

## **Discrimination & Harassment**

1. Rowing Canada Aviron (RCA) 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 that promotes equal opportunities and prohibits discriminatory practices. Nothing in the RCA Policy affects the rules of the COA, FISA or the IOC.
2. This policy establishes a problem solving approach to deal with harassment and discrimination issues. It provides for an internal complaint resolution process where early resolution will be facilitated.
  - 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.
  - Rowing Canada Aviron is committed to providing a sport environment free of harassment or discrimination on the basis of the prohibited grounds as defined in section 5 of this policy.
3. This policy applies to all employees and people under contract as well as to all directors, officers, volunteers, coaches, athletes, officials and members of Rowing Canada Aviron.
4. Rowing Canada Aviron encourages the reporting of all incidents of discrimination or harassment, regardless of who the offender may be.
5. This policy applies to discrimination or harassment that may occur during the course of all Rowing Canada Aviron business, activities and events. It also applies to harassment between individuals associated with Rowing Canada Aviron but outside Rowing Canada Aviron business, activities and events when such harassment adversely affects relationships within Rowing Canada Aviron's work and sport environment.
6. Notwithstanding this policy, every person who experiences discrimination or 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. If a complainant using this policy chooses to use an alternate procedure such as a human rights code or the courts, RCA may decide to either terminate or suspend this procedure.



**Coach/Athlete Sexual Relations:**

7. Rowing Canada Aviron 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 Rowing Canada Aviron's public image. Rowing Canada Aviron therefore takes the position that such relationships are unacceptable. Should a sexual relationship develop between an athlete and a coach, Rowing Canada Aviron will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

**DEFINITIONS**

**Discrimination:**

8. Discrimination is any distinction, whether intentional or not, but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.

The prohibited grounds of discrimination under RCA's Policy are as follows:

- age (except for athletes, an age that is eighteen years or more and less than sixty-five)
- ancestry
- citizenship
- colour
- creed or religion
- disability
- ethnic or national origin
- language
- marital/family status (defined to include common law relationships, and to not preclude anti- nepotism policies)
- place of origin
- race
- sex (defined to include pregnancy)
- sexual orientation
- record of offences (pardoned Federal or provincial)

**Harassment:**

9. Harassment takes many forms but can generally be defined as a course of comment, conduct, or gesture directed toward an individual or group of individuals, that is known or ought to be known to be unwelcome to be insulting, intimidating, humiliating,



malicious, degrading or offensive. Single acts of sufficient severity may constitute harassment. Any type of hazing is also seen as harassment.

**Sexual Harassment:**

10. 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:

- submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
- such conduct has the purpose or effect of interfering with an individual's performance;
- such conduct creates an intimidating, hostile or offensive environment.

11. Types of behaviour which constitute harassment include but are not limited to:

- Criminal conduct such as stalking and physical or sexual assault or abuse;
- 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 or invitations;
- use of inappropriate or derogatory sexual terms;
- promises or threats contingent on the performance of sexual favours.



12. 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.

**Personal Harassment:**

13. Personal harassment involves excessive, unwelcome behaviour, directed at an individual, not linked to the prohibited grounds, which is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

Examples may include, but are not limited to:

- a. Physically intimidating behaviour and/or threats;
- b. Use of profanity (swearing), vulgarity;
- c. Ridiculing, taunting, belittling or humiliating
- d. Derogatory name-calling.

In most cases, single incidents of inappropriate language or behaviour, outside of those actions identified in Sections 10 and 11, are not governed by this policy. Managers, supervisors and coaches are expected to take appropriate action to address such issues as part of their normal responsibilities.

**Properly Discharged Supervision:**

14. Properly discharged supervisory and instructional responsibilities by supervisors, managers and coaches do not constitute harassment. Performance appraisals, counselling, discipline and the proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non-discriminatory manner are not contrary to this policy. Furthermore, this policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and athletic environment.

**Retaliation:**

15. For the purposes of this policy, retaliation against an individual:
- for having filed a complaint under this policy ;
  - for having participated in any procedure under this policy;
  - for having been associated with a person who filed a complaint or participated in any procedure under this policy shall be treated as harassment, and will not be tolerated.
16. For the purpose of this policy, the making of a groundless, frivolous, vexatious or made in bad faith complaint may also be deemed retaliation and treated as harassment by the person(s) reviewing the complaint.



