

# Speed Skating Canada

“Safe and Healthy Environment”

Policy Title: <b>Harassment Policy</b>	Policy No: <b>SHE 200</b>
Approved: <b>March 28, 1998</b> Current version approved: <b>June 16, 2004</b> Date of last review: <b>June 16, 2004</b>	Pages: <b>15</b>

## 1. OBJECTIVE

- 1.1. To protect the members and employees of the Association.
- 1.2. To provide a means for every members and employees of the Association to deal with all harassment issues.
- 1.3. To prevent harassment situations from occurring.

## 2. FIELD OF APPLICATION

- 2.1. This policy applies to all employees, directors, volunteers, coaches, athletes, officials, and members of Speed Skating Canada (SSC) while engaged in the activities of the organization.

## 3. DEFINITIONS

- 3.1. **Appellant:** the individual appealing the decision of the Disciplinary Committee.
- 3.2. **Complainant:** Anyone who think, and makes it known he or she has been subjected to the misconduct of an employee, director, volunteer, coach, athlete, official, and member of Speed Skating Canada during the course of Speed Skating Canada business, activities or events.
- 3.3. **Disciplinary Committee:** The Disciplinary Committee is an adhoc committee formed to address major discipline infractions.
- 3.4. **Condonation:** A person in authority who knows that discrimination or harassment may have occurred and fails to take appropriate action. The person in authority who has overlooked the discrimination or harassment is subject to sanctions under these guidelines.
- 3.5. **Fact Finder:** Individuals contracted by Speed Skating Canada who possess the training and appropriate background to investigate and make recommendations in regards to harassment complaints.
- 3.6. **Harassment:** Behaviour including comments, conduct or gestures, which is 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 reasonable be expected to cause embarrassment,

insecurity, discomfort, offence, or humiliation to another person or group, including, but not limited to:

- a) written or verbal abuse or threats;
- b) physical assault;
- c) unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, sex, disability, marital status, ethnic or racial origin, religion;
- d) displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic, or religious graffiti;
- e) practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
- f) hazing or initiation rites;
- g) leering or other suggestive or obscene gestures;
- h) intimidation;
- i) condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- j) 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;
- k) false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
- l) an environment that is "chilly" or "poisoned" - behaviour or conduct that contributes to, supports or condones such an environment is harassing behaviour;
- m) sexual harassment, as further defined in section 3.14;
- n) this policy also applies to any other ground of harassment prohibited by applicable law;

It is not just the conduct itself that makes certain behaviour inappropriate, but the context or way in which it is delivered or its repetitive nature. This conduct makes the environment around the individual cold, hostile or alienating or as some human rights legislation and case law state, the environment is "chilly" or "poisoned". Any behaviour, which contributes to, supports or condones such an environment is harassing.

**3.7 Harassment Liaison:** A designate of the Speed Skating Canada who is conversant with the issue of harassment. The Harassment Liaison is the first contact the Complainant may have with the Association.

- a) The role of the Harassment Liaison is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to provide the link between the Complainant and the Speed Skating Canada Board of Directors.
- b) The Harassment Liaison may assist with complaints at the request of the complainant or respondent, which may be resolved through informal

procedures. The Harassment Liaison will report to the Speed Skating Canada Board of Directors all complaints of harassment and how they were resolved.

**Note:** The complainant may approach anyone within Speed Skating Canada who he or she trusts with their complaint. This individual who was contacted by the complainant should contact the Harassment Liaison as the complainant representative.

- 3.8. **Harassment – Sport and/or workplace:** For the purposes of this policy, sport and/or workplace harassment will include the following places:
- a) At sporting event, competitions, and in training session;
  - b) At the office;
  - c) At office-related social functions;
  - d) At the organization’s business functions, such as meetings, conferences, training sessions, and workshops;
  - e) During work-related / sport-related travel;
  - f) Over the telephone; or
  - g) Elsewhere if the person harassed is there as a result of work-related or sport-related responsibilities or a work-related or sport-related relationship
- 3.9. **Investigation Report:** The product of an investigation completed by the Fact Finder, including, but not limited to, a summary of details and his or her opinion of the situation
- 3.10. **Respondent:** The individual accused of the action(s), which the Complainant thinks, constitutes harassment.
- 3.11. **Responsible Adult:** Where the Complainant or the Respondent is a minor, a parent, guardian, or older adult of the minor's choice, may speak on behalf of the minor Complainant or minor Respondent.
- 3.12. **Reprisal:** Reprisals or threats of reprisal are an aggravating factor in any situation involving discrimination or harassment, particularly where the reprisal or threat of reprisal is by a person in authority. Examples of reprisal include but are not limited to:
- a) Acts of retaliation or intimidation designed to punish an individual who has reported harassment.
  - b) Threats of retaliation or intimidation designed to dissuade an individual from reporting harassment.

