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Harassment Policy
Minimum Standards & Guidelines
For Softball Saskatchewan
October 1997

Forward

As the Provincial Sport Governing Body for Softball in Saskatchewan we want our Association free of Harassment and have developed the following policy which provides a policy statement, definitions, complaint and appeal procedure, disciplinary action and education/information strategy.

Policy Statement

1. Softball Saskatchewan is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.
 - * Harassment is a form of discrimination. Harassment is prohibited by the *Canadian Charter of Rights and Freedoms* and by human rights legislation in the province of Saskatchewan.
 - * Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's *Criminal Code*.
 - * Whether the harasser is a director, employee, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.
 - * Softball Saskatchewan is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.
2. This policy applies to all directors, officers, employees, volunteers, coaches, athletes, officials and members of Softball Saskatchewan. Softball Saskatchewan encourages the reporting of all incidents of harassment, regardless of who the offender may be.
3. This policy applies to harassment that may occur during the course of all Softball Saskatchewan activities, and events. It also applies to harassment between individuals associated with Softball Saskatchewan but outside Softball Saskatchewan business, activities and events when such harassment adversely effects relationships within Softball Saskatchewan's work and sport environment.
4. Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Saskatchewan Human Rights Commission, even when steps are being taken under this policy.

Definitions

5. Harassment takes many forms but can generally be defined as comment, conduct or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive.
6. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:
 - * submitted to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - * such conduct has the purpose or effect of interfering with an individual's performance; or
 - * such conduct creates an intimidating, hostile or offensive environment.

7. Types of behaviour that constitute harassment include, but are not limited to:
- * written or verbal abuse or threats;
 - * the display of visual material which is offensive or which one ought to know is offensive;
 - * unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
 - * leering or other suggestive or obscene gestures;
 - * condescending, paternalist or patronizing behaviour which undermines self-esteem, diminishes performance or adversely affects working conditions;
 - * practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - * unwanted physical contact, including touching, petting, pinching or kissing;
 - * unwelcome sexual flirtations, advances, requests or invitations; or
 - * physical or sexual assault.
8. Sexual harassment most commonly occurs in the form of behaviour by males toward females; however, sexual harassment can also occur as behaviour by females toward males, between males or between females.
9. For the purposes of this policy, retaliation against an individual
- * for having filed a complaint under this policy; or
 - * for having participated in any procedure under this policy; or
 - * for having been associated with a person who filed a complaint or participated in any procedure under this policy, will be treated as harassment, and will not be tolerated.

Responsibility

10. Softball Saskatchewan shall appoint a Harassment Advisory Committee to administer this policy, which shall be responsible for:
- * discouraging and preventing harassment within Softball Saskatchewan;
 - * investigating formal complaints of harassment in a sensitive, responsible and timely manner;
 - * imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - * providing advice to persons who experience harassment;
 - * doing all in their power to support and assist any member or employee of Softball Saskatchewan who experiences harassment by someone who is not an employee or member of Softball Saskatchewan;
 - * making all members and employees of Softball Saskatchewan aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
 - * informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
 - * regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
 - * appointing harassment officers and providing the training and resources they need to fulfill their responsibilities under this policy.

11. Every member of Softball Saskatchewan has a responsibility to play a part in ensuring that Softball Saskatchewan and its members are free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member of Softball Saskatchewan who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.
12. In the event that the Softball Saskatchewan Harassment Advisory Committee is involved in a complaint that is made under this policy, Softball Saskatchewan shall appoint a suitable alternate for the purposes of dealing with the complaint.

Disciplinary Action

13. Employees or members of Softball Saskatchewan against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership. Retaliation against any individual for reporting harassment will not be tolerated and will be grounds for discipline including discharge. Equally, because false accusations can have serious repercussions on innocent individuals, the willful misuse of this policy or making deliberately false accusations will also be grounds for discipline including discharge.

Confidentiality

14. Softball Saskatchewan understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. Softball Saskatchewan recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
15. Softball Saskatchewan shall not disclose to outside parties the name of the complainant or respondent, the circumstances giving rise to a complaint, unless such disclosure is required by a disciplinary or other remedial process.

Harassment Officers

16. Softball Saskatchewan shall appoint two persons, one male and one female, who are themselves members or employees of Softball Saskatchewan to serve as officers under this policy.
17. The role of harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to the Softball Saskatchewan Harassment Advisory Committee.
18. Softball Saskatchewan shall ensure that officers receive appropriate training and support for carrying out their responsibilities under this policy.

Complaint Procedure

19. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this policy.

20. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of a harassment officer.
21. The harassment officer shall inform the complainant of:
- * the options for pursuing an informal resolution of his or her complaint;
 - * the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - * the availability of counseling and other support provided by Softball Saskatchewan;
 - * the confidentiality provisions of this policy;
 - * the right to be represented by a person of choice (including legal council) at any stage in the complaint process;
 - * the external mediation/arbitration mechanisms that may be available;
 - * the right to withdraw from any further action in connection with the complaint at any stage (even though Softball Saskatchewan might continue to investigate the complaint); and
 - * other avenues of recourse, including the right to file a complaint with the Saskatchewan Human Rights Commission or, where appropriate, to contact the police to have them lay a formal charge under the *Criminal Code*.
22. There are three possible outcomes to this initial meeting of complainant and officer(s).
- a) *The complainant and officer agree that the conduct 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 of harassment and chooses to pursue an informal resolution of the complaint.*
if this occurs, 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.
if informal resolution yields a result that is acceptable to both parties, the harassment officer will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
if informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
- c) *The complainant brings evidence of harassment but decides not to lay a formal written complaint.*
if this occurs, the harassment officer must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
when the harassment officer decides that the evidence and surrounding circumstances requires a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and respondent.
23. As soon as possible after receiving the written complaint, but within twenty-one (21) days, the harassment officer shall submit a report to the Softball Saskatchewan Harassment Advisory Committee, containing the documentation filed by both parties along with a recommendation that:
- * no further action be taken because the complaint is unfounded or the conduct can not reasonably be said to fall within this policy's definition of harassment; or
 - * the complaint should be investigated further.
- A copy of this report shall be provided, without delay, to both the complainant and the respondent.

24. In the event that the harassment officer's recommendation is to proceed with an investigation, the Softball Saskatchewan Harassment Advisory Committee shall within fourteen (14) days appoint three members of Softball Saskatchewan to serve as a case review panel. This panel shall consist of at least one woman and at least one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.
25. Within twenty-one (21) days of his appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:
 - * the complainant and respondent shall be given fourteen (14) days notice, in writing, of the day, time and place of the hearing.
 - * members of the panel shall select a chairperson from among themselves.
 - * a quorum shall be all three panel members.
 - * decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
 - * the hearing shall be held *in camera*.
 - * both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed. If the respondent does not appear, the hearing will proceed.
 - * the complainant and respondent may be accompanied by a representative or adviser.
 - * The harassment officer may attend the hearing at the request of the panel.
26. Within fourteen (14) days of the hearing, the case review panel shall present its findings in a report to the Softball Saskatchewan Harassment Advisory Committee which shall contain:
 - * a summary of the relevant facts;
 - * a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - * recommended disciplinary action against the respondent, if the acts constitute harassment; and
 - * recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.
27. If the panel determines that the allegations of harassment are false, vexatious, retaliatory or unfounded, their report shall recommend disciplinary action against the complainant.
28. A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent.
29. When determining appropriate disciplinary action and corrective measures, the case review panel shall consider such factors as:
 - * the nature of the harassment;
 - * whether the harassment involved any physical contact;
 - * whether the harassment was an isolated incident or part of an ongoing pattern;
 - * the nature of the relationship between complainant and harasser;
 - * the age of the complainant;
 - * whether the harasser had been involved in previous harassment incidents;
 - * whether the harasser admitted responsibility and expressed a willingness to change; and
 - * whether the harasser retaliated against the complainant.

30. In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:
- * a verbal apology;
 - * a written apology;
 - * a letter of reprimand from Softball Saskatchewan;
 - * referral to counseling;
 - * removal of certain privileges of membership or employment;
 - * temporary suspension with or without pay;
 - * termination of employment or contract; or
 - * expulsion from membership.
31. Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to the Softball Saskatchewan Harassment Advisory Committee and harassment officers.
32. Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal. This report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

Procedure Where a Person Believes That a Colleague Has Been Harassed

33. Where a person believes that a director, employee, coach, official, volunteer, parent or athlete has experienced or is experiencing harassment and reports this belief to a harassment officer, the officer shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with the complaint procedure as set out in this policy. (Section 21)

Appeals

34. Both the complainant and the respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the chairperson of the case review panel within fourteen (14) days of the complainant or respondent receiving the panel's report.
35. Permissible grounds for an appeal are:
- * the panel did not follow the procedures laid out in this policy;
 - * members of the panel were influenced by bias; or
 - * the panel reached a decision that was grossly unfair or unreasonable.
36. In the event that a notice of appeal is filed, the Softball Saskatchewan Harassment Advisory Committee shall together appoint a minimum of three (3) members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.
37. The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal.

38. Within ten days of its appointment, the appeal body shall present its findings in a report to the Softball Saskatchewan Harassment Advisory Committee. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

Softball Saskatchewan's Board of Directors have the final decision on the case being appealed. Once the decision has been approved at the Board Level, the appropriate parties will be contacted.

39. A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.
40. The decision of the appeal body shall be final.