

POLICY: MEMBERSHIP HARASSMENT

REFERENCE: By-law 1204

EFFECTIVE DATE: October 4, 2008

POLICY STATEMENT

1. Skate Canada is committed to providing a skating environment in which all individuals are treated with respect and dignity. Each individual has the right to participate in an environment which promotes equal opportunities and prohibits discriminatory practices, including discriminatory and sexual harassment.
2. Every Skate Canada member is entitled to be free from harassment and discrimination based on discriminatory grounds such as:
 - age
 - ancestry
 - color
 - creed
 - handicap
 - ethnic origin
 - family status
 - gender
 - marital status
 - race
 - record of offenses (for which a pardon has been granted)
 - sexual orientation
 - political or religious affiliation
3. The Membership Harassment Policy applies to harassment based on prohibited grounds of discrimination, including sexual harassment.

HARASSMENT

Discriminatory Harassment

4. For the purposes of this policy, discriminatory harassment is defined as improper conduct which is
 - directed toward an individual or group of individuals, and which is
 - related to or motivated by the race, national or ethnic origin, colour, religion, age, marital status, family status, disability, or pardoned conviction of that individual or group of individuals, and which is
 - offensive to that individual or group of individuals, and which

- the person making the comment, conduct, or gestures knows or ought to know is unwelcome or unwanted.

This improper behaviour, which may be on a one-time or continuous basis, is insulting, intimidating, humiliating, malicious, degrading, or embarrassing. The improper behaviour does not have to be made with the intent to harass or discriminate, to be in violation of this policy.

Sexual Harassment

5. For the purposes of this policy, sexual harassment is defined as:

- improper conduct which is
- directed toward an individual or group of individuals, and which is
- related to the sex or sexual orientation of that individual or group of individuals, and which
- might reasonably be expected to cause offense or humiliation to that individual or group of individuals, or which
- might reasonably be perceived by the individual or group of individuals as placing a condition of a sexual nature on employment, or on any opportunity for training or advancement.

Sexual harassment may be directed at members of the same sex or the opposite sex. This improper behaviour, which may be on a one-time or continuous basis, is insulting, intimidating, humiliating, malicious, degrading, or embarrassing. The improper behaviour does not have to be made with the intent to harass or discriminate, to be in violation of this policy.

6. Prohibited conduct includes but is not limited to the following behaviour:

- (a) racial or ethnic slurs
- (b) written or verbal abuse or threats
- (c) the display of pornographic, racist or other offensive or derogatory material
- (d) unwelcome remarks, jokes, comments, innuendo, taunting, or questions about a person's looks, body, attire, age, race, religion, sex, sexual orientation, or sex life
- (e) leering, whistling, or other suggestive or obscene gestures
- (f) condescending, paternalistic or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects the skating environment
- (g) practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance

- (h) unwanted physical contact
- (i) unwelcome sexual flirtations, advances, requests for sexual favours, or invitations, whether indirect or explicit
- (j) physical or sexual assault.

NO RETALIATION

7. Retaliation against an individual for having filed a complaint under this policy, or for having participated or assisted in any procedure under this policy, will not be tolerated by Skate Canada and will be treated as harassment for the purposes of this policy.

APPLICATION OF THIS POLICY

8. This policy applies to all members of Skate Canada, including officials, coaches, athletes, volunteers and the Skate Canada Board of Directors. Skate Canada encourages the reporting of all incidents of harassment, regardless of who the offender may be.
9. This policy applies to discriminatory and sexual harassment which may occur at or during the course of any Skate Canada business or skating activity or event (including business or skating activities or events of member organizations). It also applies to harassment occurring outside of those situations, when the harassment is occurring between persons covered by this policy, and the harassment adversely affects the Skate Canada skating environment.
10. Every member of Skate Canada has a responsibility to play a part in ensuring that Skate Canada's skating environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour which is contrary to this policy. In addition, any member of Skate Canada who believes that a fellow member of Skate Canada has experienced or is experiencing harassment, is encouraged to notify a Harassment Officer.

COMPLAINANT'S RIGHTS

11. An individual who believes he or she has been harassed has the right:
- (a) to file a complaint and to obtain an investigation and resolution of his or her complaint through the procedures established under the Membership Complaints, Investigation and Hearing Procedures, without fear of embarrassment or retaliation;
 - (b) to be represented or accompanied by another person of his or her choice (including legal counsel) at any stage in the complaint process; and
 - (c) to contact the appropriate provincial human rights commission directly, if desired.

RESPONDENT'S RIGHTS

A person against whom a harassment complaint has been made ("Respondent") has the right:

- (d) to be informed that a complaint has been made;
- (e) to be provided with a copy of the complaint outlining particulars of the allegations;
- (f) to be afforded the opportunity to respond to the complaint, in accordance with the procedures under the Membership Complaints, Investigation and Hearing Procedures; and
- (g) to be represented or accompanied by another person of his or her choice (including legal counsel) at any stage in the complaint process.

