



# POLICY MANUAL

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<b>Section:</b>	3.0 Operational
<b>Sub-Section:</b>	3.4 Harassment
<b>Topic Area:</b>	3.4.1 Definition of Harassment
	3.4.2 Definition of Sexual Harassment
	3.4.3 Definition of Racial Harassment
	3.4.4 Poisoned Sport Environment
	3.4.5 Abuse of Authority
	3.4.5.1 Training and Discipline
	3.4.5.2 Prevention and Intervention
	3.4.5.3 Complaint Handling
	3.4.6 Reporting Incidents of Harassment
	3.4.7 Complaint Procedure
	3.4.8 Responding to a Complaint of Harassment
	3.4.9 Discipline
	3.4.10 Rights and Responsibilities of the Complainant
	3.4.11 Rights and Responsibilities of the Respondent
	3.4.12 Documentation and Record Keeping
	3.4.13 Other Options for Proceeding with a Complaint
	3.4.14 Key Contacts

## Policy Statement:

### 3.4 Harassment

Canadian Adaptive Snowsports Alberta Association (“CADS Alberta”) is committed to promoting an environment in sport and recreation which the terms and conditions of participation are equitable and non-discriminatory. Each participant has the right to be treated with dignity and respect and to work and play in a milieu conducive to productivity, self-development and advancement based upon individual ability. It is the intention of CADS Alberta to foster a sport and recreation environment free of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence for which a pardon has been granted. The objective of this Harassment Policy is to create a sport and work environment which is tolerant and accepting of differences. Diversity is a reality. Sport includes individuals of many races, of varied ethnic origins, who hold different cultural values, observe many religious traditions and have a range of abilities. While we are all different, we hold one thing in common – CADS Alberta’s values. We must all work together.

#### 3.4.1 Definition of Harassment

Harassment means any improper behaviour by a person engaged in any paid or volunteer capacity, role, or function with CADS Alberta or otherwise under the jurisdiction

of CADS Alberta such as its members (including participants, athletes, instructors, coaches, and all other support persons and staff) that is offensive to any other such person or group of persons and which the person knew or ought reasonably to have known would be unwelcome.

Harassment can take many forms but generally involves conduct, comment or display which is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, embarrassment to a person or group of persons. Harassment may include:

- written or verbal abuse or threats
- racial or ethnic slurs
- unwelcome remarks, jokes, innuendo, or taunting about a person's body, attire, age, marital status, ethnic or racial origin and religion
- sexual, racial, ethnic or religious graffiti
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation
- leering or other obscene or offensive gestures
- condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions
- physical conduct such as touching, kissing, patting and pinching
- vandalism
- physical assault

Without in any way limiting the foregoing, harassment includes harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status, an offence for which a pardon has been granted.

Specific prohibition against discrimination, retaliation, threats or harassment whenever an employee, volunteer or consultant makes a good faith report regarding Accounting/Auditing matters Concerns, or concerns regarding Breaches of Conduct, Potential Violations or Grave Misconduct.

#### **3.4.2 Definition of Sexual Harassment**

SEXUAL ASSAULT is a criminal code offence. It can be defined as any unwanted act of a sexual nature imposed by one person upon another. This would include unwanted touching, kissing and holding as well as forced sexual relations. There are three levels or degrees of sexual assault: (1) sexual assault; (2) sexual assault causing bodily harm; and (3) aggravated sexual assault.

##### **1. Unwelcome Sexual Behaviour:**

- inappropriate sexual comments about a person's body or appearance
- use of inappropriate or derogatory sexual terms
- enquiries or comments about an individual's sex life, sexual preferences etc
- sexual/sexist graffiti or any displaying of sexually offensive material or pictures
- spreading rumours about an individual's sex life, sexual preferences, etc
- unwanted touching, patting or leering

**2. Sexual Advance** - this occurs when any person in a position of authority makes sexual advances or requests for sexual relations.

**3. Reprisal** - this occurs when any person in a position of authority threatens to use or uses that authority to retaliate against an individual who has rejected his or her sexual

advance or unwelcome sexual behaviour. This would include dropping an individual from a team because that individual refused a "proposition".

