

## **WSWBC HARASSMENT POLICY**

### ***a) INTRODUCTION***

Water Ski & Wakeboard BC (WSWBC) is committed to promoting a policy in sport in which the terms and conditions of participation are equitable and non-discriminatory. Each participant has the right to be treated with dignity and respect, and to work and play in a milieu conducive to productivity, self-development and performance advancement, based upon individual ability. It is WSWBC's intention to foster a sport environment free of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offence.

WSWBC, like the community at large, is becoming increasingly diverse. It includes people of different genders, races, cultures and backgrounds. We must all work together to eliminate the barrier to equality that is caused by harassment.

Harassment is a serious problem. It creates a hostile environment, undermines self-respect and contributes to low morale, poor performance and high turnover.

All athletes, coaches, team managers, officials, board members, committee members, clubs, members, and staff have a shared responsibility to understand harassment and its ramifications, and to ensure that all reasonable steps are taken to realise the goal of a harassment free sport environment.

Beyond that, WSWBC encourages each of its member clubs to officially adopt its Harassment Policy or a similar policy.

### ***b) DEFINITION OF HARASSMENT***

For clarity we will define harassment in two broad categories: General and Sexual. General harassment may include sexual harassment but sexual harassment has unique features, which require separate definition. Harassment is difficult to define in certain, unambiguous terms. Since not everyone perceives behaviour in the same way, any definition of harassment will contain a subjective element. The following definitions are intended as a guide to those individuals who will review harassment cases and will be called upon to make reasonable decisions and to reduce the subjectivity.

#### **(i) General**

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

Types of behaviour which 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, innuendo, or taunting about a person's looks, body, attire, age, gender, sexual orientation, physical or mental disability, marital status, ethnic or racial origin and religion.
- Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance.
- Vandalism.

(ii) Sexual

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favours, 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.

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

- All of those listed under general harassment
- Suggestive or obscene gestures
- All forms of sexual contact or unwanted physical contact
- Inappropriate sexual comments about a person's body or appearance
- Speaking in an inappropriate or derogatory way of a person's sex life, sexual preferences, etc. either to the person or about the person.

In some harassment situations, assessment is fairly clear, as the behaviour is undesirable under any circumstances. Examples of these situations would range from derogatory remarks to actual assault. Another range of behaviour is more difficult to assess, as these activities between people in our society can be desirable and welcome in some situations, and harassment in others. Examples of these activities would range from compliments and invitations to sexual activity. A friendly invitation or embrace could be received as such or could be construed by the recipient as harassment. How can we make an assessment in a given situation? In those cases where the actions are not intrinsically objectionable but are considered so because of the context, to be harassment, at least one of the following conditions would need to apply:

The action having been done once without reciprocation is repeated;

- The recipient has made clear that the action is unwelcome;
- The action is done to a minor by an adult;
- Force has been applied;
- Intimidation or threat has been applied or insinuated;
- The recipient has reason to believe that non-compliance could jeopardise her/his activity in the sport in any way whatsoever;
- The action asserts power over the recipient;
- The action is clearly abusive.

### (iii) Racial Harassment

Racial slurs, jokes or name-calling based on race, ancestry, place of origin, colour, ethnic origin and creed (or religion) are the most common form of racial harassment. Examples include:

- use of terminology that 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 behaviour. 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 Canada.” Such behaviour constitutes racial harassment.

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

### (iv) Poisoned Sport Environment

The presence of annoying and distressing elements in the sport environment can also constitute 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, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offence is openly displayed. (Sexually explicit posters and racial cartoons for example).
- Work or sport groups where name-calling that denigrates a person/group is part of the normal course of activities.

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

### (v) Ageism

In public consciousness we are at roughly the same stage regarding older members of society as we were about women thirty years ago. We have realised that women were marginalized in society and harassment policies are an outcome of that realisation. The

same attitudes that were applied once unthinkingly to women are still being applied about age. Sport is an activity for all ages. We must treat our older athletes with the same respect that we treat all athletes. Older athletes are not “amazing”, “unusual” or “unique”. They are simply athletes who are older.

For example, “Lesley just ran the course at 55km - amazing - and he’s 68 years old!”  
Would this be acceptable? “Leslie just ran the course at 55km - amazing - and she’s a woman!”

While admitting that age will affect performance, as does gender, we must not classify any category of athlete as second-rate.

Harassment in regard to age is almost always inadvertent, but we must guard against it nonetheless if we are to have a healthy environment for all skiers.

#### (vi) Intentional/Unintentional Harassment

Behaviour that constitutes harassment can be intentional or unintentional. Intentional behaviour can stem from hatred or fear. Unintentional behaviour often stems from ignorance but may still constitute harassment. This behaviour can be changed through education - simply informing the individual that the behaviour is offensive. Intentional behaviour is more difficult to deal with.