### **Criminal Background Checks:**

17. It is the policy of Rowing Canada Aviron to conduct comprehensive background and criminal record checks on all coaches and employees at the time of appointment.

## **RESPONSIBILITY**

### **Everyone is Responsible:**

18. Every member of Rowing Canada Aviron has a responsibility to play a part in ensuring that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member of Rowing Canada Aviron who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

### **Management/Supervisor/Coach Responsibility:**

19. Anyone who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All managers, supervisors and coaches therefore have a particular duty to act to deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures.

### **Harassment Policy Coordinator:**

20. Rowing Canada Aviron shall appoint a Harassment Policy Coordinator (HPC) from among its senior staff. This person will have overall responsibility for the administration of this policy, including the management of the Harassment Advisors. In addition, the harassment Policy Coordinator is responsible for:

- leading efforts to discourage and prevent harassment within Rowing Canada Aviron;
- where appropriate, appointing mediators to assist in the resolution of conflicts under this policy;
- receiving formal complaints;
- investigating formal complaints of harassment in a sensitive, responsible and timely manner, or, when appropriate, appointing another member of staff, or contracting an external investigator to conduct investigations;
- implementing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- providing advice and assistance to any employee or member of Rowing Canada Aviron who experiences harassment by someone who is or is not an employee or member of Rowing Canada Aviron;



- making all members and employees of Rowing Canada Aviron aware of the problem of harassment, and in particular 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 and responsibilities under the law;
  - maintaining the time frames for the policy process, including the various disclosures to the parties;
  - regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
  - advising the RCA Board on the operation of the policy.
21. In the event that the HPC is a party (complainant, respondent, witness) to a complaint which is made under this policy, the Rowing Canada Aviron president shall appoint a suitable alternate for the purposes of dealing with the complaint.

**Harassment Advisors:**

22. Rowing Canada Aviron shall appoint five harassment advisors from among its employees and members as follows:
- one athlete and one coach from the London centre
  - one athlete and one coach from the Victoria centre
  - one member of staff

Rowing Canada will arrange for the Harassment Advisors to receive appropriate initial and continuing training, as well as support and assistance for carrying out the responsibilities under this policy.

For the purposes of this policy, the HRPA will be directly responsible to the Harassment Policy Coordinator.

The responsibilities of the Harassment Advisors include, but are not restricted to:

- providing information on the policy and procedures to members of RCA
- providing information and advice to people involved in conflicts addressed by this policy
- providing advice regarding jurisdiction and mediation to complainants and respondents

**Executive Director:**

23. The Executive Director acts as the final decision maker on matters relating to the Policy, including deciding upon the form of discipline if an allegation of harassment or discrimination is supported through the investigation process.



## **DISCIPLINARY ACTION**

24. Employees or members of Rowing Canada Aviron against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

## **CONFIDENTIALITY**

25. Rowing Canada Aviron 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. Rowing Canada Aviron recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
26. Rowing Canada Aviron shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondents or any written documentation pertaining to harassment matters except where such disclosure is required by law or is in the best interest of the public. This shall not preclude publication of the decision where such publication is part of a sanction as permitted in Section 41.
27. A complainant has the right to withdraw a complaint at any stage in the complaint process. Rowing Canada Aviron may continue to act on the issue identified in the complaint in order to comply with its legal obligations.
28. All complaints must be initiated within six months of the incident occurring. In extenuating circumstances a complaint filed beyond the six month limitation will be considered by Rowing Canada Aviron.

## **COMPLAINT PROCEDURE**

### **Harassment During Competitions:**

29. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by an Rowing Canada Aviron representative in a position of authority, provided the individual being disciplined is informed of the reasons for the discipline and has an opportunity to provide information concerning the incident. In such situations, sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

### **Stage One — Individual Action:**

30. Recognizing that it is in the best interests of all parties to resolve human rights conflicts, a person who believes that they are being harassed should, when possible, as the initial



step towards its resolution, discuss the complaint with the person whose action gave rise to the complaint.

