



# Harassment Policy

Approved January 21<sup>st</sup>, 2012

The BC Summer Swimming Association ("BCSSA") is committed to providing an environment in which everyone is treated with respect and dignity.

The British Columbia Human Rights Code ("the Code") prohibits discrimination against anyone in, among other things, employment, publications, accommodation, service and facilities on any of the following grounds (known as "Prohibited Grounds"): race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, criminal or summary conviction offense that is unrelated to employment or the intended employment of a person.

## **WHAT IS HARASSMENT?**

"Harassment" means comments or actions related to any of the Prohibited Grounds that are unwelcome or that could reasonably be assumed to be unwelcome and that detrimentally affect the environment in which BCSSA activities take place or lead to adverse consequences for the victim of harassment.

Harassment may involve repeated conduct or a single, serious incident that could cause a lasting harmful effect on the victim.

Types of behaviour that are considered to be harassment include, but are not limited to:

- a) threats or abuse based on any of the Prohibited Grounds;
- b) derogatory language, slurs, comments or stereotypes based on any of the Prohibited Grounds;
- c) unwanted and unnecessary touching or other suggestive physical conduct; and,
- d) the display of offensive, derogatory or sexually explicit materials.

Harassment includes sexual harassment, which includes unwelcome sexual advances, requests for sexual favours, or other verbal, non-verbal or physical conduct of a sexual nature whether made face-to-face or through other methods of communication when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in a BCSSA activity;
- b) submission to or rejection of such conduct is used as a basis for any decision relating to employment or participation in a BCSSA activity; or,
- c) such conduct has a purpose or effect of (i) interfering unreasonably with a person's employment or participation in a BCSSA activity; or (ii) creating an intimidating, hostile or offensive work or sport environment.

## **WHAT IS NOT HARASSMENT?**

Harassment does not include disciplined training. However, those with authority must:

- a) set and communicate reasonable and consistent performance and training standards to all participants;
- b) ensure that training involving touching or other physical contact occurs in the appropriate setting and only after informed consent, where practicable, has been sought and received; and,
- c) act consistently with BCSSA's Code of Conduct.

Harassment does not include legitimate exercise of managerial or supervisory authority over an employee. This includes, but is not limited to day-to-day management or supervisory decisions involving work assignments, evaluations and disciplinary action.

## **THE BCSSA POSITION ON HARASSMENT**

BCSSA does not tolerate any form of harassment – particularly harassment on any of the Prohibited Grounds – in connection with any of its activities and will take all reasonable steps to prevent harassment from occurring and to stop it if it occurs.

## **SCOPE**

This policy applies to all BCSSA employees, contractors, directors, officers, volunteers, participants and family members of participants.

For purposes of this policy, harassment may occur:

- a) at BCSSA sporting events or training sessions;
- b) at BCSSA offices;
- c) at BCSSA social functions;
- d) at BCSSA meetings, conferences and training sessions;
- e) while travelling to or from BCSSA activities; and,
- f) in any other location where harassment relating to involvement with BCSSA may occur.

## **REPRESENTATION BY A RESPONSIBLE ADULT**

If a victim of harassment is a minor or someone otherwise unable to represent her or himself, a complaint may be brought forward by a parent, guardian or other adult of the person's choice who may act on behalf of the concerned person throughout the complaint process (the "Responsible Adult").

If an alleged harasser is a minor or someone otherwise unable to represent him or herself, BCSSA officials dealing with the complaint will inform her or him that he or she may have a Responsible Adult present during the complaint process and/or have a Responsible Adult act on her or his behalf throughout the complaint process.

## **RETALIATION**

No person may engage in reprisal, intimidation or any other form of punishment against people who raise good faith concerns about harassment or who assist in an investigation. Retaliation will be grounds for discipline.

## **COMPLAINT PROCEDURE**

A person who believes she or he has been harassed – or their Responsible Adult – should take immediate action to resolve the issue. This should include the following steps:

1. Approach the alleged harasser and explain that the conduct is causing discomfort. The alleged harasser should immediately stop the conduct that is causing concern.
2. If the complainant does not feel comfortable approaching the alleged harasser or has done so and the conduct has continued, she or he should inform the Club President or BCSSA Regional Director of his or her region of the conduct, explain it in detail and, if necessary or helpful, provide a written statement of the complaint. If the Club President is informed, he or she will in turn inform the BCSSA Regional Director.
3. The Regional Director will, in consultation with the BCSSA President, appoint a harassment advisor. The harassment advisor reports to the BCSSA.
4. The harassment advisor will review the information available relating to the complaint and recommend whether the complaint should initially be pursued informally or whether the complainant should file a formal complaint. In making this decision, the harassment advisor will consider the seriousness of the complaint, the wishes of the complainant and the likelihood of the complaint being resolved informally.