### ***c) THE SPORT ENVIRONMENT***

WSWBC’s Harassment Policy is directed toward the protection of individuals from harassment at all times. This includes during the course of their work in sport and also recreation or social activities in off-hours, where contact between individuals might lead to repercussions adversely affecting working relationships.

### ***d) TRAINING AND DISCIPLINE***

Persons in authority have the responsibility not to harass any individual. It must be recognised that discipline 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, rules and regulations to all participants.
- Be fair and consistent in taking corrective action and in applying discipline.
- Avoid favouritism.
- Use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

Prevention and intervention are key to achieving a harassment-free sport environment. Persons in authority must present a positive role model. Therefore:

- They must show that they take the issue seriously. They must communicate WSWBC's objective to create and maintain a harassment-free sport environment.
- If they observe any form of harassment, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint.
- They should investigate if harassment is suspected or rumoured. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labelled a troublemaker, or of reprisal.
- They should take all complaints of harassment seriously and respond appropriately in accordance with WSWBC's harassment complaint and investigation procedures.

Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known that harassment was occurring and they failed to take corrective action, they may be considered party to the harassment.

#### ***e) COMPLAINT HANDLING***

The overall objective of WSWBC's Harassment Policy is to create and maintain a harassment-free sport environment. To achieve this, individuals within WSWBC's sphere of influence who experience harassment must be encouraged to take action. They must have the confidence that the Board of Directors will support them by taking complaints seriously and responding in a sensitive, effective and timely manner.

#### ***f) REPORTING INCIDENTS OF HARASSMENT***

Harassment rarely ceases on its own. Silence and inaction are too often interpreted as acceptance or consent resulting in continued harassment. Those who are victimised by or aware of harassment have a responsibility to report it. In some cases, harassment is "unintentional" and can be stopped by informing the harasser(s) that the behaviour is offensive.

However, for many individuals, confronting the harasser(s) on their own is not an option. They would feel uncomfortable or might place themselves in a threatening or dangerous situation. They must be reassured of the existence of an effective procedure.

#### ***g) 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 President.

Complaints may also be lodged on behalf of an apparent victim by a team manager, or representative, a coach, a tournament official, a WSWBC Executive Board member, or any member of the WSWBC.

If this avenue is either unavailable or inappropriate, complaints may be made directly to:

- Any member of the WSWBC Board of Directors.
- The manager or coach of a WSWBC Team, or any individual in the employ of the BCWSA.

#### ***h) COMPLAINT INVESTIGATION AND RESOLUTION***

Once a complaint is reported, immediate action will be taken as follows:

- the documented complaint must be forwarded to the President who will inform the rest of the Core Executive (Secretary/Treasurer, Vice-President,) as quickly as possible.
- if at a Team event, the documented complaint must be forwarded to the Team Manager who will inform the President as quickly as possible.
- the President or the Core Executive will appoint a tribunal to investigate the incident(s). A tribunal may consist of one or more persons.
- if at a Team event, the Team Manager may, after discussion with the President, appoint a tribunal to investigate the incident(s).
- the documented complaint must be forwarded to the chair of the tribunal.

All complaints of harassment must be investigated by the appointed tribunal to determine the nature and circumstances of the incident(s) and to determine appropriate resolution.

#### ***i) RESPONDING TO A COMPLAINT OF HARASSMENT***

##### **(i) STEP ONE: Receiving a complaint.**

The person receiving the complaint must:

- understand and be sensitive to the impact of harassment on the victim. The experience can be and often is intimidating, demoralizing and threatening.
- Reassure the complainant, advising that BCWSA does not tolerate harassment and will do everything within its power to ensure a harassment-free sport environment.
- Ask the individual to provide details of the incident or incidents, including dates, time, locations, description of action, account of dialogue, the name of the alleged harasser(s) and any witnesses or names of other individuals who may also have been harassed. Has any action been taken? Has the alleged harasser been confronted or has the alleged harassment been previously reported?
- Assure the complainant that she/he will be protected from any reprisal that could result from lodging the complaint.

- Carefully document the complaint and review the details with the complainant to ensure accuracy. Attach any documentation or other supporting material.
- Immediately forward all documentation to the President or, where applicable, the Team Manager.

It is the responsibility of the President or the Team Manager to ensure that an investigation is undertaken.

(ii) STEP TWO: Complaint Investigation.

ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN A THOROUGH AND UNBIASED MANNER. IN DEALING WITH BOTH THE COMPLAINANT AND THE RESPONDENT IT IS IMPORTANT TO BE OBJECTIVE. COLLECT ALL OF THE FACTS BEFORE DRAWING CONCLUSIONS.