### **Stage Two — Informal:**

31. If approaching the person causing the problem is not possible, or if after talking to this person the offensive behaviour continues, the person with the problem should contact a Harassment Advisor of their choice
32. The Harassment Advisor will provide information to the complainant regarding the policy and procedure including:
  - the emphasis of the policy process on working with the two individuals in conflict to resolve these issues in an informal manner
  - the right to file a formal written complaint
  - the availability of counselling
  - that if the complainant believes that his or her safety is at risk or threatened by the respondent, that this should be noted and the police should be contacted
  - the right to have a personal adviser or representative
  - the right to withdraw from any further action at any point
  - the right to use other avenues of recourse
  - that there are time limits which apply to this process as well as others
  - the options available to address a complaint, including alternative dispute resolution
  - the penalties and redress that are available under this policy, including the possibility of penalties against a complainant if the complaint is found to be trivial, without merit, frivolous, vexatious or made in bad faith
  - the confidentiality of the process
33. The complainant is asked to provide the Harassment Advisor with the following information:
  - the name and location of the respondent
  - the nature of the complaint
  - the time and date of the complaint
  - the names of any witnesses to the event(s) of the complaint
  - the section of the policy that the complainant feels has been contravened by the respondent
  - the solution needed to resolve the complaint
34. The Harassment Advisor will provide advice to the complainant regarding whether it seems, on the face of the information provided, that the complaint falls within the jurisdiction of the policy. In the case that the Advisor advises that the complaint does not seem to fall under the policy, the complainant has the right to proceed to the formal complaint stage.



35. The Harassment Advisor will provide advice to the complainant whether, on the basis of the information provided, an alternative dispute resolution mechanism is in order. If the complainant is agreeable, such a mechanism will be put in place. In a situation where formal mediation is advised, the Harassment Advisor will consult with the Harassment Policy Coordinator to arrange the appointment of the mediator.

**Stage 3 — Formal Complaint:**

36. Failing resolution of the complaint during interaction with the Harassment Advisor, the complainant may submit a formal complaint in writing. The formal complaint must be submitted to the Harassment Policy Coordinator on the policy complaint form and must include:

the name and location of the complainant

- the name and location of the respondent
- the time and date of the event(s) being complained about
- the section of this policy the complaint falls under
- a description of the complaint, detailing the circumstances surrounding the incident
- desired solution.
- the complaint must be signed and dated by the complainant.

37. On receiving a written complaint, the Harassment Policy Coordinator shall, within five calendar days of receipt:

- (a) acknowledge receipt of the complaint in writing, informing the complainant whether, on a matter of jurisdiction, the complaint will be pursued under this policy, and, if not, the reasons for not pursuing the complaint,
- (b) 1. If it has been determined that the complaint will be pursued under this policy, inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations within ten calendar days. The Harassment Policy Coordinator must provide the respondent with a copy of this policy as well as inform the respondent of his/her rights and responsibilities under the policy, including the right to have a representative and the importance of confidentiality.

or

- (b) 2. In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of this policy, the Harassment Policy Coordinator will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided will include a copy of the complaint, the reasons for not pursuing it and a statement that no response to the complaint is required.



38. If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the Harassment Policy Coordinator shall disclose such information back to the complainant within five calendar days of its receipt.
39. Within ten days of the complainant receiving the response of the respondent, the Harassment Policy Coordinator shall meet separately with the complainant and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter. If appropriate, the Harassment Policy Coordinator may ask a Harassment Advisor to assist in the resolution of the complaint at this point.
40. If, after the clarification of the submissions from the parties, the complaint has not been resolved, the Harassment Policy Coordinator shall facilitate the appointment of an investigator by RCA. The investigation shall commence within ten days of this appointment.

The Investigator may:

- interview the complainant and the respondent
- interview witnesses suggested by the parties
- interview other witnesses who may provide useful information for the investigation
- gather evidence
- submit, within twenty calendar days from the beginning of the investigation, a written report of the findings of the investigation to the Harassment Policy Coordinator.

#### **Stage 4 - Investigation Report/Decision Making Meeting:**

41. The Harassment Policy Coordinator shall send copies of the investigation report to the parties within five calendar days of receiving it from the Investigator.
  - (a) If the investigation report concludes that the complaint does not fall within the jurisdiction of this policy, the complaint will be dismissed by RCA. The parties will be informed of the dismissal at this time.

