



<b>HARASSMENT POLICY</b>			
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Athletics Ontario (AO) is committed to providing opportunities for every individual involved in the sport of athletics to enjoy the benefits of this involvement -- be they related to recreation, social interaction, physical fitness, competition, volunteerism, or employment. Harassment, in its various forms, can interfere with the achievement of this objective.

Harassment is a form of discrimination. It is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada. Harassment of any kind is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.

Athletics Ontario will not tolerate or condone any form of harassment, discrimination, or bullying behaviour of any kind, including reprisal/retaliation. Members or employees found to have engaged in conduct constituting harassment shall be subject to disciplinary action under this policy and/or the law. This includes any member or employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a complaint; or files an unfounded harassment complaint intended to cause harm.

Proactive measures will be taken to prevent or discourage harassment within the Association and more broadly within athletics, to include:

- (a) communicating, publicizing and emphasizing the principles contained in this policy;
- (b) incorporating harassment awareness into the orientation (or, in the case of coaches, training) provided to all persons occupying positions of authority within the Association; and
- (c) enhancing AO's formal harassment complaint and investigation procedure for application at the Provincial level.

Notwithstanding this policy, every person who experiences harassment has the right to seek assistance from the appropriate levels of government related to provincial and federal law.

## **1. APPLICATION**

This policy applies to any entity approved for membership as defined in the AO By-Law, as well as all individuals engaged in activities with AO.

For the purposes of this policy, sport and/or workplace harassment can occur in, but is not limited to, the following places: a) at sporting events, competitions, and in training sessions; b) at the office; c) at sport related social functions; d) at the business functions of Athletics Ontario and its member clubs, such as meetings, conferences, training sessions and workshops; e) during sport related travel; f) through any form of communication device/system including but not limited to telephone, email, websites, social media, postal service; g) any formal or informal location where the harassment of a person is a result of their sport related involvement.

## **2. DEFINITIONS**

- (a) "**Member**" refers to any entity approved for membership as defined in the AO By-Law (person, group of persons organized and associated for the purpose of athletics and registered as a Member

of AO), as well as all individuals engaged in activities with AO (including, but not limited to, athletes; coaches; officials; volunteers; team managers; club administrators, coaches or board members; committee members, directors and officers of AO; employees; spectators at AO sanctioned events; and parents/guardians of athletes.

- (b) **“Complainant”** refers to the Member who experiences, or alleges to have experienced harassment, files a complaint, and is seeking remedy.
- (c) **“Respondent”** refers to the entity (individual or group) which is the subject of a complaint or dispute.
- (d) **“Appellant”** refers to the Member who is appealing a lower decision.
- (e) **“Parties”** refers to the Complainant, Respondent, and any other Individuals, persons, or organizations affected by the complaint or dispute.
- (f) **“Days”** refers to total calendar days, irrespective of weekends or holidays (time by which an action must be complete).
- (g) **“Investigation Report”** refers to the written record of an investigation, completed by an independent Investigator appointed by the AO Chair.

### 3. RESPONSIBILITIES AND EXPECTATIONS

Athletics Ontario is responsible for:

- communicating that harassment and discriminatory behaviour are unacceptable practices and are incompatible with the standards of this Association, as well as being a violation of the law.

The Board of Directors is responsible for:

- the implementation and administration of this policy;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure the policy meets the needs of the Association.

The Board Chair or designate is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated; and
- ensuring the policy and procedures are followed.

The Harassment Officers are responsible for:

- communicating the process for investigating and resolving harassment complaints;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been filed; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

Athletics Ontario Members are responsible for:

- fostering a supportive sport environment/work place that is respectful and free of all forms of harassment;
- reporting harassment to the AO Harassment Officer; and
- cooperating with harassment investigations and confidentiality related to the investigation process.

Members can expect:

- to be treated with respect in the sport/work environment;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have the right to a fair process and to confidentiality during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

#### **4. HARASSMENT**

Athletics Ontario is committed to encouraging a supportive sport environment and respectful work place free of all forms of harassment, where members, employees, and volunteers contribute to Athletics Ontario's goals in the knowledge that their personal aspirations and dignity will be respected.