The tribunal should first review the facts with the complainant to verify accuracy. Additional information will be documented. During this interview any questions the complainant may have regarding the investigation process will be answered.

If the complainant has named a harasser or harassers, the first step in the investigation process is to inform the alleged harasser(s) (or respondent) of the complaint. If more than one individual has been named, separate interviews will be conducted. The tribunal will:

- Advise the alleged harasser(s) of the complaint.
- Instruct the respondent, now that the case is in tribunal, he/she is not to discuss the matter with the complainant.
- Explain that WSWBC is committed to providing a harassment-free sport environment and does not tolerate inappropriate behaviour.
- Advise the respondent of the investigation procedure and what steps will be taken next,
- Document the response to the complaint. Review the details of the statement in order to ensure accuracy and ask the respondent sign the response.

In order to determine whether or not the incidents took place and who was involved, it may be necessary for the tribunal to interview any witness named by either the complainant or the respondent. If there is more than one witness, each one will be interviewed individually. The tribunal will:

- Advise the witness that a complaint has been received and that they were named as a witness.
- Inform the witness of WSWBC Harassment Policy and assure the individual that he or she will be protected from any reprisal that could result from participation in the investigation.
- Document the statement of the witness and review it to ensure accuracy.

If there are no witnesses named, it may be necessary for the tribunal to interview other individuals involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, individuals will be advised of WSWBC's Policy on Harassment, and assured of freedom from reprisal. The interview(s) will be documented.

Before concluding the investigation the tribunal will consider the following:

- Did the harassment occur? If it didn't, is there reason to proceed against the claimant? In either event was there one incident or a series of incidents?
- What was the nature of the harassment? Did it constitute an infraction of the Canadian Human Rights Code? Do not consider factors unrelated to the complaint.
- Did the harasser(s) admit to or deny the behaviour?
- If the harasser(s) admitted to the behaviour was there an indication of a willingness to change?
- Has anyone else experienced similar harassment?
- Is this the first complaint against the harasser(s) or have there been previous complaints? Describe the nature of previous complaints.

The tribunal will contact the President or where applicable the Team Manager to review the investigation results and the conclusions to determine if further investigation is required.

### (iii) STEP THREE: Complaint Resolution.

The intent of WSWBC's Harassment Policy is to provide all individuals in the sphere of WSWBC's influence with a harassment-free environment. This can be accomplished through prevention and effective complaint resolution. In resolving the complaint the goal is to eliminate the harassment.

In many cases the first incident of harassment is unintentional and the harasser(s) is unaware that the behaviour is inappropriate and offensive. Resolution in these cases can be accomplished through education. The tribunal will:

- Inform the harasser(s) that the behaviour is inappropriate, in contravention of WSWBC Policy and the Canadian Human Rights Act and must cease.
- Ask for an apology from the harasser(s) and, if agreeable to the claimant, arrange a face-to-face meeting between the parties to effect the resolution. If a face-to-face meeting is not possible a written apology will be obtained.
- Advise both the complainant and the respondent(s) that a recurrence of the behaviour will result in the need for corrective action.
- Document the resolution.

These last two points are critical as they lay the necessary groundwork for progressive discipline should the harassment continue.

All disciplinary action is left to the discretion of the investigative tribunal. Action may include termination of the offender's association with WSWBC and/or its Teams.

Where resolution requires disciplinary action, it must be approved by the President who will inform the Executive Board.

(iv) STEP FOUR: Follow up.

Follow-up is a critical component of effective complaint resolution. The purpose of following-up with the complainant is 1) to ensure that the harassment has stopped, 2) to ensure that there are no instances of reprisal, and 3) to ensure the complainant of ongoing support. In resolving a complaint, set the stage for follow-up. The tribunal will:

- Inform the complainant that action has been taken to correct the situation. The complainant may request details but the release of such information may not be appropriate. The intent of WSWBC's Policy on Harassment is to eliminate harassment. In other words, *corrective*, not *punitive*.
- Advise the complainant to immediately report a further incident and any incident of reprisal.
- Determine a follow-up plan with the complainant. Carry out the follow-up and document the follow-up interviews.

Initially, the tribunal may want to follow-up on a frequent basis, extending that period over time. In most cases, follow-up should occur periodically over a minimum 6-month period from the date of the resolution.

***j) DISCIPLINE***

Harassment is a serious offence and it is also a serious offence to falsely accuse someone of harassment. In both cases, resolution will require that appropriate disciplinary action be taken. When discipline is considered, there must be just cause. The results of the investigation must indicate there is reason to believe that the alleged harasser(s) committed harassment. The disciplinary action taken must also be appropriate in the circumstance and can range from a verbal warning to withdrawal of WSWBC services.