This decision may be appealed, in writing, within ten calendar days, to the Executive Director. If an appeal is submitted by the complainant, the respondent will be sent a copy of the submission and be given the opportunity to respond. The Executive Director will review the investigation report and any submissions and make a final decision. If a decision is made in favour of upholding the complaint dismissal, this decision is not appealable within RCA. If the decision is to allow the complaint to proceed further, the process shall then continue to step 41(b).

- (b) For any other findings of the investigative report, the parties will be requested to submit any comments regarding that report. These submissions must be received by



the Harassment Policy Coordinator within ten calendar days. All submissions received will then be disclosed to the parties to the complaint.

At the same time the Executive Director of Rowing Canada Aviron will be informed that a mutually acceptable solution to the complaint has not been found by any of the other processes outlined in this policy.

#### 42. Information Meeting

Within 10 calendar days of receiving the investigative report and submissions from the parties, the Executive Director may initiate an information meeting. This meeting shall take place within 15 calendar days of the notice of the meeting. The purpose of the meeting will be to assist the Executive director to seek clarification of the contents of the investigative report and/or submissions in order to make a final decision on the complaint. The meeting will be presided over by the Executive Director. The Executive Director may include anyone who he/she believes will add value to the process at the meeting.

The notification of the meeting to the parties will include a list of persons and an agenda.

At the information meeting the President or designate may ask for clarification from anyone she/he feels may provide helpful information at that time. Cross-examination is not permitted at the meeting.

43. Within 10 calendar days after receipt of the investigative report and submissions or after the completion of the information meeting, if such a meeting occurs, the Executive Director will provide to the parties a written decision with reasons. This decision is not appealable through this policy process.

44. When determining appropriate disciplinary action and corrective measures, the Executive Director shall consider factors such as:

- nature of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between complainant and harasser;
- the age of the complainant;
- whether the harasser had been involved in previous harassment incidents;
- whether the harasser admitted responsibility and expressed a willingness to change;
- whether the harasser retaliated against the complainant.

45. In imposing disciplinary sanctions, the Executive Director may consider the following options, singly or in combination, depending on the severity of the harassment:

- a verbal apology;
- a written apology;



- a letter of reprimand
- a fine or levy;
- referral to counselling;
- removal of certain privileges of membership or employment;
- demotion or a pay cut;
- temporary suspension with or without pay;
- termination of employment or contract;
- expulsion from membership;
- suspension from certain Rowing Canada Aviron events which may include suspension from current competition or from future teams or competitions;
- suspension from certain Rowing Canada Aviron activities for a designated period of time;
- publication of part or all of the decision;
- other sanctions as may be considered appropriate for the offence.

Failure to comply with a sanction as determined by the Executive Director shall result in automatic suspension of membership in Rowing Canada Aviron until such time as the sanction is complied with. As well, an automatic sanction may be imposed in extreme cases pending a decision by the Executive Director.

46. The resolution of all informal or formal complaints will be noted by RCA through written correspondence to the parties.
47. Where the final decision of the complaint process is that the allegation of harassment is unfounded all materials relevant to the investigation shall be placed in the Harassment Policy Coordinator's files. These files shall be kept confidential and separate from all other RCA files. Access to them shall be restricted to Rowing Canada Aviron officials involved in the harassment and discrimination policy process.
48. Where the final decision of the complaint process is that the allegation of harassment is upheld, a copy of the letter to the respondent explaining the decision and the discipline being imposed will be retained in the respondent's personnel or membership file.

#### **Criminal Offenses relating to sex:**

49. Notwithstanding the procedures set out in this policy, any member of Rowing Canada Aviron, or any individual engaged in activities with or employed by Rowing Canada Aviron, who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of Rowing Canada Aviron for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by Rowing Canada Aviron in accordance with this Policy.



## **POLICY ADMINISTRATION**

### **Costs:**

50. Rowing Canada Aviron shall be responsible for the costs of the administration of this policy including the costs of any mediation or investigation services. All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

### **Policy Review:**

51. This policy shall be reviewed every two years.
52. In the case of a significant revision of the relevant human rights codes (Ontario and British Columbia), or as a result of finding that a procedure contained in the policy is either contrary to legal practises or inoperable, the policy may be reviewed and revised when appropriate.



