

# **FEDERATION OF BROOMBALL ASSOCIATIONS OF ONTARIO**



## **• APPENDIX D • HARRASSMENT POLICY**

# FEDERATION OF BROOMBALL ASSOCIATIONS OF ONTARIO

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## Appendix D – Harassment Policy

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As of October 2019

### **AD1 STATEMENT OF POLICY**

- AD1.1 There will be no tolerance of harassment in Broomball.
- AD1.2 Broomball 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.
- AD1.3 Broomball is committed to the education of all of its members in the area of harassment.
- AD1.4 This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of the Federation of Broomball Associations of Ontario (F.B.A.O.). Broomball encourages the prompt reporting of all incidents of harassment, regardless of who the offenders may be.
- AD1.5 For the purposes of this policy, sport and/or workplace harassment can occur in the following places:
- a) at sporting events, competitions, and in training sessions,
  - b) at the office,
  - c) office related social functions,
  - d) at the organization's business functions, such as meetings, conferences, training sessions, and workshops,
  - e) during work related travel,
  - f) over the telephone, and
  - g) elsewhere if the person harassed is there as a result of work-related responsibilities or a work related relationship.
- AD1.6 Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the F.B.A.O., even when steps are being taken under this policy.
- AD1.7 An investigation under this policy shall follow the process of natural justice, as described in this policy.

### **AD2 PREVENTION**

- AD2.1 The F.B.A.O. is committed to the eradication of harassment through educational programs including information and training.

**AD3 DEFINITIONS**

AD3.1 Appeals Board: a multi-disciplinary committee consisting of members of the sport and recreation community. The committee shall consist of at least one woman and one man, each of whom have no personal or professional involvement with either the Complainant or Respondent, and no prior involvement in the matter under appeal.

AD3.2 Complainant: An employee, athlete, coach, official, or other participant of F.B.A.O. activities, who think he or she has been harassed.

AD3.3 Harassment: Behaviour including comments, conduct or gestures which is insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group, including, but not limited to:

- a) written or verbal abuse or threats,
- b) physical assault,
- c) unwelcome remarks, jokes, innuendoes, or taunting about a person's body, sexual orientation, attire, age, marital status, ethnic or racial origin, religion, etc,
- d) displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic or religious graffiti,
- e) practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance,
- f) hazing or initiation rites,
- g) leering or other suggestive or obscene gestures,
- h) intimidation,
- i) condescension, paternalism, or patronizing behavior, which undermines self-respect of adversely, affects performance of working conditions,
- j) conduct, comments, gestures or contact of a sexual nature that is likely to cause offense or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement,
- k) false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment, and
- l) sexual harassment, as further described in section 3.10.

AD3.4 Harassment Advisor: A designate of the F.B.A.O. who is conversant with the issue of harassment. The role of the Harassment Advisor is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to receive simple complaints, assist in informal resolution of complaints, and to make recommendations as to further action. The Harassment Advisor will handle complaints,

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which may be resolved through informal procedures, and refer all other complaints to the Harassment Officer.

- AD3.5 Harassment Officer: An individual identified by the F.B.A.O. as possessing, the training and appropriate background to investigate complaints.
- AD3.6 Investigation Report: The product of an investigation completed by the Harassment Officer, including, but not limited to, a summary of details, determination of harassment, and recommended disciplinary actions if harassment is found.
- AD3.7 Respondent: The perpetrator of the action(s), which the Complainant thinks constitutes harassment.
- AD3.8 Responsible Adult: Where the Complainant or the Respondent is a minor, a parent, legal guardian, or other adult of the minor's choice, who may speak on behalf of the minor Complainant or minor Respondent, as referred to in paragraphs AD7.1 and AD7.2.
- AD3.9 Standing Disciplinary Committee: A committee of persons as defined in the F.B.A.O. Constitution and By-Laws. The standing Disciplinary Committee decides whether harassment occurred and confirms or rejects the recommendation(s) of the Harassment Officer.
- AD3.10 Sexual Harassment: One of a series of incidents involving unwelcome sexual advances, requests for sexual favors, or other verbal conduct of a sexual nature.
- a) when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group,
  - b) when submission to such conduct is made either implicit or explicitly a condition of employment,
  - c) when submission to or rejection of such conduct is used as a basis of any employment decision (including, but not limited to, matters of promotion, raise in salary, job security, or benefits affecting the employee), and
  - d) when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

## **AD4 RESPONSIBILITY**

- AD4.1 The F.B.A.O. Executive is responsible for the implementation of this policy.
- AD4.2 The F.B.A.O. Executive will identify and designate harassment Advisors and Harassment Officers.

