



ANTI-BULLYING, CYBER-BULLYING, VIOLENCE, AND HARASSMENT PROCEDURE

Oshawa Aquatic Club (OSHAC) is committed to providing opportunities for every individual in the sport of swimming to reach their potential in fitness and excellence in a healthy and safe swimming environment. In keeping with the spirit of this statement, OSHAC is committed to providing a sport and work environment that prohibits discriminatory practices. Everyone engaged in activities on behalf of OSHAC is entitled to a bullying, cyber-bullying, violence, and harassment-free environment. OSHAC is committed to providing all employees and swimmers with a healthy and safe swimming environment. OSHAC is committed to the elimination of all forms of bullying including cyber-bullying.

The Anti-Bullying, Cyber-Bullying, Violence, and Harassment procedure exists to provide direction for submitting complaints of bullying, cyber-bullying, violence, and or harassment.

OSHAC recognizes that it can be extremely difficult to come forward with a complaint of bullying, cyber-bullying, violence, or harassment and that it can be devastating to be wrongly accused of bullying, cyber-bullying, violence, or harassment. OSHAC recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential, except where such disclosure is required by law. This shall not preclude publication of the final outcome of any matter.

OSHAC has formed a Bullying, Cyber-Bullying, Violence, and Harassment Investigation Committee to deal with any complaints that arise. The Committee consists of the Club President, Vice-President and Secretary. Complaints should be directed to all three members of the committee.

It is also a violation of OSHAC's Anti-Bullying, Cyber-Bullying, Violence, and Harassment Policy for anyone to knowingly make a false complaint of bullying, harassment or violence, or to provide false information about a complaint.

Definitions

"Complainant" to refer to the person who experiences bullying, cyber-bullying, violence, and harassment, even though not all persons who experience bullying, cyber-bully, violence, and harassment will make a formal complaint.

“**Respondent**” refers to a person whom another individual has accused of committing an act of violence or harassment.

Bullying:

Refers to unwelcomed or unreasonable behaviour that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behaviour is often persistent and part of a pattern, it can also occur as a single incident. It is usually carried out by an individual but it can also be an aspect of group behaviour (see mobbing” below). Some examples of bullying behaviour are:

Verbal communication such as:

- Abusive and offensive language
- Insults
- Teasing
- Spreading rumors and innuendos
- Unreasonable criticism
- Trivializing of work and achievements
- Posting of unwanted comments and videos on social media

Psychological manipulation such as:

- Unfairly blaming for mistakes
- Setting people up for failure
- Deliberate exclusion
- Excessive supervision
- Practical jokes
- Belittling or disregarding opinions or suggestions
- Criticizing in public

While care should be exercised when a person is reporting alleged bullying as a complainant or witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

Cyberbullying: *Cyberbullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others.*
Definition sourced from Cyberbullying.ca

Some examples of cyberbullying:

- a) Misusing technology (internet or mobiles) to hurt or humiliate another person. i.e. Facebook, Vine, YouTube, Twitter, texting, and other social media sites.*
- b) Sending unsolicited and/or threatening e-mail, and/or encouraging others to do so, or to overwhelm the victim with e-mail messages*
- c) Sending viruses by e-mail (electronic sabotage)*
- d) Spreading rumours*
- e) Making slanderous remarks about the victim in public discussion areas*
- f) Sending damaging messages directly to the victim*

- g) *Impersonating the victim online by sending a controversial or inflammatory message which causes others to respond negatively to the victim*
- h) *During a live chat, harassing the victim*
- i) *Leaving abusive messages on Web site guest books*
- j) *Sending the victim graphic material that is knowingly offensive*
- k) *Creating a Web page, or writing an entry on a blog that portrays the victim in negative ways*

Mobbing:

Refers to a particular type of bullying behaviour carried out by a group, it is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is a group behaviour, an individual as part of mobbing behaviour may carry out specific incidents such as an insult or a practical joke.

Harassment:

Harassment is engaging in a course of vexatious comment or conduct against an individual or group of individuals that is known or ought reasonably to be known to be unwelcome. Refers to a comment or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive. It is a form of discrimination and as such is prohibited by Human Rights legislation in each province of Canada. Harassment is offensive, degrading and threatening, and can be an offence under Canada's Criminal Code.

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

- Written or verbal abuse or threats;
- 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; gender identity
- Inappropriate staring;
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- Leering or other suggestive or obscene gestures;
- Condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect 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; and/or
- Physical or sexual assault.

This definition of harassment is broad enough to include harassment prohibited under Ontario's *Human Rights Code*, as well as what is often called "psychological harassment" or "personal harassment."

Sexual harassment:

Engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.”

This may include but is not limited to:

- Making sexual advances (oral, written, or physical);
- Requesting sexual favours;
- Telling sexually explicit jokes;
- Making sexual comments, taunts, or suggestions;
- Written or verbal abuse or threats;
- Making remarks, jokes, taunts, or suggestions about a person's appearance, body, or attire;
- Physical contact such as patting, touching, pinching, or hitting;
- Displays of inappropriate written materials or pictures; and
- Physical or sexual assault.

Sexual harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

Violence: Is defined as a threat, attempt, or actual exercise of physical force by a person against an individual or group, that causes or could cause physical injury. It also includes but not limited to:

- The exercise of physical force by a person that causes or could cause physical injury
- A statement or behaviour that is reasonable for an individual to interpret as a threat to exercise physical force
- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault)
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property
- Disruptive behaviour that is not appropriate to the environment (e.g., yelling, swearing)

RESPONSIBILITY

Body

Action

Board

Play a positive role in raising the awareness and understanding of the limited scope and application of the OSHAC Anti-Bullying, Cyber-Bullying, Violence and harassment policy and procedure and make it clear that bullying, cyber-bullying, violence, and harassment will not be tolerated at OSHAC.