Harassment is a form of discrimination. It involves any unwanted physical or verbal behaviour that offends or humiliates. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment.

This policy prohibits discriminatory behaviour or harassment based on the following grounds, and any combination of these: age; creed (religion); sex (including pregnancy and breastfeeding); sexual orientation; gender identity; gender expression; family status (such as being in a parent-child relationship); marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship); disability (including mental, physical, developmental or learning disabilities); race; ancestry; place of origin; ethnic origin; citizenship; colour; record of offences (criminal conviction for which a pardon has been received); association or relationship with a person identified by one of the above grounds; or perception that one of the above grounds applies.

#### **5. PROHIBITED BEHAVIOUR**

**(a) Discrimination** - any form of unequal treatment, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor then that is a violation of this policy.

**(b) Harassment** - any behaviour, including a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination. Examples of Harassment are:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning "teasing" or jokes

- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. (i.e., this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.)

**Note:** If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment under the *Ontario Human Rights Code*.

(c) Neglect - chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. An example of this may be when injuries are not adequately treated or athletes are made to train or compete with injuries, equipment is inadequate or unsafe, no-one intervenes when team members are persistently harassing another athlete, or road trips are not properly supervised.

(d) Poisoned Environment - created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that creates a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

(e) Physical or Sexual Abuse of a Minor - when a person in a position of power or trust purposefully injures or threatens to injure a minor. This may take the form of unwelcomed physical contact, slapping, hitting, shaking, kicking, pulling hair or ears, throwing or shoving, grabbing, hazing or excessive exercise, which can be considered a form of punishment.

**Note:** It is recognized that there may be a certain amount of physical contact inherent in coaching athletes. Such contact may be related to teaching a new skill, spotting, or other safety issues. This type of physical contact is not considered to be harassment, providing that it is welcomed by the athlete. If the athlete indicates that the touching is unwelcome, it must stop. Otherwise it will be considered harassment.

(f) Racism - any distinction, conduct or action, whether intentional or not, based on a person's race, which has the effect of imposing burdens on an individual or group, not imposed upon others or which withholds or limits access to benefits available to other members of society. Race need only be a factor for racial discrimination to have occurred. Examples of Racism include but are not limited to:

- interpersonal behaviour such as name calling, derogatory remarks, gestures and physical attack.
- racial bias in AO, a club or sport related decisions such as team selection, program access, and participation in activities and decisions related to sport related issued.
- racial bias in administrative decisions, assignments, promotion, holidays, leave, and salary increases.
- stereotype language which universalizes experience and ignores the differences between people and cultures.
- discriminatory language: language which denotes a stereotyped view of a subject or which has offensive overtones.

**(g) Reprisal/Retaliation** - action or behaviour directed towards an individual who has complained of being harassed, who has reported witnessing harassment or who has otherwise been involved in a harassment complaint or investigation. Reprisal/retaliation is generally initiated with the intent to intimidate, threaten, humiliate, exact revenge, or adversely affect the performance or working conditions of an individual. Reprisal/retaliation may include, but is not limited to, situations in which an individual involved in a harassment proceeding is:

- a) improperly denied or threatened with the withholding of promotion, advancement, access to training or other related opportunities or benefits (e.g. team selection); or
- b) improperly disciplined or threatened with disciplinary action, or dismissed or threatened with dismissal.

**(h) Sexual and gender-based Harassment** - action or behaviour resulting in:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility
- Unwelcome physical contact of any kind
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an individual
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours

**(i) Sexual Solicitation** – solicitations, exploitation, or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes team managers and coaches, as well as AO co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

## **6. DUTY TO REPORT**

Abuse and neglect are community problems requiring urgent attention. Athletics Ontario is committed to help reduce and prevent the abuse and neglect of participants. Athletics Ontario realizes that persons working closely with minors may have a special awareness of abusive situations. Therefore these people have a particular reporting responsibility to ensure the safety of Canada's young people by knowing their provincial protection legislation and following through as required.