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AD4.3 The F.B.A.O. will act quickly on any complaint of harassment with the goal of resolving the situation fairly and or preventing future occurrences, including determining and enforcing appropriate discipline, if required.

### **AD4.4 COSTS**

AD4.4.1 When a person and/or company not affiliated with the FBAO are required to investigate a harassment complaint against a Registered FBAO Member, as either a Harassment Advisor and/or Harassment Officer, then the actual costs incurred by the FBAO will be split such that the Region of the Registered FBAO Member, will be responsible for 50% of the cost.

AD4.4.2 A second complaint against the same Registered FBAO Member will result in all costs incurred being the responsibility of the Region or Regions involved.

AD4.4.3 The Region can then in turn seek re-imburement of these costs from the individual in question, along with other potential sanctioning.

(April 2018)

### **AD5 CONFIDENTIALITY**

AD5.1 In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.

### **AD6 COMPLAINT PROCEDURE**

AD6.1 A person who thinks he or she has been subjected to conduct which constitutes harassment under this policy (the "Complainant") is encouraged to make it known to the person responsible for the conduct (the "Respondent") that the behavior is unwelcome, offensive, and contrary to this policy.

AD6.2 If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant should seek the advice of the Harassment Advisor.

AD6.3 Upon receiving the complaint, the Harassment Advisor shall obtain from the Complainant a statement in writing outlining the details of the incident(s) and the names of any witnesses. The statement should be dated and signed by the Complainant.

AD6.4 At the first meeting between the Harassment Advisor and the Complainant, the Harassment Advisor shall inform the Complainant of:

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- a) the options of pursuing an informal resolution of the complaint,
- b) the right to make a formal written complaint under this policy when an informal resolution is inappropriate or not feasible,
- c) the availability of counseling and other resources,
- d) the confidentiality provisions of this policy,
- e) the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process, and
- f) other avenues of recourse, if appropriate to contact the police where the conduct may be an offense pursuant to the Criminal Code.

AD6.5 Following the initial meeting between the Complainant and the Harassment Advisor, any of the following steps may be taken:

- a) if the Complainant and the Harassment Advisor agrees that the conduct does not constitute harassment, the Harassment Advisor will take no further action and will make no written record of the complaint,
- b) if the Complainant wished to proceed with a complaint investigation, the matter will be referred to Harassment Officers for investigation, and
- c) if the Harassment Advisor believes that the alleged harassment constitutes prima facie evidence of harassment but the Complainant does not wish to proceed with the complaint investigation, the following steps may be taken:
  - i. if the Complainant wishes to pursue an informal resolution of the complaint, the Harassment Advisor will meet with the Respondent with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated
  - ii. if the Complainant does not wish to pursue an informal resolution of the complaint, the Harassment Advisor may, nevertheless, take either of the following steps:
    - a) the Harassment Advisor may meet with the Respondent with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated. In the case of a meeting pursuant to this clause, the Harassment Advisor will make every reasonable effort to protect the identity of the Complainant. If the Harassment Advisor is satisfied that the complaint has been resolved through this informal process, the Harassment Advisor will take no further action on the complaint. If the Harassment Advisor is not satisfied that the complaint has been resolved

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through this informal process, then the Harassment Advisor may refer the matter to a Harassment Officer for investigation.

- b) the Harassment Advisor may refer the matter to a Harassment Officer for investigation

AD6.6 Investigation by the Harassment Officer: When a Harassment Officer receives a complaint from the Harassment Advisor, the Harassment Officer will:

- a) review and clarify the Complainant written complaint, and
- b) give a written copy of the complaint to the Respondent and the Complainant

AD6.7 Where the Harassment Officer gives a copy of the written complaint to the Respondent, the Harassment Officer will include with the written complaint a copy of this policy and a notice that the Respondent has the right to be represented by any person of choice at any stage of the process when the Respondent is required or entitled to be present.

AD6.8 The Respondent will provide a written response to the Harassment Officer within ten (10) days of receiving the written complaint. If there are special circumstances, the Harassment Officer may extend the time for response.

AD6.9 The Harassment Officer will receive and clarify the response from the Respondent.

AD6.10 Within sixty (60) days of receiving the initial written complaint, the Harassment Officer shall conduct an investigation and prepare a written Investigation Report.

AD6.11 All investigations stemming from this complaint shall follow the principle of natural justice, which states that:

- a) everyone has the right to a fair hearing in the course of determining whether an infraction has been committed,
- b) the issues should be clearly and concisely stated so that the accused is aware of the essentials of the complaint,
- c) the accused has a right to have a representative present his or her case,
- d) relevant information must be available at all parties,
- e) the accused has the right to call and cross-examine witnesses,
- f) the accused has the right to a written decision following the judgment,
- g) the accused has the right to appeal a decision (if there are grounds), and
- h) the decision maker has a duty to listen fairly to both sides and to reach a decision untainted by bias.

