



PMHA HARASSMENT POLICY



NOTE: For the purpose of this policy/procedure manual:

- Pelham Minor Hockey Association will be referred to as PMHA
- Member will refer to any athlete and/or parent/guardian as defined in By-Law No. 1 of the PMHA;
- Volunteer will refer to elected/appointed directors, conveners, coaches, managers, trainers and non-paid officials
- Employees will refer to any paid personnel or official.

POLICY STATEMENT

(a) The PMHA is committed to providing a sport and volunteer environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and volunteer in an environment which promotes equal opportunities, prohibits discriminatory practices and is free from all forms of harassment. The reasons for this are:

- Harassment is form of discrimination.
- Harassment is prohibited by the Canadian Charter of rights and Freedoms and by human rights legislation in every province and territory in Canada.
- Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
- Whether harasser is a member, volunteer or employee, harassment is an attempt by one person to assert abusive, unwarranted power over another.
- The PMHA is committed to providing a sport environment free of harassment on the basis of race, nationality, ethnic, origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.

(b) This policy applies to all members, volunteers and employees of the PMHA. The PMHA encourages the reporting of all incidents of harassment, regardless of who the offender may be.

(c) This policy applies to harassment which may occur during the course of all PMHA activities and events. It also applies to harassment between individuals associated with PMHA but outside PMHA activities and events when such harassment adversely affects relationships within the PMHA sport and volunteer environment.

(d) Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Ontario Human Rights Commission at any time during the process.

WHAT IS HARASSMENT?

- *Harassment can be defined as comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, offensive or which creates an unwelcome environment.*

Types of Behavior which constitute harassment include but are not limited to:

- Written, physical or verbal abuse or threats,
- The display of visual material which is offensive or which one ought to know is offensive;
- Unwelcome remarks, expletives, 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;
- Unwanted physical contact including touching, petting, pinching or kissing;
- Physical or sexual assault.

It is the aim of the PMHA that the values embodied in this policy statement become part of the everyday beliefs that guide all our behaviors.

DEFINITIONS:

(a) Harassment takes many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individual which is insulting, intimidating, humiliating, malicious, degrading, or offensive.

(b) For the purpose of this policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submitting 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.

(c) Types of behavior which constitute harassment include but are not limited to:

- Written, physical or verbal abuse or threats;
- The display of visual material which is offensive or which one ought to know is offensive;

- Unwelcome remarks, expletives, jokes, comments or taunting about a person's looks, age, race; religion, sex or sexual orientation;
- Leering or other suggestive or obscene gestures;
- Condescending paternalistic, or patronizing behavior which undermines self-esteem, diminishes performance, or adversely affects or volunteering 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.
- Violation of all fair play codes

(d) Sexual harassment most commonly occurs in the form of behavior by males towards females; however, sexual harassment can occur between males, between females, or as behavior by females towards males.

(e) For the purpose 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 will be treated as harassment and will not be tolerated.

Responsibility

(a) A PMHA director will be appointed by the PMHA Executive to be responsible for this policy. This individual will be responsible for:

- Implementing this policy
- Discouraging and preventing harassment within the PMHA
- 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 of authority of the offender;
- Providing advice to persons who experience harassment;
- Doing all in their power to support and assist any member, volunteer, or employee of the PMHA who experiences harassment by someone who is not member, volunteer, or employee
- Making all members, volunteers, and employees 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 term 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; and
- Appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy.

(b) Every member, volunteer, and employee has a responsibility to play a part in ensuring that the PMHA sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy. In addition, any member, volunteer or employee who believes another member, volunteer, or employee has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

(c) In the event that the PMHA director and the designated PMHA executive person responsible for this Policy are involved in a complaint which is made under this policy, the PMHA president shall appoint a suitable alternate(s) for the purpose of dealing with this complaint.

DISCIPLINARY ACTION

(a) Members, volunteers, or employees of the PMHA against whom a complaint of harassment is substantiated may be severely disciplined up to and including a termination of membership or termination of volunteer position or employment dismissal in cases where the harassment takes the form of assault, sexual assault or a related sexual offense.