Ontario has mandatory reporting laws regarding the abuse and neglect of minors. Consequently, it is the policy of Athletics Ontario that any employee, parent, guardian or member of the Association who has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and neglect and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. In Canada, a person is considered a minor up to the age of 16 to 19 years, depending on provincial legislation.

Those involved with Athletics Ontario, in providing training and competitive opportunities for participants, understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence may result in charges and fines under the law.

## **7. LIMITATIONS PERIOD FOR COMPLAINTS**

If a person believes that they have been subjected to harassment within the scope of this Athletics Ontario Harassment Policy, then the person may proceed with a complaint:

- (a) within one (1) year after the incident to which the complaint relates; or
- (b) if there was a series of incidents, within one (1) year after the last incident in the series.

A person may proceed with a complaint after the expiry of the time limit under s.6 if Athletics Ontario is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

## **8. ATHLETICS ONTARIO RIGHT TO DISMISS**

Athletics Ontario may dismiss a complaint, in whole or in part, at any time during the complaint process and in accordance with its rules if Athletics Ontario is of the opinion that another proceeding has appropriately dealt with the substance of the complaint.

## **APPENDIX A**

### **HARASSMENT PROCESS**

Harassment pertains in particular to behaviour that discriminates on the grounds of race, ancestry, place or ethnicity of origin, colour, citizenship, creed (religion), gender, sexual orientation, disability, age, marital/family status or record of offence.

Every individual has the right to pursue athletics in an atmosphere which promotes equal opportunities and prohibits discriminatory practices. All member of Athletics Ontario shall avoid and shall discourage others' expressions or displays of harassment. Even the appearance of offensive behaviour that discriminates can damage mutual respect between teams, athletes, management, staff, etc.

Notwithstanding this policy, every person who experiences harassment has the right to seek assistance from the appropriate levels of government related to provincial and federal law.

#### **1. APPLICATION**

This process only applies to allegations of harassment when:

- (a)** both the complainant and the respondent are members; or
- (b)** the respondent is a member and a party who is not a member of AO, but who, in the opinion of the AO Board of Directors, is a party deemed to have interest in the matter at the root of the complaint lodged. This determination is at the sole discretion of the AO Board of Directors, and their decision shall be final and not subject to appeal.

Harassment complaints arising within the business, activities, or events organized by entities other than AO will be dealt with pursuant to the policies of these other entities unless requested and accepted by AO at its sole discretion.

#### **2. CONFIDENTIALITY**

Athletics Ontario recognizes that it can be extremely difficult to come forward with a complaint of harassment, and that it can be devastating to be wrongly accused of harassment. Therefore, in the interests of both the complainant and respondent, harassment complaint proceedings conducted by AO will be treated as confidential to the greatest extent possible, consistent with each party's right to a procedurally fair process.

AO and its representatives shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary decision, an outside remedial process or by law.

Despite the importance of a high degree of confidentiality in the conduct of the proceedings, due process requires an element of transparency. Accordingly, if the complaint is found to have merit, the final



decision of the Hearing Panel will be made public. In doing so, the names of the complainant will be withheld, while the name of the respondent will be made public along with a summary of the judgement.

### **3. PRINCIPLES OF NATURAL JUSTICE**

All investigations stemming from this complaint shall follow the principles of natural justice, which states that:

- everyone has the right to a fair hearing in the course of determining whether an infraction has been committed;
- the issues should be clearly and concisely stated so that the accused is aware of the essentials of the complaint;
- the accused has a right to have a representative present his or her case;
- relevant information must be available to all parties;
- the accused has the right to call and cross-examine witnesses;
- the accused has the right to a written decision following the judgment;
- the accused has the right to appeal a decision (if there are grounds);
- the Harassment Officer(s) have a duty to listen fairly to both sides and to reach a decision unaffected by bias.

### **4. HARASSMENT OFFICERS**

The AO Board shall appoint at least two (2) persons, one of each gender, to serve as Harassment Officers under this policy. In addition, Harassment Officers are not required to be members of the Association, in order to fulfill this role.

