

<b>SECTION:</b>	ORGANIZATION	<b>POLICY #:</b>	
<b>SUBJECT:</b>	<b>Harassment &amp; Abuse Policy</b>	<b>EFFECTIVE DATE:</b>	June 10, 2021
<b>AUTHORIZED BY:</b>	BCSSA Board of Directors	<b>REVISION DATE:</b>	

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

**WHAT IS HARASSMENT?**

“Harassment” is defined as any comment(s) or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.

Harassment may involve repeated conduct or a single 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) Unwanted and unnecessary touching or other suggestive physical conduct
- b) Written or verbal or online abuse, threats, or outbursts
- c) Unwelcome remarks, jokes, comments, innuendo, or taunts about a person’s physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, or gender expression
- d) Leering or other suggestive or obscene gestures
- e) The display of visual material which is offensive or which one ought to know is offensive
- f) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect a person’s experience
- g) Practical jokes which cause awkwardness or embarrassment, endanger a person’s safety, or negatively affect performance
- h) Any form of hazing
- i) Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
- j) Retaliation or threats of retaliation against an individual who reports harassment or participates in a harassment investigation.

Harassment includes **bullying** which is defined as intentionally hurting someone in order to insult, humiliate, coerce, degrade or exclude them. Bullying can be broken down into five categories:

- a) Physical bullying including interference with or blocking normal movement with or without the use of equipment
- b) Verbal bullying including phone or video calls

- c) Relational (ie. trying to cut off victims from social connection by convincing peers to exclude or reject a certain person)
- d) Reactive (i.e. engaging in bullying as well as provoking bullies to attack by taunting them)
- e) Sending or leaving offensive physical or electronic messages, videos, or social media posts.

Harassment includes **sexual harassment**, which is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:

- a) Sexist jokes
- b) Display of sexually offensive material
- c) Sexually degrading words used to describe a person
- d) Inquiries or comments about a person's sex life
- e) Unwelcome sexual flirtations, advances, or propositions
- f) Persistent unwanted physical contact including, but not limited to, touching, hugging, petting, pinching, or kissing.

### **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 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.

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 themselves, 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 themselves, BCSSA officials dealing with the complaint will inform them that they may have a Responsible Adult present during the complaint process and/or have a Responsible Adult act on their behalf throughout the complaint process.

## **COMPLAINT PROCEDURE**

A person who believes they has been harassed 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, they should inform the Club President or BCSSA Regional Director of their 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, the club president will in turn inform the BCSSA Regional Director. This complaint should take place within 30 days of the alleged incident or the latest event in a string of incidents.
3. The Regional Director, in consultation with the BCSSA President, will review the information available relating to the complaint and determine whether the complaint should initially be pursued informally or whether the complainant should file a formal complaint. In making this decision, they will consider the seriousness of the complaint, the wishes of the complainant and the likelihood of the complaint being resolved informally. This step should be completed within 2 weeks of receiving the complaint.

### **4. Informal Resolution**

- a. The method of resolution at the informal stage should consider the wishes of the complainant but will also depend on the nature of the allegation.
- b. If the complainant and alleged harasser (respondent) are willing, the regional director may convene a meeting between the parties to attempt to resolve any issues.
- c. The complainant and the respondent may have another person accompany him or her in the informal process if they so desire.
- 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 Regional Director will report this to the BCSSA and the process will be complete.
- e. This step should be completed within 30 days of the decision to pursue informal resolution.

### **5. Formal Complaint**

- a. If the issue is not resolved through the informal process or if the complainant wishes to file a formal complaint, they may do so by completing the **BCSSA Formal Harassment Complaint Form**. This is a

written signed statement setting out their allegations and is provided to the Regional Director. The complainant will be given 2 weeks to complete this.

- b. The Regional Director will, in consultation with the BCSSA President, appoint a case manager to manage the formal complaint process. The case manager reports to the BCSSA.
- c. The case manager will review the complaint and determine whether the alleged conduct of the respondent may fall within this policy. If the conduct does not fall within this policy, the case is dismissed. This will be completed within 2 weeks of receipt of the formal complaint.
- d. If the case manager determines that the alleged conduct may fall within this policy, then a copy of the complaint will be provided to the respondent, who will be given an opportunity to respond, in writing, to the allegations.
- e. When the harassment advisor has received a written response from the alleged harasser, or a period of 2 weeks has passed and none has been provided, the harassment advisor will determine whether there are appropriate resolution options, other than an investigation, such as mediation, that are acceptable to both the complainant and the respondent.
- f. If there are appropriate resolution options agreeable to the complainant and the respondent, then these will be enacted, the issue will be considered resolved, the case manager will report this to the BCSSA and the process will be complete.

## **6. Investigation**

- a. If there are no appropriate resolution options, other than an investigation, that are acceptable to both the complainant and the respondent, then the case manager, or another individual appointed by the BCSSA (the "Investigator"), will conduct an investigation into the alleged harassment. The investigator has the option to form an investigation committee at this point rather than pursue the investigation independently. This committee will include at least three members, none of whom may have any personal or professional relationship with either the complainant or the respondent.
- b. The investigation will include interviews with the complainant, the respondent and any witnesses, as the investigator deems appropriate. The investigation should take no more than 4 weeks to complete.
- c. The complainant and the respondent may have another person accompany them in the process if they so desire.
- d. The investigator will make a determination as to whether the respondent has committed an act or acts of harassment.
- e. The investigator will prepare a report to the BCSSA summarizing their findings and will include recommendations with respect to discipline, if any. This report should be complete within 2 weeks of the conclusion of the investigation.
- f. If no disciplinary action is recommended, the investigator will provide the complainant and the respondent with copies of the report, the issue will be considered resolved and the process will be complete.

## **7. Discipline**

- a. If the investigator's report recommends disciplinary action and the investigation was conducted by a committee, the recommendations of the committee will be accepted, and the investigator will provide the complainant and respondent with copies of the report.

- b. If the investigator's report recommends disciplinary action and the investigation was conducted by an individual, the BCSSA will appoint a discipline committee. This committee will include at least three members, none of whom may have any personal or professional relationship with either the complainant or the respondent.
- c. The discipline committee will review the investigator's report and may accept or reject some or all of its recommendations for disciplinary action. If this step is needed this committee will be given an additional 2 weeks to make a decision. The report will then reflect this decision and copies will be delivered to the complainant and the respondent.
- d. 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.
- e. 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.
- f. 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.
- g. Examples of disciplinary action that may be imposed include, but are not limited to:
  - 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.

## **APPEAL PROCESS**

Upon receipt of the final report, either party has the right to appeal the decision within 30 days. Members choosing to appeal will follow the BCSSA Appeals Committee process laid out in the Rulebook. Upon receipt of an appeal, the Committee has 30 days to offer their conclusion.

## **TIMELINE**

Timelines listed above are meant to be guidelines. As most of the participants in this policy are likely to be volunteers, their availability may be limited and therefore strict adherence to the timelines may not be reasonable. The case manager and/or the BCSSA president can approve extensions of the timelines.

## **CONFIDENTIALITY**

BCSSA, harassment advisors and investigators will act consistently within BCSSA policies on privacy and confidentiality and will not disclose a complainant's or a respondent'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 respondent, 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.

**Approval Date:** 10 June 2021      **Approved By:** BCSSA Board of Directors