In sexual harassment situations, reprisals can also include but are not limited to:

- c) Acts of retaliation or intimidation to punish an individual who has rejected sexual advances.
- d) Threats of retaliation or intimidation if sexual advances are rejected.
- e) For the purpose of this policy, the making of a vexatious complaint shall also be deemed a reprisal.

- 3.13. **Sexual Harassment:** One or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature:
- a) when such conduct might reasonable be expected to cause embarrassment, insecurity, discomfort, offence, or humiliation to another person or group;
  - b) when submission to such conduct is made either implicitly or explicitly including but not limited to a condition of employment, and team selection;
  - c) when submission to or rejection of such conduct is used as a basis for any employment, team, etc., decision (including but not limited to, matters of promotion, raise in salary, job security, or other benefits);
  - d) when such conduct has the purpose or the effect of interfering with a person's performance or creating an intimidating, hostile or offensive environment.

#### **4. PRINCIPLES**

- 4.1. Each individual of Speed Skating Canada has the right to participate and work in an environment, which promotes equal opportunities and prohibits discriminatory practices.
- 4.2. Speed Skating Canada is committed to ensuring the speed skating community is safe for all.
- 4.3. Speed Skating Canada believes that education and training is fundamental to preventing the occurrence of harassment.

#### **5. POLICY STATEMENT**

- 5.1. Speed Skating Canada will not tolerate sport or work place harassment.

#### **6. PROVISIONS**

- 6.1. Prevention
  - 6.1.1. Speed Skating Canada is committed to the eradication of harassment through educational programs including information and training (Appendix "C")
- 6.2. Responsibility
  - 6.2.1. The Speed Skating Canada Board of Directors is responsible for the implementation of this policy.
  - 6.2.2. The Speed Skating Canada Board of Directors will access the complaint and determine, and if necessary will contact and fact find.
  - 6.2.3. Speed Skating Canada will provide training to Harassment Liaison and will review the credentials of all Fact Finders employed in order to ensure they have the necessary qualifications to effectively investigate the complaint
  - 6.2.4. Speed Skating Canada will act quickly in a sensitive and responsible manner on any complaint of harassment with the goal of resolving the

situation fairly and of preventing further occurrences, including determining and enforcing appropriate discipline, if required.

- 6.2.5. Nothing in this policy affects the rules of Speed Skating Canada's sport or the selection of teams based on performance. SSC will collaborate with the police should a criminal investigation take place and may modify its procedure accordingly.

### 6.3. Training

- 6.3.1. Discipline in training is an indispensable part of high performance sport and should not be confused with harassment. However, it is of vital importance that those in authority:
- a) Set and communicate non-discriminatory performance standards, selection criteria, rules and regulations to all participants.
  - b) Ensure that training involving touching or other physical contact occurs in an appropriate setting, and only after informed consent has been sought and received.
  - c) Be consistent in taking any corrective or punitive actions without discrimination or harassment based on prohibited grounds.
  - d) Use non-discriminatory terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

### 6.4. Coach / Athlete Sexual Relations

- 6.4.1. Speed Skating Canada takes the view that intimate sexual relationships between coaches (paid or appointed) and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on Speed Skating Canada's public image. Speed Skating Canada therefore takes the position that such relationships are unacceptable for coaches coaching athletes representing the Association. Should a sexual relationship develop between an athlete and a coach, Speed Skating Canada will investigate and take action which could include reassignment, or if this is not feasible, a request of the coach for resignation or dismissal from the position.

### 6.5. Confidentiality

- 6.5.1. 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.
- 6.5.2. Speed Skating Canada may make no absolute guarantees of confidentiality. Circumstances in which information may be shared are when:
- a) where required by law;
  - b) when it is felt to be necessary to protect others from harassment or discrimination;

- c) when required to ensure fairness in the procedures contemplated by this policy;
- d) to protect the interests of Speed Skating Canada.

## 6.6. Harassment Liaison

- 6.6.1. An Individual(s) selected by the Speed Skating Canada Board of Directors.
- 6.6.2. This individual(s) will be provided training and education so that he / she can fulfil his / her role effectively.
- 6.6.3. In the selection of the Harassment Liaison(s), geographical, gender and language needs will be considered.
- 6.6.4. A list of Harassment Liaison(s) will be published on an annual basis.

## 6.7. Fact Finder

- 6.7.1. Speed Skating Canada will contract a Fact Finder, from a pool of trained individuals established by the Alternative Dispute Resolution Program for Amateur Sport or any other similar pool.

