



POLICY MANUAL

Effective Date: May 2017

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Section:	3.0 Operational
Sub-Section:	3.4 Harassment
Topic Area:	3.4.1 Definition of Harassment 3.4.2 Definition of Sexual Harassment 3.4.3 Procedure 3.4.4 Dealing with a Complaint 3.4.5 Responsibility of Management 3.4.6 Harassment Officers 3.4.7 Procedure Where a Person Believes a Colleague has been Harassed 3.4.8 Appeals
Attachments:	<i>Appendix A: Complaint Process</i> <i>Appendix B: Appeals Process</i>

Policy Statement:

CADS Alberta is committed to a sport environment that is healthy & harassment-free for all staff, directors, officers, volunteers, coaches, athletes, officials, and members of CADS Alberta.

CADS Alberta encourages the reporting of all incidents of harassment, regardless of who the offender may be. CADS Alberta has developed an organization-wide policy intended to prevent harassment of any type, including sexual harassment, of its members and to deal quickly and effectively with any incident that might occur.

3.4.1 Definition of Harassment

Harassment occurs when a staff member, director, officer, volunteer, coach, athlete, official, or member of CADS Alberta is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, colour, place of origin, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status, sexual orientation or identity. Alberta human rights law prohibits workplace harassment based on these grounds.

Examples of harassment that will not be tolerated in CADS Alberta are: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to any employee's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status, sexual orientation or identity. CADS Alberta also will not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; and unwelcome invitations or requests, whether indirect or explicit.

3.4.2 Definition of Sexual Harassment

The *Alberta Human Rights Act* prohibits discrimination based on the ground of gender, including sexual harassment. Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to, or rejection of, such conduct by an individual affects that individual's employment.

Sexual harassment can include such things as pinching, patting, rubbing or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature. The behaviour need not be intentional in order to be considered sexual harassment.

All harassment is offensive, and, in many cases, it intimidates others. It will not be tolerated within our organization.

3.4.3 Procedure

If you are being harassed:

1. Tell the harasser that their behaviour is unwelcome and ask them to stop.
2. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to make a complaint, but a record can strengthen your case and help you remember details over time.
3. Make a complaint. If, after asking the harasser to stop their behaviour, the harassment continues, report the problem to one of the following individuals as appropriate:
 - a. Executive Board Member
 - b. Program Director
 - c. Executive Coordinator

You also have the right to contact the Alberta Human Rights Commission to make a complaint of sexual harassment and you can report any incident of assault that has occurred to the police.

3.4.4 Dealing with a Complaint

1. Once a complaint is received, it will be kept strictly confidential. An investigation will be undertaken immediately, and all necessary steps taken to resolve the problem. If appropriate, action taken may include conciliation.
2. Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.
3. If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately. Discipline may include suspension or dismissal, and the incident will be documented in the harasser's file. No documentation will be placed on the complainant's file when the complaint has been made in good faith, whether the complaint is upheld or not.
4. If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser.

5. Regardless of the outcome of a harassment complaint made in good faith, the individual lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by either co-workers or superiors. This includes dismissal, demotion, unwanted transfer, denial of opportunities within the company or harassment of an individual as a result of their having made a complaint or having provided evidence regarding the complaint.

3.4.5 Responsibility of Management

It is the responsibility of a director, manager, or any person within CADS Alberta who supervises one or more employees to take immediate and appropriate action to report or deal with incidents of harassment of any type, whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the complainant be told to deal with it personally.

CADS Alberta seeks to provide a safe, healthy and rewarding sport environment for its members. Harassment will not be tolerated within this organization. If you feel that you are being harassed, contact us. We want to hear from you.

Please note: A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

February 2012

**Alberta Human Rights Commission
Northern Regional Office
800 - 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7
Office hours 8:15 a.m. to 4:30 p.m.**

**Phone: Confidential Inquiry Line 780-427-7661
Fax 780-427-6013**

**TTY service for persons who are deaf or hard of hearing:
Toll-free within Alberta 1-800-232-7215**

**Alberta Human Rights Commission
Southern Regional Office
200 J.J. Bowlen Building
620 - 7 Avenue SW
Calgary, Alberta T2P 0Y8
Office hours 8:15 a.m. to 4:30 p.m.**

**Phone: Confidential Inquiry Line 403-297-6571
Fax 403-297-6567**

**TTY service for persons who are deaf or hard of hearing
Toll-free within Alberta 1-800-232-7215**

3.4.6 Harassment Officers

CADS Alberta shall appoint at least two persons, one male and one female, who are members of the CADS Alberta Board or employees of the organisation, to serve as harassment officers under this policy. If more than two harassment officers are appointed, CADS Alberta shall ensure a gender balance. Although more than one harassment officer may be appointed, only one harassment officer shall be involved in the Complaint Procedure (Appendix B).

In the event that either Harassment Officer or the Board President is involved in a complaint which is made under this policy, the Board of Directors shall appoint a suitable alternate for the purposes of dealing with the complaint.

The role of harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, harassment officers shall be directly responsible to the CADS Alberta Executive Coordinator.

