



## Greater Sudbury Basketball Association - Harassment Policy

<b>POLICY:</b>	<b>Harassment Policy</b>
Effective Date:	September 22, 2020
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Approved by:	GSBA Board of Directors

### SCOPE

This policy applies to all coaches, teams, volunteers, spectators and members.

### POLICY

The policy of Greater Sudbury Basketball Association is to ensure that members have an environment that is free from harassment, sexual harassment and discrimination.

This policy shall be reviewed by Greater Sudbury Basketball Association and the Board of Directors as often as necessary but no less than every year to ensure that it adequately implements the policy.

### DEFINITIONS

**“Harassment”** means

- a) engaging in a course of vexatious comments or conduct against an individual in a place that is known or ought reasonably to be known to be unwelcome, or
- b) sexual harassment.

**“Sexual harassment”** means

- a) engaging in a course of vexatious comments or conduct against an individual in a place because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**One incident can be significant or substantial enough to constitute harassment. This includes harassment and discrimination, whether intended or not, based on the following prohibited grounds of discrimination based on the Ontario Human Rights Commission:**

- Disability (including mental, physical, developmental or learning disabilities)
- Sex (including pregnancy)
- Sexual orientation
- Race
- Colour
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Creed
- Age (18 years or more)
- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Family status (such as parent-child relationship)
- Gender expression
- Gender identity

### **Types of Harassment**

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

- Written or verbal abuse or threats;
- the display of visual material which is offensive or which one ought to know is offensive;
- unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation;
- leering or other suggestive or obscene gestures;
- condescending, paternalistic, or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working conditions;
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
- unwanted physical conduct including touching, petting, pinching or kissing;
- unwelcome sexual flirtations, advances, requests, or invitations; or
- physical or sexual assault.

## **RESPONSIBILITY**

1. Greater Sudbury Basketball Association, through the Board of Directors, is responsible for the implementation of this policy. In addition, the above will be responsible for:
  - discouraging and preventing harassment within any GSBA-sanctioned basketball programs and services;
  - investigating formal complaints of harassment in a sensitive, responsible and timely manner;
  - imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
  - providing advice to persons who experience harassment;
  - supporting and assisting any member of GSBA who experience harassment by someone who is not a member of Greater Sudbury Basketball;
  - making all members of GSBA 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 their rights under the law;
  - annually reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
  - appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfil their responsibilities under this policy.
2. Every member of GSBA has a responsibility to play a part in ensuring that the basketball environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member of GSBA who believes that another member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.
3. In the event that an GSBA Board Member is a party to a complaint which is made under this policy, he or she shall be excluded from the procedures in this policy, except as necessary for his or her participation as a party to a complaint.

## **COACH / ATHLETE SEXUAL RELATIONS**

1. GSBA believes that all coaches are in a position of trust and authority to their team members. GSBA, therefore, takes the position that any sexual relations between a coach who is at least 18 years of age and a team member who is less than 18 years of age is prohibited, and may constitute an offence under the Criminal Code.
2. GSBA takes the view that intimate sexual relations between coaches and adult athletes over the age of 18 can have harmful effects on the individual athlete involved, on other athletes and coaches and on GSBA's public image. GSBA therefore, takes the position that such relationships are unacceptable for coaches coaching in any GSB-sanctioned basketball programs or services.
3. Should GSBA become aware of a sexual relationship that has developed between an athlete and a coach, GSBA will investigate and take appropriate action.

## **DISCIPLINARY ACTION**

Members of Greater Sudbury Basketball against whom a complaint of harassment is substantiated may be severely disciplined, up to and including termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

## **CONFIDENTIALITY**

1. Greater Sudbury Basketball understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused or convicted of harassment. GSBA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
2. GSBA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to the complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

## **PROCEDURES**

### **Step 1 – Self-help**

An individual who feels that they have been the victim of harassment or discrimination is encouraged to first use direct communication with the person engaging in the unwelcome conduct to advise them that this behaviour is not welcome.

Once that has been done, the individual should make a coach, assistant coach, volunteer or any member of the Board of Directors aware of what has transpired. Wherever possible, individuals are asked to keep a written record of the date, time, details and witnesses (if any). It is recommended to record notes relating to any conversations they have had with the alleged harasser requesting that the behaviour stop.

### **Step 2 – League Support and Intervention**

Individuals who are not confident or comfortable with Step 1 and who believe they are victims of discrimination or harassment are encouraged to report these matters to the team Coach, assistant coach, volunteer or member of the Board of Directors. An individual of the board will then act as a mediator between the parties.

If the coach is the alleged harasser, the individual should report the incident of harassment to the Board of Directors or to any person designated to deal with harassment complaints.

### **Step 3 – Formal Complaint**

Where the unwanted behaviour continues to occur or it is not considered appropriate to the situation to approach the person engaging in the unwelcome conduct, a formal complaint must be submitted to the Board of Directors containing a brief account of the offensive incident including when and where it occurred, the people involved, and the name(s) of any witnesses to the event. The individual must then ensure that they cooperate with those that are responsible for investigating the complaint.

Upon receiving a formal complaint of harassment, Greater Sudbury Basketball may retain a 3<sup>rd</sup> party to investigate the complaint in a timely and professional manner. Greater Sudbury Basketball will treat all complaints as confidential and will work to protect all complainants and those participating in an investigation from retaliation or reprisal. Information concerning a complaint will not be released to anyone not involved in the investigation.

The individual who has allegedly experienced harassment and the alleged harasser will be informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

A coach, assistant coach, volunteer or any other persons found to be guilty of harassment or discrimination of any kind will be subject to disciplinary action.

In the event that a complaint is found to be deliberately false, trivial, frivolous, or made in bad faith, the complainant may be subject to disciplinary action in accordance with the established policy.

