

Saskatchewan
Triathlon Association
Corporation
Harassment Policy

Statement of Commitment

The Saskatchewan Triathlon Association Corporation (STAC) is committed to providing a sport and work environment where all individuals are treated with dignity and respect. Everyone has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.

Every member of this organization has a responsibility to not engage in, condone, or ignore harassing behaviours. Any member who believes that another member is experiencing harassment is encouraged to notify the appropriate authorities as designated in this Policy.

Harassment is a form of discrimination and it is against the law. Harassment is prohibited by the Canadian Charter of Rights and Freedoms, The Saskatchewan Human Rights Code and The Saskatchewan Occupational Health and Safety Act.

STAC is committed to providing a sport environment free of harassment on the basis of race, nationality, ethnicity, colour, religion, creed, age, gender, sexual orientation, marital status, disability, being in receipt of public assistance, or a pardoned conviction.

Definition of Harassment

Harassment is a form of discrimination, and refers to conduct based on a prohibited ground, that creates an insulting, intimidating or humiliating environment which the perpetrator knew or ought reasonably to have known would be unwelcome.

Harassment can take many forms. It may be verbal, physical, visual or psychological. It can include but is not limited to:

- written or verbal abuse or threats;
- the display of racist, sexist or other offensive material;
- unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, intellectual ability, race, religion, gender, or sexual orientation;
- leering or other suggestive, 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; or
- physical or sexual assault (sexual or physical assault are criminal offenses and the appropriate police authorities should be contacted)

Application

This Policy applies to all employees, directors, officers, volunteers, coaches, athletes, officials, and members of STAC. S T A C encourages the reporting of all incidents of harassment, regardless of who may be the offender.

This Policy prohibits harassment that occurs during the course of all STAC business, activities, and events, such as tournaments, clinics, competitions, practices and social events, etc.

Complaint Procedure

Informal Options

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.

If confronting the harasser is not possible, or the behaviour continues a person may wish to inform any of the following people who can speak informally to the alleged harasser as a means of resolving the problem, and who can provide you with additional information:

STAC President or any member of the STAC Board of Directors

STAC Staff

Formal Options

If informal options are inappropriate or unsuccessful, an individual can file a formal written complaint with any of the following people as designated by STAC and who can provide you with additional information:

STAC President, PO Box 21008, Saskatoon, SK S7H 5N9

Dealing With a Complaint

Confidentiality

STAC recognizes the interests of both complainant and respondent in keeping the matter confidential, except as necessary to investigate and resolve the situation.

STAC shall not disclose to outside parties the name of the complainant and respondent, or the circumstances giving rise to a complaint, unless such disclosure is required for a disciplinary or other remedial process.

Investigation

An investigation shall be undertaken within 21 days. The alleged harasser will be notified immediately upon receipt of the complaint.

Both the complainant and respondent will be interviewed, along with any other individuals who may have information relevant to the situation.

Discipline/Compensation

If the investigation reveals evidence to support a complaint of harassment, the harasser will face appropriate discipline. The following options, singly or in combination, may be considered depending on the nature of the harassment:

- verbal apology
- written apology
- letter of reprimand from the sport organization
- 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

Compensation to the complainant will also be considered, including reimbursement for lost wages or registration fees, transfer to a new coach or supervisor, etc.

Because false accusations can have serious repercussions on innocent individuals, the willful misuse of this policy may also be grounds for disciplinary action ranging from a reprimand to dismissal.

Documentation

Where the investigation results in a finding of harassment, any documentation will be placed in the personnel or membership file of the respondent. Unless the findings are reversed upon appeal, this documentation shall be retained for a period of 5 years.

Where the investigation does not result in a finding of harassment, a copy of the documentation will be retained in STAC files which are kept strictly confidential with access restricted to the following STAC officials:

STAC Secretary

STAC Administrative Coordinator

Retaliation

Retaliation against any individual for reporting harassment, providing information or associating with someone who has filed a complaint or participated in an investigation will not be tolerated and will be treated as harassment.

Appeal Process

Both complainants and respondents can appeal a decision on the grounds that procedures were not followed; investigators were biased in their review of the situation; or the investigation was inadequate.

The intent to appeal must be made in writing, within 14 days of the decision, and include the grounds on which the appeal is being made. The STAC Executive will receive the appeal, assess its merits and make a decision whether to proceed within 14 days of its receipt.

Other Options

Notwithstanding this policy, every person continues to have the right to file a complaint with the Human Rights Commission, or, if appropriate, to pursue criminal charges with the police. Employees can also seek assistance from the Occupational Health and Safety Division of Saskatchewan Labour.

Review and Approval

This Policy was approved by the PSO Board of Directors at _ in the Province of _____ on this _____ day of _____, AD _____.