CADS Alberta shall ensure that harassment officers have access to appropriate training and support for carrying out their responsibilities under this policy.

3.4.7 Procedure Where a Person Believes a Colleague has been Harassed

Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to a harassment officer, the officer shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with Appendix A of this policy.

3.4.8 Appeals

Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. Appendix B outlines the Appeal process.

Complaint Process

A person who is experiencing harassment should seek the advice of a harassment officer.

The harassment officer shall inform the complainant of:

- the options for pursuing an informal resolution of his or her 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 referred by CADS Alberta;
- the confidentiality provisions of this policy;
- the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- the external mediation/arbitration mechanisms that may be available;
- the right to withdraw from any further action in connection with the complaint at any stage (even though CADS Alberta might continue to investigate the complaint); and
- other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

There are **four possible outcomes** to this initial meeting of complainant and harassment officer.

1. The complainant and harassment officer agree that the conduct does not constitute harassment.
 - If this occurs, the harassment officer will take no further action and will make no written records.
2. The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.
 - If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complaint. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
 - If informal resolution yields a result which is acceptable to both parties, the harassment officer will make a written record that complaint was made and was resolved informally to the satisfaction of both parties. This record will be signed by both parties and will briefly outline the details of the complaint and resolution. This record will be kept on file in the CADS Alberta Provincial Office for a period of time as determined by the harassment officer. No further action will be taken.
 - If informal resolution fails to satisfy the complainant, the complainant will reserve the option of laying a formal written complaint.)
3. The complainant brings evidence of harassment and decides to lay a formal written complaint.
 - If this occurs, the harassment officer will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s) and should be dated and signed.
 - The respondent will be given an opportunity to provide a written response to the complaint. The harassment officer may assist the respondent in preparing this response.

(Note: The respondent is not obliged to respond in writing and may do so only if he or she should desire.)

4. The complainant brings evidence of harassment but does not wish to lay a formal complaint.
 - If this occurs, the harassment officer must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
 - When the harassment officer decides that the evidence and surrounding circumstances require a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the CADS-Alberta Executive Coordinator, containing the documentation filed by both parties along with a recommendation that:

- no further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
- the complaint should be investigated further.

A copy of this report shall be provided, without delay, to both the complainant and the respondent.

In the event that the harassment officer's recommendation is to proceed with an investigation, the CADS Alberta Executive Coordinator shall within 14 days appoint three members of the CADS Alberta to serve as a case review panel. This panel shall consist of at least one woman and at least one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.

Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided the following procedures are followed.

- the complainant and respondent shall be given 24 days notice, in writing of the day, time and place of the hearing;
- members of the panel shall select a chairperson from among themselves;
- a quorum shall be all three panel members;
- decisions shall be by majority vote. If a majority vote is not possible, the decision of the chairperson will be the decision of the panel;
- the complainant and the respondent shall be both present at the hearing. Every effort is to be made to have both parties heard.
- the complainant and respondent may be accompanied by a representative or adviser;
- the harassment officer may attend the hearing at the request of the panel.

Within 14 days of the hearing, the case review panel shall present its findings in a report to the CADS Alberta Executive Coordinator, which shall contain:

- a summary of the relevant facts;
- a determination as to whether the acts complained of constitute harassment as defined in this policy; recommended disciplinary action against the respondent, if the acts constitute harassment;
- recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment; and

- recommend course of action to prevent similar situations in the future.

If the panel determines that the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

A copy of the report of the case review panel shall be provided, without delay, to both the complainant and respondent.

When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

- 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;
- the nature of the relationship between complainant and harasser;
- the age of the complainant;
- whether the harasser retaliated against the complainant.

In recommending disciplinary sanctions, the panel may consider the following options, singularly or in combination, depending on the severity of the harassment:

- a verbal apology;
- a written apology;
- a letter of reprimand from CADS Alberta;
- a fine or levy;
- referral to counselling;
- removal of certain privileges of employment;
- demotion or a pay cut;
- temporary suspension with or without pay;
- termination of employment or contract; or
- suspended from competition for a specified period of time.

Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to the CADS Alberta President, Executive Coordinator and the harassment officers.

Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel file of the respondent and/or kept on file at the CADS-Alberta Provincial Office. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

Appeals Process

A notice of intention to appeal, along with grounds for the appeal, must be provided to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panel's report.

Permissible grounds for an appeal are:

- the panel did not follow the procedures laid out in this policy;
- members of the panel were influenced by bias; or
- the panel reached a decision which was grossly unfair or unreasonable.

In the event that a notice of appeal is filed, the CADS Alberta Executive Coordinator shall, within 21 days, appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with the complainant, respondent or the previous case panel members, and no prior involvement in dispute between the complainant and the respondent.

The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal.

Within ten days of its appointment, the appeal body shall present its findings in a report to the CADS Alberta Executive Director. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendation for disciplinary action or remedial measures.

A copy of the appeal body's report shall be provided without delay, to the complainant and respondent.

The decision of the appeal body shall be final.