### **5. Informal Resolution**

- a. The method of resolution at the informal stage should consider the wishes of the complainant, but will depend on the nature of the allegation.
- b. If the complainant and alleged harasser are willing, the harassment advisor may convene a meeting between the parties to attempt to resolve any issues.
- c. The complainant and the alleged harasser may have another person accompany him or her in the informal process if she or he so desires.
- d. If the issue is dealt with to the satisfaction of both parties at the informal stage, then the issue will be considered resolved, the harassment advisor will report this to the BCSSA and the process will be complete.

### **6. Formal Complaint**

- a. If the issue is not resolved through the informal process or if the complainant wishes to file a formal complaint, he or she may do so by completing a written signed statement setting out his or her allegations and providing it to his or her BCSSA Regional Director.
- b. The Regional Director will, in consultation with the BCSSA President, appoint a harassment advisor to manage the formal complaint process.
- c. The harassment advisor will review the complaint and determine whether the alleged conduct of the alleged harasser may fall within this policy. If the conduct does not fall within this policy, the harassment advisor will dismiss the complaint.

- d. If the harassment advisor determines that the alleged conduct may fall within this policy, then a copy of the complaint will be provided to the alleged harasser, who will be given an opportunity to respond within a reasonable period of time, in writing, to the allegations.
- e. When the harassment advisor has received a written response from the alleged harasser, or a reasonable period of time has passed and none has been provided, the harassment advisor will determine whether there are appropriate resolution options, other than an investigation, that are acceptable to both the complainant and the alleged harasser.
- f. If there are appropriate resolution options agreeable to the complainant and alleged harassment, then these will be enacted, the issue will be considered resolved, the harassment advisor will report this to the BCSSA and the process will be complete.

## **7. Investigation**

- a. If there are no appropriate resolution options, other than an investigation, that are acceptable to both the complainant and the alleged harasser, then the harassment advisor – or another individual appointed by the BCSSA– will conduct an investigation into the alleged harassment.
- b. The investigation may include interviews with the complainant, the alleged harasser and any witnesses, as the investigator deems appropriate.
- c. The complainant and the alleged harasser may have another person accompany them in the process if they so desire.
- d. The investigator will make a determination, in as timely a manner as is reasonably possible, as to whether the alleged harasser has committed an act or acts of harassment. In his or her deliberations, the investigator will be guided by the BCSSA Code of Conduct.
- e. The investigator will prepare a report to the BCSSA summarizing her or his findings and will include recommendations with respect to discipline, if any.
- f. The investigator will provide the complainant and the alleged harasser with copies of the report.
- g. If no disciplinary action is recommended, then the issue will be considered resolved and the process will be complete.

## **8. Discipline**

- a. If the investigator's report recommends disciplinary action, then the BCSSA will appoint a discipline committee to determine what discipline, if any, BCSSA will impose in response to a harassment complaint. This committee will include at least three members, none of whom may have any personal or professional relationship with either the complainant or the alleged harasser.
- b. The discipline committee will review the investigator's report and may accept or reject some or all of its recommendations for disciplinary action.
- c. No disciplinary action will be taken against a person for making a complaint of harassment in good faith, whether or not the claim is substantiated.
- d. A person found to have harassed another person contrary to this policy will be subject to discipline. The form of discipline depends on the severity of the harassment.
- e. A person found to have falsely accused another person of harassment and to have done so maliciously or in bad faith will be subject to disciplinary action.

f. Examples of disciplinary action that may be imposed include:

- i. letter of reprimand from BCSSA;
- ii. removal of certain privileges of membership;
- iii. temporary suspension of membership in BCSSA;
- iv. expulsion from membership in BCSSA;
- v. prohibition from attending BCSSA events and/or activities;
- vi. temporary suspension of BCSSA employment with or without pay; and
- vii. termination of BCSSA employment for cause.

### **CONFIDENTIALITY**

BCSSA, harassment advisors and investigators will act consistently with BCSSA policies on privacy and confidentiality and will not disclose a complainant's or an alleged harasser's name or any circumstances related to a complaint to anyone, except as necessary to investigate or resolve a complaint, take disciplinary action, or as required by law.

The complainant, the alleged harasser, witnesses and others with knowledge of a complaint are required to keep information about the complaint confidential.

### **POLICY REVIEW**

BCSSA will review and revise this policy as it deems necessary.