

DRAGON BOAT CANADA
POLICY ON HARASSMENT

PART A: GENERAL

1. Dragon Boat Canada (“DBC”) 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.
2. This policy establishes a problem solving approach to deal with harassment issues. It provides for an internal complaint resolution process where early resolution will be facilitated.
3. Harassment can be a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.
4. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada’s Criminal Code.
5. Whether the harasser is a director, officer, supervisor, member, employee, coach, official, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.
6. DBC is committed to providing a sport environment free of harassment on the basis of the prohibited grounds as defined in this Policy.
7. This Policy applies to all employees and people under contract as well as to all directors, officers, volunteers, coaches, athletes, officials and members of DBC.
8. DBC encourages the reporting of all incidents of harassment, regardless of who the offender may be.
9. This policy applies to harassment that may occur during the course of all DBC business, activities and events.
10. Notwithstanding this Policy, every person who experiences harassment continues to have the right to seek assistance from their provincial or territorial human rights commission, even when steps are being taken under this Policy. If a complainant using this Policy chooses to use an alternate procedure such as a human rights code or the courts, DBC may decide to either terminate or suspend this procedure.

PART B: DEFINITIONS

Discrimination

11. Discrimination is any distinction, whether intentional or not, but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.
12. The prohibited grounds of discrimination under this Policy are as follows:
- age
 - ancestry
 - citizenship
 - colour
 - creed or religion
 - disability
 - ethnic or national origin
 - language
 - marital/family status (defined to include common law relationships, and to not preclude anti- nepotism policies)
 - place of origin
 - race
 - sex (defined to include pregnancy)
 - sexual orientation
 - record of offences (pardoned Federal or provincial)

Harassment

13. Harassment takes many forms but can generally be defined as a course of comment, conduct, or gesture directed toward an individual or group of individuals, that is known or ought to be known to be unwelcome to be insulting, intimidating, humiliating, malicious, degrading or offensive. Single acts of sufficient severity may constitute harassment. Any type of hazing is also seen as harassment.

Sexual Harassment

14. 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:
- submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
 - such conduct has the purpose or effect of interfering with an individual's performance;
 - such conduct creates an intimidating, hostile or offensive environment.
15. Types of behaviour which constitute sexual harassment include but are not limited to:
- Criminal conduct such as stalking and physical or sexual assault or abuse;
 - 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, abilities, age, race, religion, sex or sexual orientation;

- leering or other suggestive or obscene gestures;
- condescending, paternalistic 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;
- use of inappropriate or derogatory sexual terms;
- promises or threats contingent on the performance of sexual favours.

16. Sexual harassment most commonly occurs in the form of behaviour by males toward females. However, sexual harassment can also occur between males, between females or as behaviour by females toward males.

Personal Harassment

17. Personal harassment involves excessive, unwelcome behaviour, directed at an individual, not linked to the prohibited grounds, which is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate. Examples may include, but are not limited to:

- Physically intimidating behaviour and/or threats;
- Use of profanity (swearing), vulgarity;
- Ridiculing, taunting, belittling or humiliating
- Derogatory name-calling.

18. In most cases, single incidents of inappropriate language or behaviour, outside of those actions identified in Sections 10 and 11, are not governed by this policy. Managers, supervisors and coaches are expected to take appropriate action to address such issues as part of their normal responsibilities.

Properly Discharged Supervision:

19. Properly discharged supervisory and instructional responsibilities by supervisors, managers and coaches do not constitute harassment. Performance appraisals, counseling, discipline and the proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non-discriminatory manner are not contrary to this policy. Furthermore, this policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and athletic environment.

Retaliation:

20. For the purposes of this policy, retaliation against an individual:

- for having filed a complaint under this policy;
- for having participated in any procedure under this policy;
- for having been associated with a person who filed a complaint or participated in any procedure under this policy shall be treated as harassment, and will not be tolerated.

21. For the purpose of this policy, the making of a groundless, frivolous, vexatious or made in bad faith complaint may also be deemed retaliation and treated as harassment by the person(s) reviewing the complaint.

PART C: RESPONSIBILITY

Everyone is Responsible:

22. Every member of DBC has a responsibility to play a part in ensuring that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member of DBC who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

Management/Supervisor/Coach Responsibility:

23. Anyone who has the authority to prevent or discourage harassment may be held responsible for failing to do so. All managers, supervisors and coaches therefore have a particular duty to act to deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures.

Harassment Policy Coordinators:

24. DBC shall appoint a Harassment Policy Coordinator (HPC) for each Region from among its directors, officers or senior staff. These HPCs will have overall responsibility for the administration of this Policy. In addition, the HPCs are responsible for:
- leading efforts to discourage and prevent harassment within DBC;
 - where appropriate, appointing mediators to assist in the resolution of conflicts under this policy;
 - receiving formal complaints;
 - investigating formal complaints of harassment in a sensitive, responsible and timely manner, or, when appropriate, appointing another member of staff, or contracting an external investigator to conduct investigations;
 - implementing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - providing advice and assistance to any employee or member of DBC who experiences harassment by someone who is or is not an employee or member of DBC;
 - making all members and employees of DBC aware of the problem of 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 and responsibilities under the law;
 - maintaining the time frames for the policy process, including the various disclosures to the parties;
 - regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;

- advising the DBC Board on the operation of the policy.