President

1. Make sure every person caught within the scope and application of the OSHAC Anti-Bullying, Cyber-Bullying, Violence, and Harassment policy and procedure, together with all OSHAC employees and board members understands the policy and procedures for dealing with harassment, violence, Cyber-bullying, and bullying;
2. Inform athletes, coaches, administrators, officials, volunteers and staff of their responsibility to provide a harassment-free sporting and work environment;
3. Lead the Bullying, Cyber-Bullying, Violence, and Harassment Investigation Committee
4. Ensure that the Bullying, Cyber-Bullying, Violence, and Harassment Committee investigates and corrects bullying and harassment problems within a timely manner.
5. Take appropriate disciplinary action against an athlete, coaches, administrator, volunteers or employee found to have bullied or harassed someone.

COMPLAINT PROCEDURE

1. A person who experiences bullying, cyber-bullying, violence and/or harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, unwanted, offensive and contrary to OSHAC policy.
2. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the Complainant should request a meeting with Bullying, Cyber-Bullying, Violence, and Harassment Investigation Committee
3. Once contacted by a Complainant the role of the Bullying, Cyber-Bullying, Violence, and Harassment Investigation Committee is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the member of the Bullying, Cyber-Bullying, Violence, and Harassment Investigation Committee considers that they are unable to act in this capacity, another member of the Board will perform a similar role.
4. There are three possible outcomes to a meeting between the Complainant and the Bullying and Harassment Investigation Committee:
 - It may be determined that the conduct does not constitute bullying / harassment as defined in the policy or that the policy does not apply to the alleged harasser, in which case the matter will be closed;

- The Complainant may decide to pursue an informal resolution of the complaint, in which case the Committee will assist the two parties to negotiate an acceptable resolution of the complaint; or
 - The Complainant may decide to lay a formal written complaint, in which case the Committee shall advise the Board, who shall appoint an independent individual to conduct an investigation of the complaint.
5. The Committee will carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Board.
 6. Where possible within 3 days of receiving the written report of the Complainant, the Committee shall meet with the Complainant.
 7. Bullying and harassment complaints occurring at a competition or where there is otherwise a critical lack of time to resolve the complaint may be dealt with immediately, if necessary, by an OSHAC representative in a position of authority, provided this policy applies and provided the individual being disciplined is told the nature of the alleged infraction and has an opportunity to provide information and to respond concerning the incident prior to any discipline being imposed. In such situations, sanctions shall be for the duration of the competition only.
 8. Incidents that constitute criminal acts will be referred to the local police department or other policing agency.
 9. In cases where criminal proceedings are forthcoming, the Board will assist police agencies, attorneys, insurance companies, and courts to the fullest extent.
 10. This Anti-Bullying, Cyber-Bullying, Violence, and Harassment policy and procedure must never be used to bring fraudulent or malicious complaints against others. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.
 - 11.
 - 12.

Further sanctions may be applied but only after a full review of the matter in accordance with the procedures set out in this policy. The subsequent full review does not replace the appeal provisions of this policy.

HEARING

1. A Hearing shall be scheduled within 1 week upon receipt of a formal written complaint
2. If at any point in the proceedings, the Complainant becomes reluctant to continue or does not continue, it shall be at the sole discretion of the President or Vice-President if the Committee shall continue the review of the complaint in accordance with this policy. In such instances

where the Committee is to continue with the hearing process, OSHAC shall take the place of the Complainant.

3. The Committee shall render its decision within 5 days of the hearing. A copy of the decision shall be provided both the Complainant and Respondent.

This Decision shall contain:

- a summary of the relevant facts;
 - a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - disciplinary action against the Respondent, if the acts constitutes bullying / harassment; and
 - measure's to remedy or mitigate the harm or loss suffered by the Complainant.
4. If the Committee determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, the Committee may recommend that disciplinary action be taken against the Complainant.

SANCTION

1. When deciding on appropriate disciplinary sanction, the Committee shall consider factors such as:
 - the nature and severity of the bullying, cyber-bullying, violence, and/or harassment
 - whether the bullying, cyber-bullying, violence, and/or harassment involved any physical contact
 - whether the bullying, cyber-bullying, violence, and/or harassment was an isolated incident or part of an ongoing pattern
 - the nature of the relationship between the Complainant and Respondent
 - the age of the Complainant
 - whether the Respondent had been involved in previous harassment incidents
 - whether the Respondent admitted responsibility and expressed a willingness to change
 - whether or not social media was involved
 - whether incident was of sexual nature
 - whether the Respondent retaliated against the Complainant
2. In deciding on disciplinary sanctions, the Committee may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
 - verbal apology
 - written apology
 - letter of reprimand from the organization
 - a fine or levy
 - referral to counselling
 - removal of certain privileges of membership or employment
 - temporary suspension with or without pay
 - termination of employment or contract
 - expulsion from membership
 - publication of the decision
 - potential turn over of case to police for further investigation

3. Failure to comply with a sanction as determined by the Committee shall result in automatic suspension in membership from OSHAC until such time as the sanction is fulfilled.
4. The President or Vice-President may determine, in the exercise of their sole discretion that the alleged misconduct is of such seriousness as to warrant suspension of the member from OSHAC pending the hearing and decision of the Committee.

Notwithstanding the procedures set out in this procedure, any member of OSHAC who is convicted of a criminal offence involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault, shall face automatic suspension from participating in any activities of OSHAC for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by OSHAC in accordance with this policy.**Confidentiality**

OSHAC will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. OSHAC will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.