The role of a Harassment Officer is to serve in a neutral capacity and bring an informed perspective to bear on the early phases of the harassment complaint procedure. Harassment Officers shall receive complaints, assist in the informal resolution of complaints, and conduct the initial assessment of formal written complaints. Only one harassment officer will be involved in each case. The complainant may contact the Harassment Officer of their choice.

Harassment Officers are directly responsible to the Board Chair. AO shall ensure that harassment officers have access to appropriate training and the necessary support for carrying out their responsibilities under this policy.

### **5. REPORTING HARASSMENT**

Members who believe they are being harassed should contact the AO Harassment Officer or another trusted person in a position of authority to discuss the situation. Alternatively, there are four possible courses of action for a Complainant:

- (a) they may confront their alleged harasser and inform him/her that the behavior in question is offensive and contrary to the AO policy; if this option is exercised and the behaviour ceases, they may elect to take no further action;
- (b) in addition to confronting the person whose behaviour is offensive, they may immediately report the behaviour in accordance with submitting a complaint (see section 7);
- (c) if after confronting the person whose behaviour is offensive and the behaviour continues, they may then report the situation by submitting a written complaint(see section 7) ; or

- (d) if they are uncomfortable with confronting the person whose behaviour is offensive, they may report the behaviour directly, in accordance with submitting a complaint (see section 7).

AO officials (Board/Committee members, Chief Executive Officer, Staff, Coaches or Technical Officials) who witness behaviour that may constitute harassment or who otherwise becomes aware that harassment may be taking place are required to report it in accordance with the prescribed complaint procedure.

Members who witness behaviour that may constitute harassment of another AO member, or who otherwise became aware that harassment caused by a member may be taking place, are encouraged to report the behaviour in accordance with the prescribed complaint procedure.

Notwithstanding this, the legal requirements to report suspected child abuse remain under the law.

## 6. HARASSMENT INVOLVING MINORS

This section of the policy only relates to the harassment of AO members who are minors by another AO member. The legal requirements to report suspected child abuse remain as well.

If the Complainant is a minor, the complaint may be brought forward by a Responsible Adult. The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:

- making a complaint;
- receiving all notices on behalf of the Complainant; and
- being present at all dealings with the Complainant.

If the Respondent is a minor, the following shall apply:

- If the Harassment Officer is attempting an informal resolution of a complaint, the Harassment Officer may speak to the Respondent directly concerning the complaint provided that, prior to speaking to the Respondent, the Harassment Officer informs the Respondent that he/she may have a Responsible Adult present during the meeting.
- In the event that a minor Respondent is unwilling or unable to designate a Responsible Adult to be present during the meeting, the Harassment Officer shall designate and be accompanied by an adult Athletics Ontario member who is neutral to the complaint and who will witness the meeting.
- If the complaint is referred to the Harassment Officer for investigation:
  - i. a copy of the written complaint shall be forwarded to a parent or guardian of the Respondent if such person is known;
  - ii. the Respondent shall be advised that he/she has the right to be represented by a Responsible Adult;
  - iii. The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including: responding to a written complaint, receiving all notices on behalf of the Respondent, and being present at all dealings with the Respondent.

## **7. SUBMITTING A COMPLAINT**

Harassment complaints should be made to an AO Harassment Officer or to any person in a position of authority (i.e. Board/Committee member, Chief Executive Officer, staff, coach, or Technical Official). Ultimately, the harassment investigation and review process requires that complaints be filed with an AO Harassment Officer. Therefore, other AO officials who receive a complaint shall forward it immediately to a Harassment Officer.

When a Harassment Officer receives a complaint through a third party, he/she will immediately contact the alleged victim and initiate the complaint evaluation procedure.

In all reported instances, a prompt, thorough, fair investigation will take place giving careful consideration to protect the rights and dignity of all people involved.

## **8. COMPLAINT EVALUATION PROCEDURE**

An AO Harassment Officer who receives a complaint will inform the complainant of:

- (a)** the option of pursuing an informal resolution;
- (b)** the right to lay a formal written complaint under this policy when informal resolution is inappropriate or when an attempt at informal resolution is unsuccessful;
- (c)** the confidentiality provisions and limitations of this policy;
- (d)** the right to be represented/advised by a person of choice (including legal counsel) at any stage in the complaint process (at the Complainant's expense);
- (e)** the right to withdraw from any further action in connection with the complaint at any stage (even though AO might continue to investigate the complaint);
- (f)** the potential consequences of allegations of harassment that are fabricated, frivolous or vexatious; and
- (g)** any 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.

