

# Harassment Policy



2007



# HARASSMENT POLICY

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## POLICY STATEMENT

1. Judo Canada 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.
  - Judo Canada is committed to providing a sport environment free of harassment on the basis of race, nationality or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.

**(Note:** A special provision in criminal law permits a pardon. An individual must apply for a pardon. A criminal who has served his or her sentence is not considered "pardoned".)
2. This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials, and members of Judo Canada. Judo Canada 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 Judo Canada business, activities, and events. It also applies to harassment between individuals associated with Judo Canada but outside of Judo Canada business, activities, and events when such harassment adversely affects relationships within Judo Canada's 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.

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### DEFINITIONS

5. This policy uses the term **complainant** to refer to the person who experiences harassment, even though not all people who experience harassment will make a formal complaint. The term **respondent** refers to the person against whom a complaint is made.
6. Harassment takes many forms but can generally be defined as a comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.
7. 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; or
  - such conduct has the purpose or effect of interfering with an individual's performance; or
  - such conduct creates an intimidating, hostile, or offensive environment.
8. Types of behaviour 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, paternalistic, or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working conditions;
  - practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - unwanted physical contact including touching, petting, pinching or kissing;
  - unwelcome sexual flirtations, advances, requests,, invitations, or physical and/or sexual assault.

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9. Sexual harassment most commonly occurs in the form of behaviour by males towards females; however, sexual harassment can also occur between males, between females or as behaviour by females toward males.
10. For the purposes of this policy, retaliation against an individual
- for having filed a complaint under this policy; or
  - 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.

## RESPONSIBILITY

11. The Judo Canada executive committee and executive director are responsible for the implementation of this policy. In addition, they are responsible for:
- discouraging and preventing harassment within Judo Canada;
  - 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 individuals who experience harassment;
  - doing all in their power to support and assist any employee or member of Judo Canada who experiences harassment by someone who is not an employee or member of Judo Canada;
  - making all members and employees of Judo Canada aware of the problem of harassment, particularly about sexual 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 organization's legal obligations and public policy objectives;

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- appointing officers and providing the training and resources they need to fulfil their responsibilities under this policy; and
  - appointing unbiased case review panels and appeal bodies as well as providing the resources and support they need to fulfil their responsibilities under this policy.
12. Every member of Judo Canada has a responsibility to play a part in ensuring that the Judo Canada sport environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. Furthermore,, any member of Judo Canada who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.
13. In the event that either a member of the Judo Canada executive committee or the executive director are involved in a complaint which is made under this policy, the Judo Canada president shall appoint a suitable alternate for the purpose of dealing with the complaint.

### COACH/ATHLETE SEXUAL RELATIONSHIPS

14. Judo Canada takes the view that intimate sexual relationships between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on Judo Canada's public image. Judo Canada therefore takes the position that such relationships are unacceptable for coaches coaching at the National team level. Should a sexual relationship develop between athlete and coach, Judo Canada will investigate and take action, which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

### DISCIPLINARY ACTION

15. See Judo Canada Discipline Procedures.

### CONFIDENTIALITY

16. Judo 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 convicted of harassment. Judo Canada recognizes the interests of both the complainant and the respondent in keeping the matter confidential, as per the Discipline Policy.
17. Judo Canada 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.

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### **HARASSMENT OFFICERS**

18. Judo Canada shall strive to ensure a gender balance in the selection of its harassment officers. The male and female athletes' representatives may serve as the harassment officers under this policy.
19. The role of harassment officers is to serve in a neutral, unbiased capacity in order to receive complaints, assist in the informal resolution of complaints and to investigate formal written complaints. In carrying out their duties under this policy, harassment officers shall be directly responsible to the Judo Canada executive committee.
20. Judo Canada shall ensure that harassment officers receive appropriate training and support for carrying out their responsibilities under this policy.

### **COMPLAINT PROCEDURE**

21. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this policy.
22. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of a harassment officer.
23. The harassment officer shall inform the complainant of:
  - the 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 availability of counselling and other support provided by Judo Canada;
  - 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 external mediation/arbitration mechanisms that may be available;
  - the right to withdraw from any further action in connection with the complaint at any stage (even though Judo Canada might continue to investigate the complaint); and

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- 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.
24. There are four possible outcomes to this initial meeting of complainant and harassment officer.
- (a) The complainant and harassment officer agree that the conduct does not constitute harassment.
- If this occurs, the harassment officer will take no further action and will make no written record.
- (b) The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.
- If this occurs, the harassment officer will assist the two parties to negotiate an acceptable solution to the complaint. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
  - If informal resolution yields a result which is acceptable to both parties, the harassment officer 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 harassment officer will assist the complainant in drafting a formal written complaint to be signed by the complainant, and a copy given to the respondent without delay. 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. The harassment officer may assist the respondent in preparing this response.

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- (d) The complainant brings evidence of harassment, but does not wish to lay a formal complaint.
- If this occurs, the harassment officer 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 officer decides that the evidence and surrounding circumstances require a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.
25. As soon as possible, but within 15 days of receiving the written complaint, the harassment officer shall submit a report to the Judo Canada President and Executive Director, containing the documentation filed by both parties along with a 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.
26. In the event that the harassment officer's recommendation is to proceed with an investigation, the Judo Canada President shall within twenty one (21) days appoint three members of Judo Canada 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 a significant personal or professional relationship with either the complainant or the respondent.
27. The disciplinary hearing will be conducted as per the Discipline Procedures.
28. Where the investigation does not result in a finding of harassment, a copy of the case review panel's report shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to the Judo Canada executive committee, executive director and officers.
29. If the investigation results in a finding of harassment, a copy of the case review panel's report shall be placed in the personnel or membership file of the respondent.

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### **PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED**

30. Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to an officer, the officer shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with Section 23.
31. Appeals to the decision of the case review panel shall be made in accordance with the Appeal Policy of the Association.

### **REVIEW AND APPROVAL**

32. This policy was approved by the Judo Canada board of directors on June 10, 2007.
33. The Legal Committee shall review and report annually on matters arising from the Policy.

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