

## **Harassment & Discrimination Policy**

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

### **Scope**

This policy applies equally to all employees, directors, coaches, athletes, team personnel, contractors and related personnel

### **Policy Objective**

The ACA is committed to promoting an environment in sport which the terms and conditions of participation are equitable and non-discriminatory. Each individual has the right to participate in an environment that promotes equal opportunities and prohibits discriminatory practices. It is the intention of ACA to foster a sport environment free of harassment on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence of which a pardon has been granted.

This policy is designed to accomplish the following key points:

- Ensure all ACA employees, directors, coaches' athletes, team personnel have a clear and consistent understanding of what defines harassment
- Outline a procedure for how to proceed should an individual feel they or a fellow member are being harassed
- Communicate ACA process for responding to a complaint

### **Application**

This policy also applies to discrimination and harassment that may occur during ACA business, activities and events, or when discrimination or harassment adversely affects relationships within the work and sport environment.

### **Definitions of Harassment**

Harassment means any improper behavior by a person engaged in any function with or by ACA or otherwise under the jurisdiction of ACA such as its team members (including athletes, 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 or 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 behavior 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, color, 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.

#### *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.

#### Unwelcome Sexual Behavior:

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

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

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 behavior. For example: This would include dropping an individual from a team because that individual refused a "proposition".

#### *Racial Harassment*

Racial slurs, jokes or name calling based on race, ancestry, place of origin, color, 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 behavior.

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 behavior constitutes racial harassment.

Racial harassment can be both direct and indirect. The behavior, 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.

#### *Poisoned Sport Environment*

The presence of annoying and distressing elements in the sport environment can also constitute as 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, color, 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 behavior that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance

A poisoned sport environment constitutes as harassment, whether or not individuals complain

#### *Abuse of Authority*

Harassment also includes abuse of authority which means a person's improper use of power and

authority inherent in a position, 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.

### **Training & 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 favoritism
- use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms

### **Filing a Complaint**

The harassed individual may raise a complaint or concern under this policy to an appropriate staff member or other individual in the organization, as the case may be. It is the responsibility of coaches, staff or other notified individuals under this policy to promptly address or report any inappropriate behavior.

#### *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 appropriate staff member.

If you are being harassed, it is best to keep a record of incidents (dates, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case and help you remember details over time.

Once a complaint is made, the role of the person receiving a complaint is to assist in a resolution of the complaint, where appropriate. All complaints brought forward in good faith will be taken up without retaliation or censure.

In the event that the complaint is made against the leadership team at ACA, the complaint can be filed directly to the Chairman of the Board of Directors of Alpine Canada Alpin (ACA).

### **Responding to a Complaint**

The investigating parties shall review and determine the facts of the complaint in an expedited, thorough and unbiased manner and seek to determine whether further organizational policies have been breached. A third party can be contracted to conduct an investigation of the complaint if deemed necessary.

Once management receives a complaint it will be kept strictly confidential as per ACA Whistleblower Policy.

Both the complainant and the alleged harasser will be interviewed by an appropriate individual of the leadership team, as will any individuals who may be able to provide relevant information.

An internal review will then be undertaken immediately and all necessary steps will be taken to resolve the problem. At any point in the process if the harassment could be considered criminal in nature under provincial, territorial or national statutes or it is reasonably determined that assistance may be required to enforce any interim or final decision, the police may be requested to review the collected statements, evidence, and any other relevant material and/or provide any assistance or supervision of enforcement.

If the internal review reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately.

Regardless of the outcome of a harassment complaint made in good faith, the person lodging the complaint, as well as anyone providing information will be protected from any form of retaliatory behavior by any person or group within the organization including board members, organization members, coaches, staff, or volunteers.

### **Rights and Responsibilities of the Complainant**

Individuals who report incidents of Harassment through ACA 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 appropriate individual(s)
- 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

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

### **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 ACA 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 behavior that violates ACA Harassment Policy.

### **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.

Disciplinary action may include counseling, suspension or dismissal from the activities of the organization. Such members of the organization that may interact with the harasser in their duties with the organization may be informed of the dismissal or suspension.

This policy must never be used to bring fraudulent or malicious complaints against any members of the organization. Any unfounded/frivolous allegations of harassment can cause significant damage to both the accused and the organization. If the organization determines that a complainant has knowingly made false statements regarding an allegation of harassment, the organization reserves the right to take any and all actions as the organization deems appropriate.

### **N.B**

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.

### **Other options for proceeding with a complaint**

Individuals who experience harassment are encouraged to use the complaint procedure established by ACA 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.

## **Confidentiality**

ACA recognizes the sensitive nature of discrimination and harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, the organization will do so. In the event that the situation becomes public knowledge, the organization reserves the right to respond to the situation in public as appropriate and make further comment as appropriate following the conclusion of any criminal or civil court actions.

**In addition to the reporting measures outlined in the policy above**, Alpine Canada engages an independent, third-party resource to whom breaches or suspected breaches of this policy can be reported in strict confidence. This reporting option can be used in addition to or in lieu of the other reporting options mentioned above.

**All individuals who witness or believe they have witnessed, or been a victim or believe they may have been a victim of a breach of conduct, should report the incident via either channel of reporting immediately.**

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