

CADS National Harassment Policy

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Document Author	J. John Stone
Title	Member at Large, CADS National Board of Directors Member National CADS HR & Policy Committee johnstone@cad.ski

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1. Policy Statement¹

Canadian Adaptive Snowsports (CADS) is committed to providing a sport and work environment in which all individuals are treated with respect and dignity and that all activities be conducted in accordance with the CADS Values of Fun, Inclusion and Respect. Everyone has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices.

Harassment is a form of discrimination and is prohibited by the Canadian Charter of Rights and Freedoms and by Human Rights legislation in every Province and territory of Canada.

Harassment/discrimination is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.

- 1.1 CADS has adopted this Policy to make it clear that harassment will not be tolerated. Members found to have engaged in conduct constituting harassment/discrimination, may be disciplined and/or suspended to the full extent of this policy and the law.
- 1.2 CADS is committed to the education of all its members and to providing information to parents/guardians of youth members regarding this policy.
- 1.3 This policy applies to all employees, directors, officers, administrators, volunteers, instructors, coaches, students, athletes, officials, and members of CADS.

Every member of CADS shall avoid and shall discourage others' expressions or displays of prejudice, bigotry, sexual comments or racial slurs, whether they be verbal, in writing and/or through social media. Even the appearance of bigotry or prejudice can damage mutual respect between employees, directors, officers, administrators, volunteers, coaches, athletes, officials, and members of CADS.

- 1.4 For the purposes of this policy, sport and/or workplace harassment can occur in the following places:
 - 1.4.1 in instructional situations, training sessions, sporting events, competitions;
 - 1.4.2 at the office;
 - 1.4.3 at sport-related social functions;

¹ Note: For convenience, this policy uses the term "complainant" to refer to a person who experiences, or alleges to have experienced, harassment, even though not all persons who experience harassment will make a formal complaint. The term "respondent" refers to the person against whom a complaint is made.

- 1.4.4 at the business functions of CADS and its member clubs, such as meetings, conferences, training sessions and workshops;
- 1.4.5 during sport-related travel;
- 1.4.6 through any form of communication device/system including but not limited to telephone, email, fax, websites, postal service, social media;
- 1.4.7 any formal or informal location where the harassment of a person is a result of their sport-related involvement.

2. Objectives of this Policy

- 2.1 To prevent discrimination and harassment within CADS on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, ability or religious affiliations.
- 2.2 To alert all members of CADS to the fact that harassment is an offence under the law;
- 2.3 To establish the types of behaviour that shall be considered offensive;
- 2.4 To establish a mechanism for receiving complaints of harassment and provide a procedure by which CADS shall deal with these complaints;
- 2.5 To establish CADS as an organization in which all members, employees and volunteers may reasonably expect to participate free from harassment;
- 2.6 To provide an environment where members, employees and volunteers contribute to CADS' goals in the knowledge that their personal aspirations and dignity will be respected; and,
- 2.7 To create an awareness of the nature and types of harassment.

3. Definitions

- 3.1 *Appeal:* The process outlined within this policy which allows the Respondent to have the complaint reviewed.
- 3.2 *Complainant:* A student, athlete, coach, official, employee, or other member of CADS or participant involved in the activities of CADS who believes they have been harassed.
- 3.3 *Disciplinary Committee:* A committee of persons as defined in the CADS By- Laws. The Disciplinary Committee decides whether harassment

occurred and confirms or rejects the recommendation(s) of the Investigating Officer.

3.4 *Harassment:* Improper behaviour by any person towards another which a person knows or ought to know would be unwelcome.

This behaviour includes comments, conduct or gestures which are insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group, including, but not limited to:

- written or verbal abuse or threats;
- physical assault;
- unwelcome remarks, jokes, innuendos, or taunting about a person's body, sex, sexual orientation, gender identity, gender expression, ability, attire, age, marital status, ethnic or racial origin, religion, etc.;
- displaying of sexually explicit, racist or other offensive or derogatory material, or sexual, racial, ethnic or religious graffiti;
- practical jokes which directly or indirectly cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
- hazing or initiation rites;
- leering or other suggestive or obscene gestures;
- intimidation, through the suggestion or offer of a reward or privilege or through threats of retaliation related to speaking out about harassment;
- condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- conduct, comments, gestures or contact of a sexual nature that is likely to cause offence or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
- false accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;
- sexual harassment;
- sexual assault; or,
- sexual abuse, as further defined below.

3.5 *Investigating Officer:* An individual designated by CADS and possessing the appropriate background and training in the implementation of this policy.

Investigating Officers should be trained by existing, resigning or outgoing officers.

3.6 *Investigation Report:* The written record of an investigation, completed by the Investigating Officer(s) including, but not limited to, a summary of details, determination of harassment, and recommended disciplinary action if harassment is found.