## 6.8. Complaint Procedure

- 6.8.1. Harassment complaints will proceed in accordance with the informal and formal procedure as outlined in Appendix "A".
- 6.8.2. This policy shall not prevent a person in authority taking immediate, informal, corrective, disciplinary action in accordance with SSC Discipline Policy.
- 6.8.3. Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Canadian Human Right Commission and under the Criminal Code of Canada, even when steps are being taken under this policy.

## 6.9. Interim Measures

- 6.9.1. The Board of Directors may impose interim measures pending the investigation and disposition of a complaint, if the Board of Directors is of the view that the imposition of such measures is in the best interest of the Complainant, Respondent and / or Speed Skating Canada.
- 6.9.2. Interim measures are not sanctions, and they may take many forms, including but not limited to:
  - a) The imposition of conditions upon the continued participation of the Respondent in the activities or work of Speed Skating Canada, such as but not limited to:
    - i) work activity limited to administrative duties
    - ii) to complete duties at home

- iii) work with different athletes
- iv) perform duties under direct supervision at all times
- b) Suspension of the Respondent from participation in the activities or work of Speed Skating Canada, with or without pay, or under such other terms as are seen to be appropriate.
- c) Security arrangements.

6.10. Minors

6.10.1. A responsible adult shall assist a minor in all proceedings under this policy.

## 7. REVIEW AND APPROVAL

- 7.1. The Speed Skating Canada Board of Directors and Director General shall review this policy biennially.
- 7.2. Original Policy Lead: **Linda Lee**
- 7.3. Current Policy Lead: **Marie-Claire Rouleau**

## APPENDIX A Complaint Procedure

### 1.0 INFORMAL PROCEDURE

- 1.1 A person who thinks he or she has been subjected 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.
- 1.2 If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant should seek the advice of someone within the organization that the individual trusts. If the Complainant approaches someone other than the Harassment Liaison, that person shall inform the Harassment Liaison of the Complaint. The Complainant's 'person of trust' may continue to assist the Complainant through out the complaint procedure.
- 1.3 At the initial meeting between the Complainant and the Harassment Liaison, the Complainant will be informed of the following:
- i) The role of the Harassment Liaison is a conduit between the Speed Skating Canada Board of Directors and the Complainant. Information gathered about any complaint will be forwarded to the Board of Directors.
  - ii) The option to pursue an informal resolution of the complaint ;
  - iii) or the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
  - iv) The availability of counselling and other support;
  - v) The confidentiality provision of this policy;
  - vi) The right to be represented by a person of choice, including legal counsel, at any stage in the complaint process at the individual's own expense;
  - vii) Information gathered from alleged harassment complaints and those settled informally or formally will be filed at the National Office;
  - viii) The right to withdraw from any further action in connection with the complaint at any stage (even though Speed Skating Canada may continue to investigate the complaint)
- 1.4 The Harassment Liaison acts as a neutral party. His / her role is to gather information and liaise with the Board of Directors until the complaint is resolved informally or proceeds to the formal step of this policy. The Harassment Liaison may provide support to both the Complainant and the Respondent in order to facilitate a satisfactory resolution for both parties.



- 1.5 Should the complaint not be resolved through informal procedures nor is more appropriately dealt with under another policy, the complaint shall proceed to the Formal Complaint procedures of this Policy.
- 1.6 This policy shall not prevent a person in authority taking immediate, informal, corrective, disciplinary action in response to behaviour that, in their view, constitutes a minor incident of harassment.

## **2.0 FORMAL PROCEDURE**

- 2.1 The Harassment Liaison 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. All complaints coming forward whether signed or not, will be investigated.
- 2.2 The Speed Skating Canada Board of Directors will contract a Fact Finder to investigate formal complaints. The Fact Finder reports to the Discipline Panel.
- 2.3 The SSC Board of Directors shall provide to the Fact Finder:
  - i) all the information the Harassment Liaison has provided to the SSC Board of Directors surrounding the complaint
  - ii) the terms of reference which the SSC Board of Directors have developed, under which the Fact Finder shall work.
- 2.4 The Disciplinary Panel, which is independent to the Complainant and the Respondent and is neutral and unbiased, shall be formed as per the Speed Skating Canada Discipline Policy. Whenever possible the panel will have members of both gender represented.
- 2.5 Investigation by the Fact Finder
  - 2.5.1 When a Fact Finder receives a complaint from Speed Skating Canada, the Fact Finder will:
    - i) Review and clarify the Complainant's written complaint by contacting the Complainant;
    - ii) Within seven [7] days) give a reviewed copy of the complaint to the Respondent and the Complainant.
  - 2.5.2 When the Fact Finder gives a copy of the written complaint to the Respondent, the Fact Finder 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.
  - 2.5.3 The Respondent will provide a written response to the Fact Finder within fourteen (14) days of receiving the written complaint. If there are special circumstances, the Fact Finder may extend the time for response.