## **Appendix “A”**

### **Discrimination & Harassment**

1. Rowing Canada Aviron (RCA) 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 that promotes equal opportunities and prohibits discriminatory practices. Nothing in the RCA Policy affects the rules of the COA, FISA or the IOC.
2. This policy establishes a problem solving approach to deal with harassment and discrimination issues. It provides for an internal complaint resolution process where early resolution will be facilitated.
  - 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.
  - Rowing Canada Aviron is committed to providing a sport environment free of harassment or discrimination on the basis of the prohibited grounds as defined in section 5 of this policy.
3. This policy applies to all employees and people under contract as well as to all directors, officers, volunteers, coaches, athletes, officials and members of Rowing Canada Aviron.
4. Rowing Canada Aviron encourages the reporting of all incidents of discrimination or harassment, regardless of who the offender may be.
5. This policy applies to discrimination or harassment that may occur during the course of all Rowing Canada Aviron business, activities and events. It also applies to harassment between individuals associated with Rowing Canada Aviron but outside Rowing Canada Aviron business, activities and events when such harassment adversely affects relationships within Rowing Canada Aviron's work and sport environment.
6. Notwithstanding this policy, every person who experiences discrimination or 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. If a complainant



using this policy chooses to use an alternate procedure such as a human rights code or the courts, RCA may decide to either terminate or suspend this procedure.

**Coach/Athlete Sexual Relations:**

7. Rowing Canada Aviron 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 Rowing Canada Aviron's public image. Rowing Canada Aviron therefore takes the position that such relationships are unacceptable. Should a sexual relationship develop between an athlete and a coach, Rowing Canada Aviron will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

**DEFINITIONS**

**Discrimination:**

8. Discrimination is any distinction, whether intentional or not, but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.

The prohibited grounds of discrimination under RCA's Policy are as follows:

- age (except for athletes, an age that is eighteen years or more and less than sixty-five)
- ancestry
- citizenship
- colour
- creed or religion
- disability
- ethnic or national origin
- language
- marital/family status (defined to include common law relationships, and to not preclude anti-nepotism policies)
- place of origin
- race
- sex (defined to include pregnancy)
- sexual orientation
- record of offences (pardoned Federal or provincial)

**Harassment:**

9. Harassment takes many forms but can generally be defined as a course of comment, conduct, or gesture directed toward an individual or group of individuals, that is known



or ought to be known to be unwelcome to be insulting, intimidating, humiliating, malicious, degrading or offensive. Single acts of sufficient severity may constitute harassment. Any type of hazing is also seen as harassment.

**Sexual Harassment:**

10. 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:
  - submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
  - such conduct has the purpose or effect of interfering with an individual's performance;
  - such conduct creates an intimidating, hostile or offensive environment.
  
11. Types of behaviour which constitute harassment include but are not limited to:
  - Criminal conduct such as stalking and physical or sexual assault or abuse;
  - 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 or invitations;
  - use of inappropriate or derogatory sexual terms;
  - promises or threats contingent on the performance of sexual favours.



12. 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.

**Personal Harassment:**

13. Personal harassment involves excessive, unwelcome behaviour, directed at an individual, not linked to the prohibited grounds, which is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

Examples may include, but are not limited to:

- a. Physically intimidating behaviour and/or threats;
- b. Use of profanity (swearing), vulgarity;
- c. Ridiculing, taunting, belittling or humiliating
- d. Derogatory name-calling.

In most cases, single incidents of inappropriate language or behaviour, outside of those actions identified in Sections 10 and 11, are not governed by this policy. Managers, supervisors and coaches are expected to take appropriate action to address such issues as part of their normal responsibilities.

**Properly Discharged Supervision:**

14. Properly discharged supervisory and instructional responsibilities by supervisors, managers and coaches do not constitute harassment. Performance appraisals, counselling, discipline and the proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non-discriminatory manner are not contrary to this policy. Furthermore, this policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and athletic environment.

**Retaliation:**

15. For the purposes of this policy, retaliation against an individual:
- for having filed a complaint under this policy ;
  - for having participated in any procedure under this policy;
  - for having been associated with a person who filed a complaint or participated in any procedure under this policy shall be treated as harassment, and will not be tolerated.
16. For the purpose of this policy, the making of a groundless, frivolous, vexatious or made in bad faith complaint may also be deemed retaliation and treated as harassment by the person(s) reviewing the complaint.