25. In the event that the HPC is a party (complainant, respondent, witness) to a complaint which is made under this policy, the President of DBC shall appoint another suitable individual or another HPC from a different Region for the purposes of dealing with the complaint.

Policy Director:

26. A Policy Director shall be appointed by the Board. If the Board is of the opinion that DBC does not have a person within its organization who is qualified to take on the position of Policy Director, then the Board shall hire a person on contract to act as the Policy Director at such times that a Policy Director is required under this Policy.
27. The Policy Director acts as the final decision maker on matters relating to the Policy, including deciding upon the form of discipline if an allegation of harassment is supported through the investigation process.

PART D: DISCIPLINARY ACTION

28. Employees or members of DBC against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership in cases where the harassment or discrimination takes the form of assault, sexual assault, or a related sexual offence.

PART E: CONFIDENTIALITY

29. DBC 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. DBC recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
30. DBC shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondents or any written documentation pertaining to harassment matters except where such disclosure is required by law or is in the best interest of the public. This shall not preclude publication of the decision where such publication is part of a sanction as permitted in this Policy.
31. A complainant has the right to withdraw a complaint at any stage in the complaint process. DBC may continue to act on the issue identified in the complaint in order to comply with its legal obligations.
32. All complaints must be initiated within six months of the incident occurring. In extenuating circumstances a complaint filed beyond the six month limitation will be considered by DBC.

PART F: COMPLAINT PROCEDURE

Harassment During Competitions:

33. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by a DBC representative in a position of authority, provided the individual being disciplined is informed of the reasons for the discipline and has an opportunity to provide information concerning the incident. In such situations, sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

Stage One — Individual Action:

34. Recognizing that it is in the best interests of all parties to resolve human rights conflicts, a person who believes that they are being harassed or discriminated against should, when possible, as the initial DBC step towards its resolution, discuss the complaint with the person whose action gave rise to the complaint.

Stage Two — Informal:

35. If approaching the person causing the problem is not possible, or if after talking to this person the offensive behaviour continues, the person with the problem should contact the HPC for their Region.
36. The HPC will provide information to the complainant regarding the policy and procedure including:
- the emphasis of the policy process on working with the two individuals in conflict to resolve these issues in an informal manner
 - the right to file a formal written complaint
 - the availability of counselling
 - that if the complainant believes that his or her safety is at risk or threatened by the respondent, that this should be noted and the police should be contacted
 - the right to have a personal adviser or representative
 - the right to withdraw from any further action at any point
 - the right to use other avenues of recourse
 - that there are time limits which apply to this process as well as others
 - the options available to address a complaint, including alternative dispute resolution
 - the penalties and redress that are available under this policy, including the possibility of penalties against a complainant if the complaint is found to be trivial, without merit, frivolous, vexatious or made in bad faith
 - the confidentiality of the process
37. The complainant is asked to provide the HPC with the following information:
- the name and location of the respondent
 - the nature of the complaint
 - the time and date of the complaint
 - the names of any witnesses to the event(s) of the complaint
 - the section of the policy that the complainant feels has been contravened by the respondent
 - the solution needed to resolve the complaint

38. The HPC will provide advice to the complainant regarding whether it seems, on the face of the information provided, that the complaint falls within the jurisdiction of the policy. In the case that the Advisor advises that the complaint does not seem to fall under the policy, the complainant has the right to proceed to the formal complaint stage.
39. The HPC will provide advice to the complainant whether, on the basis of the information provided, an alternative dispute resolution mechanism is in order. If the complainant is agreeable, such a mechanism will be put in place. In a situation where formal mediation is advised, the HPC will arrange the appointment of the mediator.

Stage 3 — Formal Complaint:

40. Failing resolution of the complaint during interaction with the HPC, the complainant may submit a formal complaint in writing, signed and dated. The formal complaint must include the following information:
 - the name and location of the complainant
 - the name and location of the respondent
 - the time and date of the event(s) being complained about
 - the section of this Policy the complaint falls under
 - a description of the complaint, detailing the circumstances surrounding the incident
 - desired solution.
41. On receiving a written complaint, the HPC shall, within five calendar days of receipt:
 - 41.1. acknowledge receipt of the complaint in writing, informing the complainant whether, on a matter of jurisdiction, the complaint will be pursued under this policy, and, if not, the reasons for not pursuing the complaint,
 - 41.2. (a) If it has been determined that the complaint will be pursued under this policy, inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations within ten calendar days. The HPC must provide the respondent with a copy of this policy as well as inform the respondent of his/her rights and responsibilities under the policy, including the right to have a representative and the importance of confidentiality.

or

 - (b) In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of this policy, the HPC will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided will include a copy of the complaint, the reasons for not pursuing it and a statement that no response to the complaint is required.
42. If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the HPC shall disclose such information back to the complainant within five calendar days of its receipt.