In the event that the Respondent declines or doesn't provide the written response, the Fact Finder will continue nonetheless.

2.5.4 The Fact Finder will receive and clarify any response from the Respondent in consultation with the Respondent.

2.5.5 Within thirty (30) days of receiving the initial written complaint, the Fact Finder shall conduct an investigation and prepare a written Investigation Report. In special circumstances, including but not limited to travel, sickness, unavailability of witnesses, respondent, complainant, the time limit may be extended up to another thirty (30) days, at the discretion of the Speed Skating Canada Board of Directors.

## 2.6 The Investigation Report

2.6.1 The Investigation Report from the Fact Finder should contain:

- i) A summary of the relevant facts;
- ii) A recommendation as to whether the act(s) in question constitute harassment as defined in this policy;

2.6.2 The Disciplinary Committee shall receive the Investigation Report as prepared by the Fact Finder.

## 2.7 Publication of Decision

2.7.1 Upon determination of harassment and after the appeal period has past, the Speed Skating Canada may make public the decision and the discipline.

## 2.8 Documentation and Education

2.8.1 All documentation of each formal complaint shall be kept in the National Office. Some documents may provide education about the issue of Harassment and as such the Board of Directors may decide to share the information with branch offices or other sports organizations.

2.8.2 The record shall contain all relevant documentation, including but not limited to:

- i) Details of the reports(s) and/or copy of the complaint(s);
- ii) The response(s), if any;
- iii) The terms of reference of the investigator, if any;
- iv) The interim measures, if any;
- v) The investigation report, if any;
- vi) Any witness statements;
- vii) The terms of any informal resolution or written resolution agreement;
- viii) The Discipline Panel's determinations, if any;
- ix) The sanctions imposed, if any;
- x) All other correspondence;
- xi) Any appeal(s) filed;
- xii) Any material filed in an appeal; and any minutes

## APPENDIX B

### 1.1 FORMAL HEARING GUIDELINES

The following procedural steps are guidelines for a Formal Hearing. The Discipline Committee can modify these as needed, and should modify them if necessary to maintain a balance of fairness for both parties.

#### 1.1.1 Formal Hearing Procedure:

##### ● **Step 1. Declaration of Conflict**

Prior to the Hearing the Chair would write to each of the Complainant and the Respondent, introducing the members of the Disciplinary Committee. The Chair would also include in the document the question, “Is there are any objections to any of the Discipline Committee members hearing and deciding upon the Hearing”.

The Complainant and the Respondent must respond within seven days to the question by either agreeing to the members of the Discipline Committee or objecting to the members providing the basis for the objection. Failure to respond within the seven days would indicate the Complainant and or Respondent have no objections.

The Discipline Committee would determine whether there is bias or a conflict of interest. If the Discipline Committee determines there is bias, the member involved would disqualify him or herself. Other members for the Disciplinary Committee would be selected per the procedure. Declaration of Conflict would occur for each member of the Discipline Committee.

##### ● **Step 2. Introductions**

The Chair welcomes the Complainant and the Respondent and asks them to introduce themselves. Formal introductions are helpful to any other parties who are present and the Committee members, and also serve to open the hearing in a respectful manner.

##### ● **Step 3. Explanation of Procedure**

The Chair would explain the procedure to be followed in the Hearing. It should be emphasized that the purpose of the Hearing is to ensure that all evidence needed to make the decision is brought forward.

The Chair must emphasis that all comments be directed through the chair. This ensures that the Complainant and the Respondent avoid debating or arguing with each other.

The Discipline Committee would want to decide how it would conduct itself at this stage, as this will set the tone for the Hearing. For example, the Committee

may choose to address the Complainant, Respondent and each other by first names, which helps to establish a more relaxed atmosphere.

- **Step 4. Oath/Affirmation**

The Discipline Committee may wish to ask all parties to give evidence under oath or affirmation. “Swearing In” conveys the seriousness of the proceedings. It also indicates that both the Complainant and the Respondent will be held to the same standard of “truth” as well as reinforcing the independent status of the Hearing.