### **3.4.3 Definition of Racial Harassment**

Racial slurs, jokes or name calling based on race, ancestry, place of origin, colour, ethnic origin and creed (or religion) are the most common form of racial harassment. Examples include:

- use of terminology which reinforces stereotypes
- racial, ethnic or religious jokes
- use of racially derogatory nicknames
- making "fun" of individuals or discounting their abilities because of their racial or ethnic origin
- Racist, ethnic, or religious graffiti or the display of racist material.

Racial harassment also includes racially motivated behaviour. For example: Individuals may be subjected to practical jokes because of their racial or ethnic background although the jokes themselves do not include a reference to race or ethnicity; as well individuals may be told to "go back where they came from" or that they are "not welcome in Alberta". Such behaviour constitutes racial harassment.

Racial harassment can be both direct and indirect. The behaviour, including comments and/or conduct, can be acted out in the presence of the individual against whom it is targeted. Racial harassment can also occur when the targeted individual or individuals are not present.

Racial slurs, jokes and name calling are inappropriate and illegal. Racial harassment can and does create stress, endangering an individual's health, morale and performance, arousing anger and frustration, creating an atmosphere which gives rise to other forms of discrimination, and undermines relations between individuals.

### **3.4.4 Poisoned Sport Environment**

The presence of annoying and distressing elements in the sport environment can also constitute harassment.

A poisoned sport environment includes:

- Work or sport sites where material that denigrates a person or group by virtue of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence for which a pardon has been granted is openly displayed. (Sexually explicit posters and racial/racist cartoons for example)
- Work or sport groups where name calling that denigrates a person/group is part of the normal course of activities
- Harassing behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance
- A poisoned sport environment constitutes harassment, whether or not individuals complain

### **3.4.5 Abuse of Authority**

Harassment also includes abuse of authority which means a person's improper use of power and authority inherent in a position be it paid or volunteer, to endanger or undermine another's job, position, or membership or participation on or within a team, or

in any way interfere with or influence the performance or advancement of any person engaged in any such function. This type of harassment includes such acts or misuses of power as intimidation, threats, blackmail or coercion.

#### **3.4.5.1 Training and Discipline**

Persons in authority have the responsibility not to harass any individual. However, it must be recognized that disciplined training is an indispensable part of high performance sport. Such discipline should not be confused with harassment. However it is of vital importance that those in authority:

- communicate performance standards, selection criteria, rules and regulations to all participants
- be fair and consistent in taking corrective action and in applying discipline
- avoid favouritism
- use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms

#### **3.4.5.2 Prevention and Intervention**

Prevention and intervention are key to achieving a harassment-free sport environment.

Persons in authority must present a positive role model. Therefore:

- They must show that they take the issue seriously. They must communicate CADS Alberta's objective to create and maintain a harassment-free sport environment
- If they observe behaviour such as racial name calling, sexual or racist jokes, the display of sexually explicit, racist or other offensive or derogatory material, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint
- They should investigate if harassment is suspected or rumoured. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labelled a troublemaker or of reprisal
- They should take all complaints of harassment seriously and respond appropriately in accordance with CADS Alberta's harassment complaint and investigation procedures.

Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known that harassment was occurring and they failed to take corrective action they may be considered party to the harassment and subject to the same complaint and disciplinary processes and procedures as the harasser.

#### **3.4.5.3 Complaint Handling**

The overall objective of CADS Alberta's Harassment Policy is to create and maintain a harassment-free work and sport environment. To achieve this, individuals to whom this Harassment Policy applies who experience harassment must be encouraged to take action. They must have the confidence that CADS Alberta will support them by taking complaints seriously and responding in a sensitive, effective, and timely manner.

#### **3.4.6 Reporting Incidents of Harassment**

Harassment rarely ceases on its own. Silence and inaction are too often interpreted as acceptance or consent resulting in continued harassment. Those who are victimized by or aware of harassment have a responsibility to report it.