**Criminal Background Checks:**

17. It is the policy of Rowing Canada Aviron to conduct comprehensive background and criminal record checks on all coaches and employees at the time of appointment.

**RESPONSIBILITY**

**Everyone is Responsible:**

18. Every member of Rowing Canada Aviron has a responsibility to play a part in ensuring that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member of Rowing Canada Aviron who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

**Management/Supervisor/Coach Responsibility:**

19. Anyone who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All managers, supervisors and coaches therefore have a particular duty to act to deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures.

**Harassment Policy Coordinator:**

20. Rowing Canada Aviron shall appoint a Harassment Policy Coordinator (HPC) from among its senior staff. This person will have overall responsibility for the administration of this policy, including the management of the Harassment Advisors. In addition, the harassment Policy Coordinator is responsible for:
  7. leading efforts to discourage and prevent harassment within Rowing Canada Aviron;
  8. where appropriate, appointing mediators to assist in the resolution of conflicts under this policy;
  9. receiving formal complaints;
  10. investigating formal complaints of harassment in a sensitive, responsible and timely manner, or, when appropriate, appointing another member of staff, or contracting an external investigator to conduct investigations;
  11. implementing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
  12. providing advice and assistance to any employee or member of Rowing Canada Aviron who experiences harassment by someone who is or is not an employee or member of Rowing Canada Aviron;



13. making all members and employees of Rowing Canada Aviron aware of the problem of harassment, and in particular sexual harassment, and of the procedures contained in this policy;
  14. informing both complainants and respondents of the procedures contained in this policy and of their rights and responsibilities under the law;
  15. maintaining the time frames for the policy process, including the various disclosures to the parties;
  16. regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
  17. advising the RCA Board on the operation of the policy.
21. In the event that the HPC is a party (complainant, respondent, witness) to a complaint which is made under this policy, the Rowing Canada Aviron president shall appoint a suitable alternate for the purposes of dealing with the complaint.

**Harassment Advisors:**

22. Rowing Canada Aviron shall appoint five harassment advisors from among its employees and members as follows:
18. one athlete and one coach from the London centre
  19. one athlete and one coach from the Victoria centre
  20. one member of staff

Rowing Canada will arrange for the Harassment Advisors to receive appropriate initial and continuing training, as well as support and assistance for carrying out the responsibilities under this policy.

For the purposes of this policy, the HRPA will be directly responsible to the Harassment Policy Coordinator.

The responsibilities of the Harassment Advisors include, but are not restricted to:

21. providing information on the policy and procedures to members of RCA
22. providing information and advice to people involved in conflicts addressed by this policy
23. providing advice regarding jurisdiction and mediation to complainants and respondents

**Executive Director:**

23. The Executive Director acts as the final decision maker on matters relating to the Policy, including deciding upon the form of discipline if an allegation of harassment or discrimination is supported through the investigation process.



## **DISCIPLINARY ACTION**

24. Employees or members of Rowing Canada Aviron against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

## **CONFIDENTIALITY**

25. Rowing Canada Aviron 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. Rowing Canada Aviron recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
26. Rowing Canada Aviron shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondents or any written documentation pertaining to harassment matters except where such disclosure is required by law or is in the best interest of the public. This shall not preclude publication of the decision where such publication is part of a sanction as permitted in Section 41.
27. A complainant has the right to withdraw a complaint at any stage in the complaint process. Rowing Canada Aviron may continue to act on the issue identified in the complaint in order to comply with its legal obligations.
28. All complaints must be initiated within six months of the incident occurring. In extenuating circumstances a complaint filed beyond the six month limitation will be considered by Rowing Canada Aviron.

## **COMPLAINT PROCEDURE**

### **Harassment During Competitions:**

29. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by an Rowing Canada Aviron representative in a position of authority, provided the individual being disciplined is informed of the reasons for the discipline and has an opportunity to provide information concerning the incident. In such situations, sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

### **Stage One — Individual Action:**

30. Recognizing that it is in the best interests of all parties to resolve human rights conflicts, a person who believes that they are being harassed should, when possible, as the initial



step towards its resolution, discuss the complaint with the person whose action gave rise to the complaint.