COMPLAINTS PROCESS

Harassment Officers

- 12. The President or the President's delegate ("the President") shall appoint up to four employees (at least one male and at least one female) to act as National Office Harassment Officers. In addition, the President shall appoint one Area Harassment Officer from each of the following geographical areas: British Columbia, the Mid-West, Ontario, Quebec, and the Atlantic Region. All Harassment Officers shall report directly to the Skate Canada Director General.
- 13. The role of the Harassment Officer is to provide impartial and confidential advice and information, to receive complaints under this Policy, to assist in informal resolution of complaints, and to refer complaints for investigation under the Membership Complaints, Investigation and Hearing Procedures where appropriate.

Reporting a Complaint

- 14. Skate Canada encourages individuals who believe they have been harassed to make it known to the alleged harasser that the behaviour is unwelcome and offensive.
- 15. If confronting the alleged harasser is not possible, or if after confronting that individual the offensive behaviour continues, Skate Canada encourages the individual who believes he or she has been harassed to seek the advice of his or her Area Harassment Officer or one of the National Office Harassment Officers.
- 16. If an individual believes that a colleague has experienced harassment, or is being harassed, Skate Canada encourages that individual to report this belief to his or her Area Harassment Officer or one of the National Office Harassment Officers.
- 17. If a Harassment Officer receives a report under this section, the Harassment Officer shall meet with the individual believed to be harassed.

Preliminary Complaint Process

- 18. Where an individual who believes he or she has been harassed seeks the advice of a Harassment Officer, the Harassment Officer shall inform that individual of:

- (a) his or her rights under section 11 of this policy;
- (b) the option of pursuing an informal resolution of his or her complaint with the assistance of the Harassment Officer;
- (c) the right to file a formal written complaint under the Membership Complaints, Investigation and Hearing Procedures,
- (d) the confidentiality provisions of this policy,
- (e) other options for recourse, including the right to file a complaint with the appropriate provincial human rights commission, and, where appropriate, the right to contact local police to initiate charges under the Criminal Code.

No Further Action

- 19. As a result of the initial meeting with the Harassment Officer, if the individual and the Harassment Officer together conclude that the offensive behaviour does not constitute harassment within the meaning of this policy, then the Harassment Officer will take no further action, and will not maintain any written record of the meeting.

Informal Resolution Process

- 20. As a result of this initial meeting with the Harassment Officer, if the individual chooses to pursue an informal resolution of his or her complaint, the Harassment Officer will coordinate a meeting between that person and the alleged harasser, and will assist them in an attempt to negotiate a mutually acceptable solution to the complaint.
- 21. If a mutually acceptable solution results, the Harassment Officer will make a written memorandum that a complaint was made and was resolved informally to the satisfaction of both parties, but will take no further action.
- 22. If a mutually acceptable result is not achieved, the individual who believes he or she has been harassed has the option of filing a formal written complaint.

Initiating a Formal Complaint

- 23. As a result of this initial meeting with the Harassment Officer, if the individual decides to file a formal written complaint, then that individual will file a written complaint setting out the details of the incident(s), the names of any witnesses to the incident(s), and the nature of the offensive behaviour or misconduct, with the Harassment Officer. The complaint shall then be investigated and resolved in accordance with the process set out in the Membership Complaints, Investigation and Hearing Procedures.

Independent Action by Harassment Officer

- 24. As a result of this initial meeting with the Harassment Officer, if the individual who believes he or she has been harassed does not wish to take any further steps under this policy, the Harassment Officer may, on his or her own initiative, initiate the process set out in the Membership Complaints, Investigation and Hearing Procedures, if the

Harassment Officer considers it to be in the interests of Skate Canada given the nature of the conduct in question.

Action by Complaints Review Officer

25. Skate Canada's Complaint Review Officer may initiate the process set out in the Membership Complaints, Investigation and Hearing Procedures, if the Complaint Review Officer considers it to be in the interests of Skate Canada given the nature of the conduct in question.

CONFIDENTIALITY

26. Skate Canada understands that it can be extremely difficult to come forward with a complaint of harassment, and that it can be devastating to be wrongly accused of harassment. Skate Canada recognizes the interests of both the complainant and the respondent in maintaining confidentiality.
27. Skate Canada shall maintain all records in a confidential manner, and will not disclose the fact that a complaint has been made, the name of the complainant or the respondent, the circumstances giving rise to the complaint, the findings of any investigation, and the manner in which the complaint was resolved except to the extent that disclosure of any of this information is necessary for the purposes of investigating the complaint, or taking disciplinary and corrective action in relation to the complaint, or is required by law.
28. Section 27 does not apply to final determinations of the Hearing Panel and the Appeal Panel made under the Membership Complaints, Investigation and Hearing Procedures.
29. Harassment Officers shall maintain a complaint file in respect of any complaint, which shall be maintained at the National Office and shall be kept confidential. Access to the file shall be restricted to Directors and the CEO. All written materials relating to a complaint, including complainant statements, responses from alleged harassers, witness statements, interview notes, and reports and memoranda regarding resolution shall be placed in the file.

EFFECTIVE DATE

30. This policy has been approved by the Board of Directors to come into effect October 4, 2008.