

Harassment Policy

This policy is based in part upon materials published by the Law Society of Upper Canada in their 1992 publication A Recommended Personnel Policy Regarding Employment-Related Sexual Harassment.

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.

Policy Statement

1. Nova Scotia Disc Sports (DiscNS) 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.
 - a. 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.
 - b. Harassment is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under Canada’s Criminal Code.
 - c. 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.
 - d. DiscNS is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.
2. This policy applies to all employees as well as to all DiscNS participants which includes directors, officers, volunteers, coaches, chaperones, registered competitive athletes, officials, and organizational members of DiscNS. DiscNS 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 DiscNS business, activities, and events. It also applies to harassment between individuals associated with DiscNS but outside DiscNS business, activities, and events when such harassment diversely affects relationships within the DiscNS'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.

Definitions

5. Harassment takes 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.
6. For the 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:

- a. submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - b. such conduct has the purpose or effect of interfering with an individual's performance; or
 - c. such conduct creates an intimidating, hostile, or offensive environment.
7. Types of behaviour which constitute harassment include but are not limited to:
- a. written or verbal abuse or threats;
 - b. the display of visual material which is offensive or which one ought to know is offensive;
 - c. unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation;
 - d. leering or other suggestive or obscene gestures;
 - e. condescending, paternalistic, or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working conditions;
 - f. practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - g. unwanted physical contact including touching, petting, pinching, or kissing;
 - h. unwelcome sexual flirtations, advances, requests, or invitations; or
 - i. physical or sexual assault.
8. Sexual harassment most commonly occurs in the form of behaviour by males toward females; however, sexual harassment can also occur between males, between females, or as behaviour by females toward males.
9. For the purposes of this policy, retaliation against an individual
- a. for having filed a complaint under this policy; or
 - b. for having participated in any procedure under this policy; or
 - c. 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

10. The board and the DiscNS executive are responsible for the implementation of this policy. In addition, DiscNS is responsible for:
- a. discouraging and preventing harassment within DiscNS and DiscNS associated groups;
 - b. investigating formal complaints of harassment in a sensitive, responsible, and timely manner;
 - c. imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - d. providing advice to persons who experience harassment;
 - e. doing all in their power to support and assist any employee or DiscNS participant who experiences harassment by someone who is not an employee or DiscNS participant;
 - f. making all DiscNS participants and employees of DiscNS aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
 - g. informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
 - h. regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
 - i. appointing officers and providing the training and resources they need to fulfill their responsibilities under this policy; and
 - j. appointing unbiased Disciplinary Committees and providing the resources and support they need to fulfill their responsibilities under this policy.

11. Every DiscNS participant and employee has a responsibility to play a part in ensuring that the DiscNS sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any DiscNS participant or employee who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.
12. In the event that the DiscNS President is involved in a complaint which is made under this policy, the DiscNS board shall appoint a suitable alternate for the purposes of dealing with the complaint.

Coach/Athlete Sexual Relationships

13. DiscNS 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 DiscNS's public image. DiscNS therefore takes the position that such relationships are unacceptable for coaches coaching at all levels. Should a sexual relationship develop between athlete and coach, the DiscNS 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

14. Employees or DiscNS participant against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership or ineligibility to participate in DiscNS events in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

Confidentiality

15. DiscNS 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. DiscNS recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
16. DiscNS 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.

Officers

17. In the event of a harassment complaint, DiscNS shall appoint at least two persons, one male and one female, who are themselves DiscNS members or employees of the sport organization, to serve as harassment officers under this policy. If more than two officers are appointed, DiscNS shall ensure a gender balance.
18. The role of harassment officers 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 duties under this policy, harassment officers shall be directly responsible to the DiscNS President.
19. DiscNS shall ensure that harassment officers receive appropriate training and support for carrying out their responsibilities under this policy.

Complaint Procedure

20. 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.

21. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of the DiscNS President who will assign a harassment officer.
 22. The harassment officer shall inform the complainant of:
 - a. the options for pursuing an informal resolution of his or her complaint;
 - b. the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - c. the confidentiality provisions of this policy;
 - d. the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
 - e. the right to withdraw from any further action in connection with the complaint at any stage (even though DiscNS might continue to investigate the complaint);
 - f. 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.
 23. 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.
 - i. 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
 - i. If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
 - ii. 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.
 - iii. 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
 - i. 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.
 - ii. 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.
 - d. The complainant brings evidence of harassment but does not wish to lay a formal complaint.
 - i. 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.
 - e. 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.
 24. As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the DiscNS President containing the documentation filed by both parties along with a recommendation that:
 - a. 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
 - b. The complaint should be investigated further.
- A copy of this report shall be provided, without delay, to both the complainant and the respondent.

25. In the event that the harassment officer's recommendation is to proceed with an investigation, the DiscNS President shall appoint a Disciplinary Committee which shall deal with the complaint under the terms of the DiscNS Disciplinary Management policy.
26. When determining appropriate disciplinary action and corrective measures in cases of harassment, the Disciplinary Committee shall consider factors such as:
 - a. the nature of the harassment;
 - b. whether the harassment involved any physical contact;
 - c. whether the harassment was an isolated incident or part of an ongoing pattern;
 - d. the nature of the relationship between complainant and harasser;
 - e. the age of the complainant;
 - f. whether the harasser had been involved in previous harassment incidents;
 - g. whether the harasser admitted responsibility and expressed a willingness to change; and
 - h. whether the harasser retaliated against the complainant.
27. Where the Disciplinary Committee does not find that harassment has taken place, a copy of their 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 DiscNS Board, Directors and harassment officers.
28. Where the Disciplinary Committee finds that harassment has taken place, a copy of their report shall be placed in the personnel or participant file of the respondent. Unless the findings of the Committee are overturned upon appeal, 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

29. 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 22.

Appeals

30. Appeals of decisions under this policy shall be made in accordance with the provision of the DiscNS Internal Appeal Policy.

Revision Statement

This Policy was last ratified on April 15th, 2018. DiscNS may change this Policy from time to time. If DiscNS makes a material change, this Policy will be updated accordingly and DiscNS will make reasonable efforts to notify affected individuals and organizations.



DiscNS, Director



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