



## **BULLYING 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 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.

The Bullying and Harassment procedure exists to provide direction for submitting complaints of bullying and or harassment.

OSHAC recognizes that it can be extremely difficult to come forward with a complaint of bullying or harassment and that it can be devastating to be wrongly accused of bullying 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 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.

### **Definitions**

**“Complainant”** to refer to the person who experiences bullying and harassment, even though not all persons who experience bullying and harassment will make a formal complaint.

**“Respondent”** refers to the person against whom a complaint is made against.

### **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.

### **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:**

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;
- 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.

### **Sexual harassment:**

Refers to unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature

## **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 policy and the Bullying and Harassment procedure and make it clear that bullying 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 policy, together with all OSHAC employees and board members understands the policy and procedures for dealing with harassment;
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 and Harassment Investigation Committee
4. Ensure that the Bullying 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 and/or harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, 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 and Harassment Investigation Committee
3. Once contacted by a Complainant the role of the Bullying 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 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.

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 and/or harassment
  - whether the bullying and/or harassment involved any physical contact
  - whether the bullying 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.
  5. 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.