### **Stage Two — Informal:**

31. If approaching the person causing the problem is not possible, or if after talking to this person the offensive behaviour continues, the person with the problem should contact a Harassment Advisor of their choice
32. The Harassment Advisor will provide information to the complainant regarding the policy and procedure including:
  24. the emphasis of the policy process on working with the two individuals in conflict to resolve these issues in an informal manner
  25. the right to file a formal written complaint
  26. the availability of counselling
  27. that if the complainant believes that his or her safety is at risk or threatened by the respondent, that this should be noted and the police should be contacted
  28. the right to have a personal adviser or representative
  29. the right to withdraw from any further action at any point
  30. the right to use other avenues of recourse
  31. that there are time limits which apply to this process as well as others
  32. the options available to address a complaint, including alternative dispute resolution
  33. the penalties and redress that are available under this policy, including the possibility of penalties against a complainant if the complaint is found to be trivial, without merit, frivolous, vexatious or made in bad faith
  34. the confidentiality of the process
33. The complainant is asked to provide the Harassment Advisor with the following information:
  35. the name and location of the respondent
  36. the nature of the complaint
  37. the time and date of the complaint
  38. the names of any witnesses to the event(s) of the complaint
  39. the section of the policy that the complainant feels has been contravened by the respondent
  40. the solution needed to resolve the complaint
34. The Harassment Advisor will provide advice to the complainant regarding whether it seems, on the face of the information provided, that the complaint falls within the jurisdiction of the policy. In the case that the Advisor advises that the complaint does not seem to fall under the policy, the complainant has the right to proceed to the formal complaint stage.



35. The Harassment Advisor will provide advice to the complainant whether, on the basis of the information provided, an alternative dispute resolution mechanism is in order. If the complainant is agreeable, such a mechanism will be put in place. In a situation where formal mediation is advised, the Harassment Advisor will consult with the Harassment Policy Coordinator to arrange the appointment of the mediator.

**Stage 3 — Formal Complaint:**

36. Failing resolution of the complaint during interaction with the Harassment Advisor, the complainant may submit a formal complaint in writing. The formal complaint must be submitted to the Harassment Policy Coordinator on the policy complaint form and must include:

the name and location of the complainant

41. the name and location of the respondent
42. the time and date of the event(s) being complained about
43. the section of this policy the complaint falls under
44. a description of the complaint, detailing the circumstances surrounding the incident
45. desired solution.
46. the complaint must be signed and dated by the complainant.

37. On receiving a written complaint, the Harassment Policy Coordinator shall, within five calendar days of receipt:

- (a) acknowledge receipt of the complaint in writing, informing the complainant whether, on a matter of jurisdiction, the complaint will be pursued under this policy, and, if not, the reasons for not pursuing the complaint,
- (b) 1. If it has been determined that the complaint will be pursued under this policy, inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations within ten calendar days. The Harassment Policy Coordinator must provide the respondent with a copy of this policy as well as inform the respondent of his/her rights and responsibilities under the policy, including the right to have a representative and the importance of confidentiality.

or

- (b) 2. In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of this policy, the Harassment Policy Coordinator will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided will include a copy of the complaint, the reasons for not pursuing it and a statement that no response to the complaint is required.



38. If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the Harassment Policy Coordinator shall disclose such information back to the complainant within five calendar days of its receipt.
39. Within ten days of the complainant receiving the response of the respondent, the Harassment Policy Coordinator shall meet separately with the complainant and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter. If appropriate, the Harassment Policy Coordinator may ask a Harassment Advisor to assist in the resolution of the complaint at this point.
40. If, after the clarification of the submissions from the parties, the complaint has not been resolved, the Harassment Policy Coordinator shall facilitate the appointment of an investigator by RCA. The investigation shall commence within ten days of this appointment.

The Investigator may:

47. interview the complainant and the respondent
48. interview witnesses suggested by the parties
49. interview other witnesses who may provide useful information for the investigation
50. gather evidence
51. submit, within twenty calendar days from the beginning of the investigation, a written report of the findings of the investigation to the Harassment Policy Coordinator.

#### **Stage 4 - Investigation Report/Decision Making Meeting:**

41. The Harassment Policy Coordinator shall send copies of the investigation report to the parties within five calendar days of receiving it from the Investigator.
  - (a) If the investigation report concludes that the complaint does not fall within the jurisdiction of this policy, the complaint will be dismissed by RCA. The parties will be informed of the dismissal at this time.