In some cases, harassment is "unintentional" and can be stopped by informing the harasser(s) that the behaviour is offensive. However, for many individuals, confronting the harasser(s) on their own is not an option. They would feel uncomfortable or might place themselves in a threatening or dangerous situation. They must be reassured of the existence of an effective procedure. Prior to proceeding to a formal complaint procedure, an attempt should be made to solve the problem through discussion or other means that might be appropriate under the circumstances. Only if a situation remains unresolvable should the following procedures be used.

#### **3.4.7 Complaint Procedure**

If confronting the alleged harasser(s) is not possible or after doing so, the harassment continues, the harassed individual should immediately report the incident(s) to the President.

#### **3.4.8 Responding to a Complaint of Harassment**

1. Receiving a complaint - once a complaint is reported, immediate action will be taken as follows - the person receiving the complaint must:

- a. Understand and be sensitive to the impact of harassment on the victim. The experience can be and often is intimidating, demoralizing and threatening.
- b. Reassure the complainant by informing him/her that CADS Alberta does not tolerate harassment and will do everything within its power to ensure a harassment-free sport and work environment.
- c. ask the individual to provide details of the incident or incidents, including dates, time, locations, description of action, account of dialogue, the name of the harasser(s) and any witnesses or names of other individuals who may also have been harassed. Has any action been taken? Has the harasser been confronted or has the harassment been previously reported?
- d. Carefully document the complaint and review the details with the complainant to ensure accuracy. Attach any documentation or other supporting material.

2. If applicable, immediately forward all documentation to the Program Director.

3. It is the responsibility of the Program Director to ensure that an investigation is undertaken and that the matter is referred to the President of the Board. The President of the Board shall appoint a tribunal consisting of one or more persons who are members of the Executive Committee of the Board of Directors of CADS Alberta to act.

4. Complaint Investigation - ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN AN EXPEDITED, THOROUGH AND UNBIASED MANNER, IN DEALING WITH BOTH THE COMPLAINANT AND THE RESPONDENT IT IS IMPORTANT TO BE OBJECTIVE, COLLECT ALL OF THE FACTS BEFORE DRAWING CONCLUSIONS.

- a. The tribunal should first review the facts with the complainant to verify accuracy. Additional information will be documented. During this interview, any questions the complainant may have regarding the investigation process will be answered.
- b. If the complainant has named an alleged harasser or harassers, the first step in the investigation process is to inform the alleged harasser(s) (or respondent) of the complaint. If more than one individual has been named, separate interviews will be conducted. The tribunal will:
  - i. advise the alleged harasser(s) of the complaint
  - ii. explain that CADS Alberta is committed to providing a harassment-free sport and work environment and does not tolerate inappropriate behaviour

- iii. advise the respondent of the investigation procedure and what steps will be taken next
      - iv. Document the response to the complaint. Review the details of the statement in order to ensure accuracy and ask the alleged harasser(s) to sign the response.
    - c. In order to determine whether or not the incidents took place and who was involved, it may be necessary for the tribunal to interview any witness named by either the complainant or the respondent. If there is more than one witness, they will be interviewed individually. The tribunal will:
      - i. advise the witness that a complaint has been received and that he or she was named as a witness
      - ii. inform the witnesses of CADS Alberta's Harassment Policy and assure the individual that CADS Alberta will use its best efforts to ensure that such individual will be protected from any reprisal which could result from participation in the investigation
      - iii. document the statements of the witnesses and review them to ensure accuracy
    - d. If there are no witnesses named, it may be necessary for the tribunal to interview other individuals involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, individuals will be advised of CADS Alberta's policy on Harassment, and assure such individuals of freedom from reprisal. The interviews will be documented.
    - e. Before concluding the investigation the tribunal will consider the following:
      - i. Did the harassment occur? If it didn't, is there reason to proceed against the claimant? In either event was there one incident or a series of incidents?
      - ii. What was the nature of the harassment? Did it constitute an infraction of the Individual Rights Protection Act, Alberta? The tribunal will not consider factors unrelated to the complaint
      - iii. Did the alleged harasser(s) admit to or deny the behaviour?
      - iv. If the alleged harassers admitted to the behaviour was there an indication of a willingness to change?
      - v. Has anyone else experienced similar harassment?
      - vi. Is this the first complaint against the alleged harassers or have there been previous complaints? Describe the nature of previous complaints.
      - vii. The tribunal will advise the Program Director of its findings and if requested by the Program Director may be required to further investigate or consider the matter to clarify its findings.
5. A copy of the tribunal report shall be provided to the complainant and the person against whom the harassment complaint was made.
6. Complaint Resolution - the intent of CADS Alberta's Harassment Policy is to provide all individuals to whom the Harassment Policy applies with a harassment-free environment. This can be accomplished through prevention and effective complaint resolution. In resolving the complaint, the first step is to determine whether or not harassment occurred and if it did then the goal is to eliminate the harassment. In many cases the first incident of harassment is unintentional and the harasser(s) is unaware that the behaviour is inappropriate and offensive. Resolution in these cases can be accomplished through education. Therefore in cases where the tribunal is of the opinion that this would be an appropriate way of resolving the matter it shall:
- a. inform the harasser(s) that the behaviour is inappropriate, in contravention of CADS Alberta's Harassment Policy and, if applicable the Individual Rights Protection Act, and must cease

