;
- The nature of the relationship between the Complainant and the Respondent;
- The relative age of the Complainant and/or Respondent;
- Whether the Respondent had been involved in previous harassment incidents;
- Whether the Respondent retaliated against the Complainant.

7.3 On completion of the report, the Harassment Officer shall forward a copy of the Investigation Report to each of the Complainant, the Respondent, and the Standing Discipline Committee.

8.0 STANDING DISCIPLINE COMMITTEE

8.1 The Standing Discipline Committee shall receive the Investigation Report as prepared by the Harassment Officer. After considering the Investigation Report, the Standing Discipline Committee shall:

- Make a determination as to whether the Respondent has engaged in conduct constituting harassment; and
- If the Standing Discipline Committee determines that Respondent has engaged in conduct constituting harassment, order such disciplinary action to be taken against the Respondent as is appropriate in the circumstances. This may include steps to ensure restrictions on contact in the workplace or changing reporting relationships.

8.2 When imposing disciplinary action against the Respondent, the Standing Discipline Committee may impose such disciplinary action as it considers appropriate in the circumstances which may include, but is not limited to:

- A verbal apology;
- A written apology;
- A letter of reprimand from the sport organization;
- A fine or levy;
- Referral to counseling;
- Sensitivity training in harassment issues;
- 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.

8.3 The Standing Disciplinary Committee shall, not more than 10 business days after it makes its decision, send a notice to the Complainant and the Respondent. Should a termination of employment or contract be imposed; there is no appeal process available and the Standing Discipline Committee's decision is final.

9.0 APPEAL PROCESS

9.1 A Complainant or Respondent who is dissatisfied with the decision of the Standing Discipline Committee of CSIAB may, not more than 30 days after the date he or she receives notice of the Standing Discipline Committee's decision, serve the Chair of the Appeals Committee with a Notice of Appeal and Request for Hearing. Should a termination of employment or contract be imposed; there is no appeal process available and the Standing Discipline Committee's decision is final.

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

9.3 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.

9.4 The Hearing Notice shall be sent at least 30 days in advance of the scheduled hearing and shall:

- Specify the date, time, and location of the hearing;
- 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;
- Advise the parties that they have the right to be represented at the hearing.

9.5 Within 10 business days after completing a hearing, the Appeals Committee shall send a notice of its decision, by registered mail, to the address of record for the Complainant and Respondent.

10.0 MINORS

10.1 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.

10.2 If the Harassment Advisor is attempting an informal resolution of a complaint from a minor, 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 he/she may have a Responsible Adult present during the meeting.

10.3 If the complaint is referred to a Harassment Officer for investigation:

- A copy of the written complaint shall be forwarded to a parent or guardian of the Respondent if such person is known;
- The Respondent shall be advised that he/she has the right to be represented by a Responsible Adult;
- 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 of behalf of the Respondent; and
 - Being present at all dealings with the Respondent.