43. Within ten days of the complainant receiving the response of the respondent, the HPC shall meet separately with the complaint and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter.
44. If, after the clarification of the submissions from the parties, the complaint has not been resolved, the HPC shall facilitate the appointment of an investigator by DBC. The investigation shall commence within ten days of this appointment.
45. The Investigator may:
 - interview the complainant and the respondent
 - interview witnesses suggested by the parties
 - interview other witnesses who may provide useful information for the investigation
 - gather evidence
 - submit, within twenty calendar days from the beginning of the investigation, a written report of the findings of the investigation to the HPC.

Stage 4 – Investigation Report/Decision Making Meeting:

46. The HPC shall send copies of the investigation report to the parties within five calendar days of receiving it from the Investigator.
 - 46.1. If the investigation report concludes that the complaint does not fall within the jurisdiction of this policy, the complaint will be dismissed by DBC. The parties will be informed of the dismissal at this time. This decision may be appealed, in writing, within ten calendar days, to the Policy Director. If an appeal is submitted by the complainant, the respondent will be sent a copy of the submission and be given the opportunity to respond. The Policy Director will review the investigation report and any submissions and make a final decision. If a decision is made in favour of upholding the complaint dismissal, this decision is not appealable within DBC. If the decision is to allow the complaint to proceed further, the process shall then continue to step 46.2.
 - 46.2. For any other findings of the investigative report, the parties will be requested to submit any comments regarding that report. These submissions must be received by the HPC within ten calendar days. All submissions received will then be disclosed to the parties to the complaint. At the same time the Policy Director of DBC will be informed that a mutually acceptable solution to the complaint has not been found by any of the other processes outlined in this policy.
47. Information Meeting. Within 10 calendar days of receiving the investigative report and submissions from the parties, the Policy Director may initiate an information meeting. This meeting shall take place within 15 calendar days of the notice of the meeting. The purpose of the meeting will be to assist the Policy Director to seek clarification of the contents of the investigative report and/or submissions in order to make a final decision on the complaint. The meeting will be presided over by the Policy Director. The Policy Director may include anyone who he/she believes will add value to the process at the meeting. The notification of the meeting to the parties will include a list of persons and an agenda. At the information

meeting the President of DBC or designate may ask for clarification from anyone she/he feels may provide helpful information at that time. Cross-examination is not permitted at the meeting.

48. Within 10 calendar days after receipt of the investigative report and submissions or after the completion of the information meeting, if such a meeting occurs, the Policy Director will provide to the parties a written decision with reasons. This decision is not appealable through this policy process.
49. When determining appropriate disciplinary action and corrective measures, the Policy Director shall consider factors such as:
 - 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;
 - whether the harasser retaliated against the complainant.
50. In imposing disciplinary sanctions, the Policy Director 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
 - a fine or levy;
 - referral to counselling;
 - removal of certain privileges of membership or employment;
 - demotion or a pay cut;
 - temporary suspension with or without pay;
 - termination of employment or contract;
 - expulsion from membership;
 - suspension from certain DBC events which may include suspension from current competition or from future teams or competitions;
 - suspension from certain DBC activities for a designated period of time;
 - publication of part or all of the decision;
 - other sanctions as may be considered appropriate for the offence.
51. Failure to comply with a sanction as determined by the Policy Director shall result in automatic suspension of membership in DBC until such time as the sanction is complied with. As well, an automatic sanction may be imposed in extreme cases pending a decision by the Policy Director.
52. The resolution of all informal or formal complaints will be noted by DBC through written correspondence to the parties.

53. Where the final decision of the complaint process is that the allegation of harassment is unfounded all materials relevant to the investigation shall be placed in the HPC's files. These files shall be kept confidential and separate from all other DBC files. Access to them shall be restricted to DBC officials involved in the harassment policy process.
54. Where the final decision of the complaint process is that the allegation of harassment is upheld, a copy of the letter to the respondent explaining the decision and the discipline being imposed will be retained in the respondent's personnel or membership file.

Criminal Offenses relating to sex:

55. Notwithstanding the procedures set out in this policy, any member of DBC, or any individual engaged in activities with or employed by DBC, who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of DBC for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by DBC in accordance with this Policy.

PART G: POLICY ADMINISTRATION

Costs:

56. DBC shall be responsible for the costs of the administration of this policy including the costs of any mediation or investigation services. All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

Policy Review:

57. In the case of a significant revision of the relevant Provincial or Territorial human rights codes, or as a result of finding that a procedure contained in the policy is either contrary to legal practises or inoperable, the policy may be reviewed and revised when appropriate.
58. The Board will review this Policy from time to time as advisable, to ensure that it is current and complies with applicable laws and directives.