- b. Ask for an apology from the harasser(s) and, if agreeable to the claimant, arrange a face to face meeting between the parties to affect the resolution. If a face to face meeting is not possible a written apology will be obtained
- c. advise both the complainant and the harasser(s) that a recurrence of the behaviour will result in the need for corrective action
- d. document the resolution

These last two points are critical as they lay the necessary groundwork for progressive discipline should the harassment continue.

7. The tribunal shall then submit its report to the Program Director advising that the matter has been resolved and how it was resolved.

- a. If the person who committed the harassment refuses to co-operate in the resolution of the harassment the tribunal shall include this fact in its report to the President.
- b. The Program may in his or her discretion, discipline the person who committed the harassment. Disciplinary action may include termination of the offender's employment, membership with a CADS Program, or other association or involvement with CADS Alberta. However, if the Program Director is of the opinion that discipline beyond removal from a Team is warranted the Program Director shall take such disciplinary measures as he or she deems appropriate up to removal from a CADS Program.

8. The Program Director shall advise the tribunal of his or her disposition with respect to discipline. Should any disciplinary action that the Program Director believes is appropriate require a resolution to be passed by the Board of Directors, the Program Director shall take such action as is appropriate to have the matter placed before the Board for its consideration.

9. Follow-Up is a critical component of effective complaint resolution. The purpose of following up with the complainant is:

- a. to ensure that the harassment has stopped
- b. to ensure that there are no instances of reprisal
- c. To ensure the complainant of ongoing support. In resolving a complaint, set the stage for follow-up.
- d. The tribunal will:
  - i. Inform the complainant that action has been taken to correct the situation. The complainant may request details but the release of such information may not be appropriate. The intent of CADS Alberta's Policy on Harassment is to eliminate harassment. In other words - corrective not punitive.
  - ii. Advise the complainant to immediately report a further incident and any incident of reprisal.
  - iii. Determine a follow-up plan with the complainant. Carry out the follow-up and document the follow-up interviews.
  - iv. Initially, the tribunal may want to follow up on a frequent basis, extending that period over time. In most cases, follow-up should occur periodically over a minimum 6 month period from the date of the resolution.

### 3.4.9 Discipline

Harassment is a serious offence, and it is also a serious offence to falsely accuse someone of harassment. In both cases, resolution may require that appropriate disciplinary action be taken.

- The tribunal must have found that there was harassment.
- The disciplinary action taken must be appropriate in the circumstance such as: a verbal reprimand, a withdrawal of privileges or a recommendation of therapy.
- The Program Director when deciding what disciplinary action is appropriate shall consider the following factors:
  - the nature of the harassment – verbal or physical
  - the degree of aggressiveness
  - the ongoing nature of the harassment
  - the number of incidents and/or the time period of the harassments
  - the nature of the relationship between the complainant and the harasser. I.e.: instructor/participant?
  - disciplinary action for previous similar incidents.
- The Program Director shall afford the complainant and the person against whom the harassment complaint was made an opportunity to be heard on the question of the appropriate disciplinary action before taking any disciplinary action.