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AD6.12 The Investigation Report

The Investigation Report from the Harassment Officer should contain:

- a) a summary of the relevant facts,
- b) a determination as to whether the acts in question constitute harassment as defined in this policy, and
- c) if the act(s) constitute harassment, a recommended disciplinary action against the Respondent.

AD6.13 When recommending disciplinary action to be taken, the Harassment Officer 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 the Complainant and the Respondent
- e) the relative age of the Complainant and/or Respondent
- f) whether the Respondent had been involved in previous harassment incidents
- g) whether the Respondent retaliated against the Complainant

AD6.14 On completion of the report, the Harassment Officer shall forward a copy of the Investigation report shall be forwarded to the Complainant, the Respondent, and the Standing Disciplinary Committee.

AD6.15 Standing Discipline Committee

The Standing Discipline Committee shall receive the Investigation Report as prepared by the Harassment Officer.

AD6.16 After considering the Investigation Report, the Standing Discipline Committee shall:

- a) make a determination as to whether the Respondent has engaged in conduct constituting harassment, and
- b) if the Standing Discipline Committee determines that Respondent has engaged in conduct constituting harassment, order such disciplinary action to be taken against the Respondent as is appropriate in the circumstances.

AD6.17 When imposing disciplinary action against the Respondent pursuant to sub-paragraph AD 6.16 (b), the Standing Disciplinary Committee may impose such disciplinary action as it considers appropriate in the circumstances which may include, but is not limited to:



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- a) a verbal apology,
- b) a written apology,
- c) a letter of reprimand from the sport organization,
- d) a fine or levy,
- e) referral to counseling,
- f) sensitivity training in harassment issues,
- g) removal of certain privileges of membership or employment,
- h) demotion or pay cut,
- i) temporary suspension with or without pay,
- j) termination of employment or contract, and
- k) expulsion from membership.

- AD6.18 The Standing Disciplinary Committee shall, not more than ten (10) days after it makes its decision pursuant to paragraph AD12.2, send a notice to the Complainant and the Respondent.
- AD6.19 A Complainant or Respondent who is dissatisfied with the decision of the Standing Discipline Committee of the F.B.A.O. may, not more than thirty (30) days after the date he or she receives notice of the Standing Discipline Committee's decision, serve the Chair of the Appeals Committee with a Notice of Appeal and Request for Hearing.
- AD6.20 The Notice of Appeal and Request for Hearing shall be in writing and shall set out the grounds for appeal.
- AD6.21 Upon receipt of a Notice of Appeal and Request for Hearing, the Chair of the Appeals Committee shall send a copy of the Notice of Appeal and Request for Hearing together with a Hearing Notice by registered mail to the last known addresses of the Complainant and Respondent.
- AD6.22 The Hearing Notice shall be sent at least thirty (30) in advance of the scheduled hearing and shall:
- a) specify the date, time and location of the hearing,
  - b) advise the parties that they should bring with them to the hearing all relevant witnesses and other evidence they wish to be considered by the Appeals Committee, and
  - c) advise the parties that they have the right to be represented at the hearing.
- AD6.23 Within ten (10) days after completing a hearing, the Appeals Committee shall send a notice of its decision, by registered mail, to the last known addresses of the Complainant and Respondent.

**AD7 MINORS**

AD7.1 If the Complainant is a minor, the complaint may be brought forward by a "Responsible Adult." The Responsible Adult will have the right to act on behalf of the Complainant throughout the complain process, including:

- a) making a complaint,
- b) receiving all notices on behalf of the Complainant, and
- c) being present at all dealings with the Complainant.

AD7.2 If the Respondent is a minor, the following shall apply:

- a) if the Harassment Advisor is attempting an informal resolution of complaint, the Harassment Advisor may speak to the Respondent directly concerning the complaint provided that prior to speaking to the Respondent the Harassment Advisor shall inform the Respondent that he/she may have a Responsible Adult present during the meeting,
- b) if the complaint is referred to a Harassment Officer for investigation,
- c) a copy of the written complaint shall be forwarded to a parent or legal guardian of the Respondent if such person is known,
- d) the Respondent shall be advised that he/she has the right to be represented by a Responsible Adult, and
- e) the Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process including:
  - i. responding to a written complaint,
  - ii. receiving all notices on behalf of the Respondent, and
  - iii. being present at all dealings with the Respondent

**AD8 REVIEW AND APPROVAL**

AD8.1 This policy was approved by the F.B.A.O on 15th day of October, 2000 by the membership at the Board of Directors meeting.

AD8.2 This policy shall be reviewed by the F.B.A.O. Harassment Advisors and Executive on an annual basis.