## **9. COMPLAINT EVALUATION OUTCOMES**

There are three possible outcomes to the initial meeting between the complainant and the Harassment Officer:

- (a)** The complainant and harassment officer agree that the behaviour in question does not constitute harassment. If this occurs, the harassment officer will take no further action and will make no written record.
- (b)** The complainant brings evidence indicating that harassment may have occurred and chooses to pursue an informal resolution of the complaint:
  - i. The Harassment Officer will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties, and if appropriate, the Harassment Officer may also seek the assistance of a neutral mediator.
  - ii. If negotiation yields a result that is acceptable to both parties, the Harassment Officer will make a written record that the complaint was made and subsequently resolved to the

satisfaction of both parties. This record will briefly outline the details of the complaint and the resolution. It will be signed by both parties and kept on file in the AO office for a period of time as determined by the Harassment Officer. No further action will be taken.

- iii. If negotiation fails to satisfy the Complainant, the Complainant may then proceed to lay a formal written complaint.

**(c)** The Complainant brings evidence indicating that harassment may have occurred and decides to lay a formal written complaint:

- i. The Harassment Officer will assist the complainant to draft a formal written complaint. The complaint will set out the details of the incident(s) and the names of any witnesses, and will be signed by the complainant and dated. A copy of the signed complaint will be delivered to the respondent without delay.
- ii. The Respondent will be given the opportunity to provide a written response to the complaint. The Harassment Officer may assist the respondent in preparing this response. The respondent is not obliged to respond in writing; if preferred, he/she may provide a verbal response to the Harassment Officer.
- iii. The Harassment Officer will also advise the respondent about the provisions of the Harassment Policy and of the respondent's right to be represented by a person of his/her choice (at the respondent's expense).

As soon as possible after receiving the written complaint, but no more than twenty-one (21) days from that date, the Harassment Officer shall submit a written Harassment Report to the AO Chair, with a copy to the Chief Executive Officer. The Report shall contain the formal written complaint and either the respondent's written response or the substance of his/her verbal response, together with a recommendation that either:

- 1) no further action should be taken because the complaint cannot be substantiated or the conduct cannot be reasonably said to fall within the definition of harassment contained in this policy; or
- 2) the complaint appears to have substance and should be investigated further.

A copy of the Harassment Report shall also be provided to both the Complainant and Respondent without delay.

## **10. HARASSMENT REPORT**

The AO Chair shall review the Harassment Report to confirm that procedures have been applied correctly in accordance with this policy. If the Chair finds that there have been procedural errors, he/she will return the file to the Harassment Officer with instructions for their correction.

If the Chair is satisfied that due process has been followed, he/she will consider the substance of the Report and, at his/her sole discretion, determine whether further action is to be taken:

- (a)** If the Chair determines that further action is required, he/she will invoke the AO Dispute Resolution Process (Appendix A to the AO Dispute Resolution Policy), amended as required to incorporate the additional specific provisions of this Appendix, as the means for bringing resolution to the complaint.

- (b) If the Chair determines that no further action is required, he/she will sign the Harassment Report, noting that he/she has reviewed it, and will then forward it to the Office for filing in the AO Harassment file.

The Chair shall complete the review within five (5) days of receipt of the Report.

## **11. INVESTIGATION**

The next step, in accordance with the Dispute Resolution Process (Appendix A to the AO Dispute Resolution Policy), is for the Chair to determine whether further investigation is warranted prior to convening a Hearing Panel. Depending upon the nature of the complaint and the information provided in the Harassment Report, the Chair at his/her sole discretion may appoint an independent individual to conduct an investigation in order to confirm the background and context of the complaint and to ascertain the relevant facts. If an investigation is ordered, the investigator shall carry out the task in a timely manner and at the conclusion shall submit a written investigation report to the Chair and Harassment Officer.