**NOTE: In particularly extreme cases where assault or threatened assault has occurred, the complainant's safety must be of paramount importance. It may be appropriate to suspend the alleged harasser(s) from duty pending the results of the investigation. As well it may be necessary to contact the police.**

- The Program Director and President of the Board shall have the right to suspend from duty or CADS membership in appropriate cases.

### 3.4.10 Rights and Responsibilities of the Complainant

1. Individuals who report incidents of Harassment through CADS Alberta's complaint procedure have a right to:

- freedom from reprisal or retaliation for having filed a complaint
- have their complaint taken seriously and reported to the Program Director
- be informed of the investigation process and told who will conduct the investigation, who will be involved/or advised of their complaint and why
- be represented and accompanied by the individual to whom they reported the complaint or by a representative of their choice at any meeting concerning their complaint which they are required to attend
- be interviewed in private
- a fair and unbiased investigation of their complaint which does not take into consideration factors unrelated to the complaint
- ongoing contact and periodic updates throughout the investigation process
- be informed of other avenues for complaint open to them
- know that details of their complaint will be kept confidential
- have their complaint resolved as quickly as possible

2. Individuals who report incidents of harassment have the responsibility to:

- Provide clear and accurate details of the incident(s) being reported including exactly what was said or done, the date, time, location, name of harasser(s) and names of witnesses or potential witnesses.
- Co-operate fully in the investigation of the complaint.
- Be fair and truthful.



### **3.4.11 Rights and Responsibilities of the Respondent**

Individuals accused of harassment have a right to:

- be informed as soon as reasonably possible that a complaint has been filed against them
- be informed of the allegations and be given an opportunity to respond to them
- be accompanied by a representative of their choice at meetings concerning the complaint which they are required or entitled to attend
- seek advice/information regarding CADS Alberta's Harassment Policy complaint procedure.
- seek legal advice or assistance, recognizing that they are responsible for any cost incurred
- fair and equitable treatment
- be advised of the results of the investigation and the action taken to resolve the complaint.
- lodge an appeal to the Board of Directors if dissatisfied with the action to resolve the complaint.

Individuals who are accused of harassment have the responsibility to:

- fully co-operate in the investigation of the complaint
- change any behaviour that violates CADS Alberta's Harassment Policy.

### **3.4.12 Documentation and Record Keeping**

1. Complaint Documentation:

- a. details of the complaint as described in this Harassment Policy
- b. the response of the alleged harasser(s)
- c. sworn statements of any witnesses or other individuals interviewed in connection with the complaint
- d. summary report of the investigation with results and conclusions
- e. actions taken to resolve the complaint, including any disciplinary documentation
- f. Follow-up interviews with the complainant.

2. Upon completion of the investigation and resolution process all documentation will be forwarded to the Program Director and must be marked "STRICTLY CONFIDENTIAL". Envelopes should be sealed and marked "TO BE OPENED BY ADDRESSEE ONLY". Copies should be strictly limited. Every effort must be made to ensure appropriate confidentiality. All documentation will be kept in a locked filing cabinet with restricted access. The Program Director will impress upon office staff handling documentation that it is strictly confidential and make known the expectations of them.

3. All information and documentation pertaining to a harassment complaint will remain confidential subject to the requirements to conduct the investigation and resolve the complaint or to discuss information or give evidence according to the law (e.g. Provincial proceedings, legal court action, Freedom of Information and Personal Privacy legislation).

### **3.4.13 Other Options for Proceeding with a Complaint**

Individuals who experience harassment are encouraged to use the complaint procedure established by CADS Alberta's Harassment Policy. However, there are other options which may include:

- Complaint to a Provincial Human Rights Commission
- Complaints under the Criminal Code. Sexual and other forms of assault are covered under the Criminal Code of Canada. Sexual assault is a serious criminal offence and should be reported to the police. In such instances the police can be asked to lay

criminal charges or the individual can proceed independently with a justice of the peace.

- Civil Litigation. Individuals may choose to contact a lawyer to discuss legal rights and/or civil action. Individuals who retain the services of a lawyer are responsible for their legal expenses.

#### **3.4.14 Key Contacts**

##### **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**