Confidentiality

(a) The PMHA 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. The PMHA also recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

(b) The PMHA shall not disclose to outside parties the name of the complainant the circumstances giving rise to the complaint or the name of the respondent unless a disciplinary or other remedial process requires such disclosure.

HARASSMENT OFFICERS

(a) The PMHA Executive shall appoint at least two persons, one male and one female, who are a member, volunteer or employee of the organization in good standing to serve as officers under this policy. If more than two officers are appointed the PMHA shall ensure a gender balance.

(b) The role of the 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 PMHA director responsible for this policy.

PROCEDURE WHERE A PERSON BELIEVES THAT A PMHA MEMBER, VOLUNTEER, OR EMPLOYEE HAS BEEN HARASSED

(a) Where a person believes that a PMHA member, volunteer, or employee 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 proceed in accordance with the Complaint Procedure, below.

COMPLAINT PROCEDURE

(a) A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome and offensive and contrary to this policy.

(b) 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.

(c) The harassment officer shall inform the complainant of:

- The options for pursuing a 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 confidentiality provisions of this policy;
- The right to withdraw from any further action in connection with the complaint at any stage even though the PMHA might continue to investigate the complaint;
- 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.

(d) There are four possible outcomes to this initial meeting of the complainant and the officer:

- (i) 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.
- (ii) The complainant brings evidence of harassment and chooses to pursue an informal resolution to 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 which 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.

(iii) The complainant brings evidence of harassment and decides to lay a formal written complaint.

- If this occurs, the harassment officer will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.
- 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.

(iv) The complainant brings evidence of harassment but does not lay a formal complaint.

- If this occurs and the harassment is serious enough to warrant laying a formal written complaint, the harassment officer will lay 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 require a formal written complaint, the harassment officer will issue a formal written complaint without delay and provide copies of the complaint to both the complainant and the respondent.

(e) As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the PMHA director responsible for this policy 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 cannot 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.

(f) In the event that the harassment officer's recommendation is to proceed with an investigation, the PMHA director responsible for this policy shall within 14 days convene a panel.

(g) The panel composition shall have at least one PMHA Executive member and shall be at a minimum a panel of two persons.

(g) Within 21 days of its appointment the case review panel shall convene a hearing.

(h) Within 14 days of the hearing, the case review panel shall present its findings in a report to the PMHA director responsible for this policy, 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.

(i) If the panel determines that the allegations of harassment are false, vexatious, retaliatory, or unfounded their report shall recommend disciplinary action against the complainant.

(j) A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent.

(k) 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.

(l) In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- Verbal apology,
- Written apology,
- Letter of reprimand from the PMHA,

- Temporary suspension from volunteer position,
- Temporary suspension of membership,
- Permanent suspension of membership.

(m) 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 PMHA director responsible for this policy and the harassment officers.

(o) Where the investigation results in finding of harassment, a copy of the report of the case review panel shall be placed in the, 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.

APPEALS

(a) 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 must be provided to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panel's report.

(b) Permissible grounds for appeal are:

- The panel did not follow the procedures laid out in this policy;
- Members of the panel were influenced by bias;
- The panel reached a decision which grossly unfair or unreasonable.

(c) In the event that a notice of appeal is filed, the PMHA director responsible for this policy may appoint an appeal body. It is the sole and exclusive right and authority of the PMHA director responsible for this policy to determine if an appeal body is warranted.

(d) If an appeal body has been appointed, his appeal body shall consist of at least one female and one male PMHA member. These individuals must have no significant personal involvement with either the complainant or respondent and no prior involvement in the dispute between the complainant or respondent.

(e) The appeal body shall base its decision solely a review of the documentation surrounding 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.

(f) Within 10 days of appointment, the appeal body shall present its findings in a report to the PMHA director responsible for this policy. The appeal body shall have the sole and exclusive right and authority to uphold the decision of the panel and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

(g) A copy of the appeal body's report shall be provided, without delay, to the complainant and the respondent.

(h) The decision of the appeal body shall be final.

REVIEW AND APPROVAL

(a) This policy shall be reviewed by the PMHA Executive at a minimum on an annual basis.