3.7 *Member:* Members of the Association, including: General or Associate Members, who may be in a Student, Athlete, Volunteer, Instructor, Coach or Administration role.

3.8 *Prejudice:* Examples of prejudice, sometimes expressed, for example, through racism, homophobia, ageism, sexism, transphobia or ableism include, but are not limited to:

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

3.8 *Respondent:* The perpetrator of the action(s) which the complainant asserts constitutes harassment.

3.9 *Responsible Adult:* Where the Complainant or the Respondent is a minor, a parent, guardian, or other adult of the minor's choice, who may speak on behalf of the minor Complainant or minor Respondent, as referred to in the **CADS Complaints, Investigations, Resolution and Discipline Policy** (the Investigations Policy). For the purposes of this Policy, a Responsible Adult may also advocate on behalf of another Adult.

3.10 *Sexual Harassment:* One or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature:

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;
- when submission to such conduct is made either implicitly or explicitly a condition of employment/sport-related activity;
- when submission to or rejection of such conduct is used as a basis for any employment/sport decision (including, but not limited to, matters of promotion, raise in salary, job security, benefits affecting the employee, program activity or team selection); and,
- when such conduct has the purpose or the effect of interfering with a person's work/sport performance/experience or creating an intimidating, hostile or offensive work/sport environment.

3.11 Sexual Assault: Sexual assault is defined as an assault of a sexual nature that violates the sexual integrity of the victim.

3.12 Sexual Abuse: Sexual abuse is when a young person is used by an older child, adolescent or adult for his or her own sexual stimulation or gratification.

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.

4. Responsibilities

Employees, directors, officers, officials, administrators, coaches, instructors, volunteers, students, athletes, and members of CADS are jointly responsible to free their sport/working environment of harassment by:

- taking assertive action should they feel that they are being subjected to harassment.
- fostering an environment free of harassment by attempting to stop incidents of harassment whether there is a complaint or not. Failure to take appropriate corrective action may be interpreted as condoning the prohibited behaviour.

4.1 The CADS Board of Directors is responsible for the implementation of this policy.

4.2 The CADS Board of Directors will identify and designate one or more Investigating Officer(s) and access the identified Investigating Officer(s) as necessary.

4.3 CADS will act quickly on any complaint of harassment with the goal of resolving the situation fairly and of preventing future occurrences, including determining and enforcing appropriate discipline, if required.

CADS recognizes that its members may be subjected to harassment by individuals who conduct business with the association. In these circumstances, CADS acknowledges its responsibility to do all it can, within its authority, to support and assist any person subject to such harassment.

Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the respective National, Provincial or Territorial Human Rights Commission or other avenues.

4.4 Investigating Officer(s).

CADS shall appoint at least one person who may be - but is not required to be - members of the sport organization, to serve as an Investigating Officer under this policy. If more than one officer is appointed, CADS shall try to ensure a gender balance.

The role of the Investigating Officer(s) is to serve in a neutral, unbiased capacity to receive complaints, assist in an informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, Investigating Officer(s) shall be directly responsible to the CADS Chair.

CADS shall ensure that Investigating Officer(s) receive appropriate support and training as required to carry out their responsibilities under this policy.

5. Confidentiality

CADS 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. CADS recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential.

CADS 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 or other remedial process.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by CADS except

where disclosure is required by a disciplinary or other remedial process or where required to disclose by statute.

- 5.1 In all reported instances, a prompt, thorough, fair investigation will take place considering requirements to protect the rights and dignity of all people involved.
- 5.2 The regular procedures associated with privacy and confidentiality will always be observed, including the sealing of all documents upon the conclusion of the investigation.

6. Harassment Complaint Procedure

- 6.1 The Complainant is encouraged to, first, make it known to the Respondent that the behaviour is unwelcome, offensive, and/or contrary to this policy.
- 6.2 If confronting the Respondent is not possible, or, if after confronting the Respondent, the conduct continues, the Complainant should seek the advice of the CADS National Office Executive Director, who shall serve as the initial Investigating Officer.

A preliminary written report for the Investigation Officer (s) will be prepared each time the CADS National Office Executive Director is initially consulted.

The CADS National Office Executive Director may conduct an initial consultation and offer advice to a Complainant in a one-on-one context prior to the creation and filing of a formal written complaint.

In the event a staff member of CADS National Office is involved either as a complainant or a respondent or is perceived to be involved either as a complainant or a respondent, the matter shall be directed to the CADS National President.

At any time and, at the option of the Complainant, a formal written complaint may be created, subject to the terms of the **CADS Complaints, Investigations, Resolution and Discipline Policy** (the Investigations Policy).

7. Policy Review and Approval

- 7.1 This policy was approved by CADS Board of Directors *Month / Day / Year* and adopted by the membership at the Annual General Meeting of *Month / Day / Year*.

- 7.2** This policy should be reviewed by the CADS HR & Policy Committee and senior staff from time to time to ensure it remains current.