This Policy shall be reviewed by the following designates on an annual basis:

STAC Executive

Handling a Harassment Complaint

STAC will implement and administer the Harassment Policy. STAC may wish to consider implementing a committee composed of individuals who will fulfill the following functions:

- play a leadership role in discouraging and preventing harassment from occurring.
- provide information and support to individuals who are experiencing or have experienced harassment.
- make accurate information available to all individuals involved in STAC about the Harassment Policy and Procedures.
- receive informal harassment complaints and attempt to resolve the situation to the satisfaction of the parties involved.
- receive formal harassment complaints and ensure that cases are satisfactorily resolved.

Upon initially meeting with the complainant, the following information should be communicated:

- options for pursuing an informal resolution of the 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.
- the confidentiality provisions of this policy.
- the right to be represented by a person of choice (including legal counsel) at any point in the complaint process.
- options for mediation/arbitration.
- the right to withdraw from any further action in connection with the complaint at any stage (even though the organization may continue to investigate the complaint).
- other options for seeking resolution via the Human Rights Commission, the police or Occupational Health and Safety.

Informal Complaint Procedure

Informal complaints are those complaints which are brought to management's attention, but which are not written and do not necessarily result in an investigation.

Informal procedures are often an effective and less costly means of dealing with less serious harassment situations.

If the alleged harasser is not named, you may offer to handle the complaint by arranging for educational sessions or the distribution of informational materials. This could include: conducting a workshop; showing a video; inviting a guest speaker in to make a presentation; discussing your policy at a staff meeting.

If the alleged harasser is named, he or she must be informed of the concern and be provided with an opportunity to respond. In this case, you may offer to handle the complaint by arranging for:

- separate discussions with the complainant, and the respondent.
- subject to the agreement of both parties, a meeting between the complainant and the respondent. The meeting should be conducted by a mutually-acceptable individual and allow the complainant and the respondent to address concerns about one another's behaviour. The facilitator may be someone from STAC or you may wish to consider an outside person.

At any point in the informal process, either the complainant or the respondent can choose to proceed with an investigation as part of the formal complaint procedure.

Formal Complaint Procedure

A formal complaint is written and signed by the complainant. It should contain the following information:

- name of complainant
- home and work addresses and phone numbers
- nature of complaint, i.e. grounds on which harassment is being claimed
- alleged harasser's name
- details of complaint, i.e. description of behaviour or incidents, what was said or done, circumstances surrounding incident and names of witnesses

Once a formal complaint has been received, it is essential to respond in a timely manner, i.e. within 21 days.

The alleged harasser is to be officially notified upon being named in a harassment complaint.

Conducting an Investigation

Those responsible for investigating the complaint should be impartial and therefore, should not have a significant personal or professional relationship with either the complainant or the respondent. In some cases it may be appropriate to arrange for an outside person to conduct the investigation.

The investigator should do the following:

- interview the complainant, the alleged harasser and potential witnesses.
- take notes during every interview.
- determine whether others have experienced similar problems.
- assure confidentiality, as much as is possible.
- prepare a written report.

Within 14 days of having received the complaint, the investigation shall be completed and a report prepared and presented to the STAC designate, as well as to the complainant and the respondent. The report should include the following information:

- a summary of the relevant facts
- a determination as to whether the behaviours in question constituted harassment.
- recommended disciplinary action against the respondent, and compensation for the complainant.
- recommended disciplinary action against the complainant if the complaint is determined to be vexatious or retaliatory.

Determining Appropriate Disciplinary Action

When determining appropriate consequences and corrective measures, the following factors should be considered:

- the nature of the harassment.
- whether the harassment involved any physical contact.
- whether the harassment was an isolated incident or part of an ongoing pattern of behaviour.
- the nature of the relationship between the respondent and complainant.
- 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 in any way.

Concluding a Harassment Complaint

There are a number of details that will be specific to STAC and which should be considered:

- Who will make a final and binding decision regarding whether or not harassment took place?
- Who will decide what disciplinary action will be taken?
- Who will implement and monitor the disciplinary action?
- How long will the material surrounding the case be kept and where?
- What information, if any, will be included in an individual's personnel file?
- How will you ensure that confidentiality is maintained?
- Who will follow-up with the complainant to ensure that the harassing behaviour has stopped and to allow for any subsequent concerns to be addressed?

Appeal Process

In the event that a notice of appeal is filed, STAC shall appoint an appeal team, of a minimum of two people, to review the case.

The appeal team shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the investigation report and the notice of appeal.

Within 14 days the appeal shall be completed and a report prepared which outlines their recommendation. The appeal team has the ability to uphold the original decision resulting from the investigation; to reverse the decision of the original investigation; or to modify the recommendations for disciplinary action or compensation.

Within 7 days, the STAC Board of Directors shall review the report and make a final and binding decision.

Both respondent and complainant will be officially notified of the final decision regarding the appeal process.