This decision may be appealed, in writing, within ten calendar days, to the Executive Director. If an appeal is submitted by the complainant, the respondent will be sent a copy of the submission and be given the opportunity to respond. The Executive Director will review the investigation report and any submissions and make a final decision. If a decision is made in favour of upholding the complaint dismissal, this decision is not appealable within RCA. If the decision is to allow the complaint to proceed further, the process shall then continue to step 41(b).

- (b) For any other findings of the investigative report, the parties will be requested to submit any comments regarding that report. These submissions must be received by



the Harassment Policy Coordinator within ten calendar days. All submissions received will then be disclosed to the parties to the complaint.

At the same time the Executive Director of Rowing Canada Aviron will be informed that a mutually acceptable solution to the complaint has not been found by any of the other processes outlined in this policy.

#### 42. Information Meeting

Within 10 calendar days of receiving the investigative report and submissions from the parties, the Executive Director may initiate an information meeting. This meeting shall take place within 15 calendar days of the notice of the meeting. The purpose of the meeting will be to assist the Executive director to seek clarification of the contents of the investigative report and/or submissions in order to make a final decision on the complaint. The meeting will be presided over by the Executive Director. The Executive Director may include anyone who he/she believes will add value to the process at the meeting.

The notification of the meeting to the parties will include a list of persons and an agenda.

At the information meeting the President or designate may ask for clarification from anyone she/he feels may provide helpful information at that time. Cross-examination is not permitted at the meeting.

43. Within 10 calendar days after receipt of the investigative report and submissions or after the completion of the information meeting, if such a meeting occurs, the Executive Director will provide to the parties a written decision with reasons. This decision is not appealable through this policy process.

44. When determining appropriate disciplinary action and corrective measures, the Executive Director shall consider factors such as:

- nature of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between complainant and harasser;
- the age of the complainant;
- whether the harasser had been involved in previous harassment incidents;
- whether the harasser admitted responsibility and expressed a willingness to change;
- whether the harasser retaliated against the complainant.

45. In imposing disciplinary sanctions, the Executive Director may consider the following options, singly or in combination, depending on the severity of the harassment:

- a verbal apology;
- a written apology;



- a letter of reprimand
- a fine or levy;
- referral to counselling;
- removal of certain privileges of membership or employment;
- demotion or a pay cut;
- temporary suspension with or without pay;
- termination of employment or contract;
- expulsion from membership;
- suspension from certain Rowing Canada Aviron events which may include suspension from current competition or from future teams or competitions;
- suspension from certain Rowing Canada Aviron activities for a designated period of time;
- publication of part or all of the decision;
- other sanctions as may be considered appropriate for the offence.

Failure to comply with a sanction as determined by the Executive Director shall result in automatic suspension of membership in Rowing Canada Aviron until such time as the sanction is complied with. As well, an automatic sanction may be imposed in extreme cases pending a decision by the Executive Director.

46. The resolution of all informal or formal complaints will be noted by RCA through written correspondence to the parties.
47. Where the final decision of the complaint process is that the allegation of harassment is unfounded all materials relevant to the investigation shall be placed in the Harassment Policy Coordinator's files. These files shall be kept confidential and separate from all other RCA files. Access to them shall be restricted to Rowing Canada Aviron officials involved in the harassment and discrimination policy process.
48. Where the final decision of the complaint process is that the allegation of harassment is upheld, a copy of the letter to the respondent explaining the decision and the discipline being imposed will be retained in the respondent's personnel or membership file.

#### **Criminal Offenses relating to sex:**

49. Notwithstanding the procedures set out in this policy, any member of Rowing Canada Aviron, or any individual engaged in activities with or employed by Rowing Canada Aviron, who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of Rowing Canada Aviron for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by Rowing Canada Aviron in accordance with this Policy.



## **POLICY ADMINISTRATION**

### **Costs:**

50. Rowing Canada Aviron shall be responsible for the costs of the administration of this policy including the costs of any mediation or investigation services. All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

### **Policy Review:**

51. This policy shall be reviewed every two years.
52. In the case of a significant revision of the relevant human rights codes (Ontario and British Columbia), or as a result of finding that a procedure contained in the policy is either contrary to legal practises or inoperable, the policy may be reviewed and revised when appropriate.