**Procedure for Taking an Oath:**

A Disciplinary Committee Member will ask the witness giving evidence to come forward and place his or her right hand upon the Bible. The Disciplinary Committee member then asks the witness, “Do you solemnly swear that this evidence you are about to give shall be the truth, so help you God?” The witness should answer affirmatively (“I do”, “I so swear”, or a similar statement). If any individual objects to swearing an oath on the Bible, he or she may “affirm”, in which case the Disciplinary Committee member asks the individual to raise his or her right hand and then asks, “Do you solemnly affirm that the evidence you are about to give shall be the truth?” The witness should answer affirmatively.

- **Step 5. Complainant’s Argument**

The Complainant should be asked to go first and explain his or her complaint. If the Complainant is presenting any written materials at this stage, copies must be given to the Discipline Committee and to the Respondent.

The basic principle is that any evidence (whether verbal or written) which the Disciplinary Committee is asked to consider must be shared openly with the other party.

- **Step 6. Respondent’s Rebuttal**

When the Complainant’s submission is concluded, the Chair would ask the Respondent if he or she has any questions or comments. This is not an invitation for the Respondent to present his or her case or to make a speech. It is only an opportunity to highlight or clarify points arising from the Complainant’s submission.

The Disciplinary Committee members may also ask questions of the Complainant at this point.

When the Disciplinary Committee is satisfied that the Complainant has presented all his or her evidence, and that all questions have been answered, the Hearing would move to the next step.

- **Step 7. Respondent's Argument**

The Respondent would present his or her submission.

- **Step 8. Complainant's Rebuttal**

When the Respondent has concluded, the Complainant is given an opportunity for rebuttal, as per Step 6.

The Disciplinary Committee members may also ask questions of the Respondent at this time.

When the Disciplinary Committee is satisfied that the Respondent has presented all his or her evidence the Hearing would move to the next step.

- **Step 9. Other Information**

At this point the Disciplinary Committee has heard submissions and rebuttals from both parties, and everyone has had the opportunity to seek answers to questions. The Disciplinary Committee should then ask both the Complainant and the Respondent if they have any further comments. This is to ensure that all of the relevant information has been brought forward for consideration before asking each party to give their closing statements.

- **Step 10 Closing Statements**

Both parties would make a closing statement before the hearing is adjourned. The Respondent would go first, leaving the Complainant to have the last word.

- **Step 11 Deliberation and Decision**

When the Hearing concludes, both the Complainant and the Respondent would be asked to leave the room so the Disciplinary Committee can deliberate in private. During deliberations the Disciplinary Committee would determine if they were able to come to a decision immediately. If not, both parties would be called in and told that the decision and the reasons for the decision would be coming to them within 10 days – as per subparagraph 13.23 of the Harassment Policy.

If at all possible, the Disciplinary Committee should make and give its decision immediately. In addition to being the most convenient approach for everyone, this also shows the Disciplinary Committee to be responsive and accountable. When the decision is given immediately, a written decision with reasons is still be sent out to the parties within 10 days.

During deliberations the Disciplinary Committee would determine if the complaint is without merit, was brought forward in a vexatious manner, or is

valid. (Subparagraph 13.20 Harassment Policy). If the complaint is found to be without merit, the reasons would be presented, and then the case would be closed.

If the complaint were found to be valid or brought forward in a vexatious manner, the Disciplinary Committee would determine the appropriate disciplinary action to be taken. (Subparagraph 13.21 and 13.22 Harassment Policy)

At the conclusion of the decision the Chair will inform both the Complainant and the Respondent that they have option to appeal the decision under the Speed Skating Canada Appeals Policy. A Notice of Appeal and Request a Hearing must be served to the Speed Skating Canada President within 10 days from the decision.

## APPENDIX C

### 1.2 PREVENTION STRATEGIES

To prevent incidents of harassment within the sport of speed skating, Speed Skating Canada is committed to providing policies, information, training, and education.

#### 1.1.2 POLICIES AND PRACTICES

- Ensure Speed Skating Canada has clear, well-delineated policies in place which include but are not limited to:
  - Harassment
  - Screening
  - Discipline
- Ensure distribution of these policies to the membership.
- Ensure clear understanding of the policies through a workshop(s) at the Annual General Meeting.

### 2 TRAINING

- Training will be provided for Harassment Liaisons.
- Training information, practices, etc. will be shared with branches so that they may implement similar programs within the provincial association.

### 3 EDUCATION

- Joint venture between national sport organisations to produce educational and resource materials.
- Joint ventures between Speed Skating Canada and its member branches to provide education on a broad basis.
- Production of educational brochures for parent and participants of the sport of Speed Skating.
- Support and distribute information concerning educational workshops/seminaries explaining the policy and process as part of annual meetings, volunteer, training, athlete camps and/or wherever else deemed appropriate.
- Publish harassment information in communication vehicle to membership.  
Post educational information on web page.