## **12. HEARING**

Upon receipt of the investigator's report, the Chair shall within 14 days establish and provide instruction, including the Harassment Report and the Investigator's Report, to a Hearing Panel. The Hearing Panel shall be established and will proceed in accordance with the AO Dispute Resolution Process (Appendix A to the AO Dispute Resolution Policy).

## **13. DECISION**

Within 14 days of concluding the hearing, the Panel shall present its written decision, with copies provided without delay to the Chair, the Chief Executive Officer, the Complainant, the Respondent, and the Harassment Officer to whom the complaint was originally submitted.

In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued within 14 days of concluding the hearing.

The decision shall contain:

- (a) a summary of the relevant facts;
- (b) a determination as to whether the behaviour in question constitutes harassment as defined in this policy;
- (c) if the complaint is found to be valid:
  - i. a determination of disciplinary action, if any, to be taken against the respondent; and
  - ii. if appropriate, measures to remedy or mitigate any harm or loss suffered by the complainant; and
- (d) if appropriate, a recommendation for any action which might prevent similar situations in the future.

If the Panel determines that the allegations of harassment are fabricated, frivolous, or vexatious, it may determine that disciplinary action shall be taken against the Complainant. It is emphasized that a finding that the behaviour in question does not constitute harassment is not sufficient grounds of itself for such action against the Complainant.

In the event that the Panel finds that harassment has occurred, the Panel shall, when making determinations for disciplinary action and/or corrective measures, consider factors such as:

- (a) the nature of the harassment;
- (b) whether the harassment involved any physical contact;
- (c) whether the harassment was an isolated incident or part of an ongoing pattern;
- (d) the nature of the relationship between the Complainant and Respondent;
- (e) the age of the Complainant;
- (f) whether the harasser has been involved in previous harassment incidents;
- (g) whether the harasser admitted responsibility and expressed a willingness to change; and
- (h) whether the harasser retaliated against the Complainant.

#### **14. SANCTIONS**

In the event the Panel finds that harassment has occurred; when determining disciplinary sanctions the Panel shall utilize the AO Discipline Policy, which includes but is not limited to the following options (singly or in combination, depending on the severity of the harassment):

- (a) a letter of reprimand from AO;
- (b) referral to counseling;
- (c) removal of certain privileges;
- (d) suspension of accreditation (e.g., officials, coaches, athlete, etc.) for a specified period of time;
- (e) suspension from competition for a specified period of time;
- (f) temporary suspension from employment, with or without pay;
- (g) termination of employment or contract;
- (h) an apology witnessed by a member of the Hearing Panel or Chief Executive Officer.

In the event that the Panel finds that harassment has not occurred, that the complaint of harassment was fabricated, frivolous or vexatious, and that disciplinary action should be taken against the Complainant, the Panel may consider any of the sanctions listed in above, or such other measures as the Panel may deem appropriate to the circumstances.

#### **15. RECORDS**

As a general rule, the decision of the Panel shall become a matter of public record, but all other information pertaining to the Complaint and investigation shall remain confidential.

Where the Panel concludes that harassment has not occurred, a copy of the Panel's decision shall be filed in the AO Office in the harassment file.

Where the Panel finds that the allegations of harassment were fabricated, frivolous or vexatious, a copy of the Panel's decision together with the investigator's report and any documentary evidence shall be filed in

the personnel file of the Complainant only, with all references to the identity of the Respondent deleted, if he/she so requests.

Where the Panel finds that harassment has occurred, a copy of the Panel's decision, together with the investigator's report and any documentary evidence, shall be filed in the AO Office in the harassment file. The Panel's decision shall also be filed on the personnel file of both the Complainant and Respondent. Unless the findings of the Panel are overturned upon appeal, the decision and supporting material shall be retained on file for a period of ten years. This period could be extended if new and related developments indicate such action is warranted.

## **16. APPEAL PROCEDURE**

If a party believes the decision of the Hearing Panel, rendered under this Process, was procedurally unfair, the decision may be appealed in accordance with the AO Appeal Process. The Appeal Process can be found in the AO Dispute Resolution Policy: Appendix C - AO Appeal Process.

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