The investigative tribunal is responsible for deciding what kind of discipline is appropriate. When deciding on appropriate disciplinary action, the following factors will be considered:

- The nature of the harassment – verbal or physical.
- The degree of aggressiveness.
- The ongoing nature of the harassment. The number of incidents and/or time period of the harassment(s).
- The nature of the relationship between the complainant and the harasser. Coach/athlete? Co-members of a committee? Co-members of a Team etc.?
- Disciplinary action for previous similar incidents.

**NOTE:**

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 release the alleged harasser(s) from duty pending the results of the investigation. As well it may be necessary to contact the police.

***k) RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT***

Individuals who report incidents of Harassment through WSWBC's 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 President or where applicable to the Team Manager.
- 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 the complaint that 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.
- Lodge an appeal to the Executive Board if dissatisfied with the resolution of the complaint.

Individuals who report incidents of harassment have the responsibility to:

- Provide clear and accurate details of the incident being reported including exactly what was said or done, the date, time, location, name of harasser(s) and names of witnesses or potential witnesses.
- Cooperate fully in the investigation of the complaint.

***l) 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 that they are required or entitled to attend.

- Seek advice/information from the Executive Director regarding the COA's Harassment Policy complaint procedure.
- Seek legal advice or assistance recognising that they may be responsible for any cost incurred should the judgement go against them.
- Fair and equitable treatment.
- Be advised of the results of the investigation and action to resolve the complaint.
- Lodge an appeal to the Executive Board if dissatisfied with the action to resolve the complaint.
- Has a right to receive an apology should it turn out that they have been wrongly accused.

Individuals who are accused of harassment have the responsibility to:

- Fully cooperate in the investigation of the complaint.
- Change any behaviour that violates WSWBC's Harassment Policy.

#### ***m) DOCUMENTATION AND RECORD KEEPING***

The following are the guidelines for documentation and record keeping.

The following documentation IS required:

- Details of the complaint as described in this policy.
- The response of the alleged harasser(s).
- Statements of any witnesses or other individuals interviewed in connection with the complaint.
- Summary report of the investigation with results and conclusions.
- Actions taken to resolve the complaint including any disciplinary documentation.
- Follow-up interviews with the complainant.

Upon completion of the investigation and resolution process all documentation will be forwarded to the Secretary/Treasure or Provincial Coordinator. Documentation must be marked "STRICTLY CONFIDENTIAL." Envelopes should be sealed and marked "TO BE OPENED BY ADDRESSEE ONLY." The Secretary/Treasurer or Provincial Coordinator will file the documents with the Association's permanent records. Copies should be strictly limited. Every effort must be made to ensure appropriate confidentiality. The President will impress upon any persons handling documentation that it is strictly confidential and make known the expectations of them.

All information and documentation pertaining to harassment complaint will remain confidential subject to the requirements to conduct the investigation and resolve the Complaint or to discuss information or give evidence according to the law (e.g. Provincial or Canadian Human Rights Commission proceedings, legal court action, Freedom of Information and Personal Privacy legislation).

#### ***n) SUMMARY***

The objective of WSWBC's Harassment policy is to create a sport and work environment that is tolerant and accepting of differences. Diversity is a reality. Sport includes men and women of many races, of varied ethnic origins, who hold different cultural values, observe many religious traditions, are of different ages, and have a wide range of abilities. While we are all different, we hold one thing in common: WSWBC and its Values. We must all work together.

Harassment is destructive. It is a barrier to equal opportunity. It not only affects individuals, it affects organized sport as a whole.

Harassment is against the law.

Water Ski & Wakeboard BC does not tolerate harassment. Creating and maintaining a harassment-free sport environment is a responsibility shared by all members.

The Board of Directors, committee chairs, coaches, team managers, athletes, and staff should lead through example and action. 'They must:

- Know what harassment is and be able to recognise inappropriate behaviour.
- Act as a role model by treating all members fairly and equitably.
- Not engage in, allow, condone or ignore inappropriate behaviour.
- Communicate WSWBC's commitment to a harassment-free sport environment. respond appropriately to complaints of harassment.

Prevention and intervention are key to ensuring all members their right to work, train and enjoy sport in an environment free of harassment.

#### ***o) APPENDIX***

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.

#### ***p) OTHER OPTIONS FOR PROCEEDING WITH A COMPLAINT***

Individuals who experience harassment are encouraged to use the complaint procedure established by WSWBC's Harassment Policy. However, there are other options that include:

- Complaint to a Provincial Human Rights Commission.
- Complaint to the Canadian 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 the costs incurred.