

Red Deer Marlins Swim Club

Harassment Policy

1. The RDMSC is committed to providing a sport environment that is civil, decent and respectful. This policy shall be deemed to be embodied in and part of the RDMSC Rules and Regulations.

This policy applies to all directors, officers, volunteers, coaches, athletes, officials, administrators, members and participants involved with the RDMSC. This policy applies to Harassment that may occur during the course of all activities and events of RDMSC and its members, and to all harassment occurring outside those situations when the harassment involves individuals covered by this policy.

The RDMSC will not tolerate disrespectful behavior, harassment, abuse or damage to people or property.

In this policy, Harassment means any behavior that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. Harassment may be verbal or physical, and may be in the form of a comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise cause offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. Harassment may involve a person's or a group of persons' appearance, race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income, a conviction (whether pardoned or not) or sexual orientation (hereinafter referred to as "characteristics"). Harassment may be a single incident or a series of incidents. A person does not have to intend to harass for the behavior to constitute harassment.

In this policy, sexual harassment means unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature. Sexual harassment may occur in behaviors by males toward females or by females toward males, between males, or between females. The behavior does not need to be intentional for it to be considered sexual harassment.

Complaints

If you are the subject of harassment involving persons covered by this policy, you encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to the RDMSC Code of Conduct.

If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of an appropriate impartial mediator, be that person a coach, parent, or RDMSC board member.

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Possible Outcomes

There are four possible outcomes to this initial meeting of complainant and mediator.

1. The complainant and mediator agree that the conduct does not constitute harassment. If this occurs, the mediator will take no further action and will make no written record.
2. The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.
 - a) If this occurs, the mediator will assist the two parties to negotiate a solution acceptable to the complaint.
 - b) If informal resolution yields a result which is acceptable to both parties, the mediator will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
 - c) If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
3. The complainant brings evidence of harassment and decides to lay a formal written complaint. The written complaint will be submitted to the RDMSC Board through its Vice President in accordance with its rules and policies.
 - a) If this occurs, the mediator will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.
 - b) The respondent will be given an opportunity to provide a written response to the complaint.
 - c) The mediator may assist the respondent in preparing this response.
4. The complainant brings evidence of harassment but does not wish to lay a formal complaint.
 - a) If this occurs, the mediator must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is

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against the wishes of the complainant.

- b) When the mediator decides that the evidence and surrounding circumstances require a formal written complaint, the mediator will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.
- c) As soon as possible after receiving the written complaint, but within 21 days, the mediator shall submit a report to the RDMSC Board, containing the documentation filed by both parties along with a recommendation that:
 - i. No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
 - ii. The complaint should be investigated further.

A copy of this report shall be provided, without delay, to both the complainant and the respondent.

Once the RDMSC Board receives a written complaint, the RDMSC Board will convene a meeting for the purpose of reviewing and attempting to resolve the complaint. The Board will open a secure file containing all of the relevant information in respect of the complaint and undertake an investigation immediately. If the complaint involves a Board Member or Members or an employee of the RDMSC, those individuals will be precluded from partaking in the review and from reviewing the file while the matter is being investigated.

The Board, or representatives of the Board will interview the complainant and the alleged harasser, along with all of the individuals who may be able to provide relevant information. If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately in accordance with this policy and the RDMSC Rules and Regulations. Subject to the discretion of the Board, discipline may include a suspension from involvement with the RDMSC, or permanent expulsion from any further involvement with the RDMSC. If circumstances warrant, the Committee may refer these matters to the Royal Canadian Mounted Police (RCMP), the Alberta Human Rights Commission or such other body or organization as they deem appropriate.

When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

- a) The nature of the harassment.

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- b) Whether the harassment involved any physical contact.
- c) Whether the harassment was an isolated incident or part of an ongoing pattern.
- d) The nature of the relationship between complainant and harasser.
- e) The age of the complainant.
- f) Whether the harasser had been involved in previous harassment incidents.
- g) Whether the harasser admitted responsibility and expressed a willingness to change.
- h) Whether the harasser retaliated against the complainant.

In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- a) A verbal apology.
- b) A written apology.
- c) A written apology.
- d) A letter of reprimand from the RDMSC.
- e) A fine or levy.
- f) Referral to counseling.
- g) Removal of certain privileges of membership or employment.
- h) Demotion or a pay cut.
- i) Temporary suspension with or without pay.
- j) Termination of employment or contract.
- k) Expulsion from membership.

Appeal of a Decision:

1. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panel's report.
2. Permissible Grounds for an Appeal are:
 - a. The panel did not follow the procedures laid out in this policy.
 - b. Members of the panel were influenced by bias.
 - c. The panel reached a decision, which was grossly unfair or unreasonable.

In the event that a notice of appeal is filed, the RDMSC executive shall together appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them. The appeal body

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shall base its decision solely on a review of the documentation surrounding the complaint, including the complainants and respondents' statements, the reports of the mediator and the Board, and the notice of appeal.

Within ten days of its appointment, the appeal body shall present its findings in a report to the RDMSC executive. The appeal body shall have the authority to uphold the original decision of the Board, to reverse the decision of the Board, and/or to modify any of the Board's recommendations for disciplinary action or remedial measures.

A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.

The decision of the appeal body shall be final. However, if any party believes that the committee has made an error, such as those described in Grounds for Appeal, the matter shall be referred to arbitration, such arbitration to be administered under the Alternate Dispute (ADR) Program for Amateur Sport and its Rules of Arbitration, as amended from time to time.

Complaints found to be false, frivolous or made in bad faith will not be tolerated and will be subject to appropriate disciplinary action.

Once the matter has been resolved, the RDMSC Board will retain the file in a secure location along with all of the other books and records of the RDMSC. No absolute confidentiality may be made by the RDMSC, particularly in circumstances where the matter warrants police or other regulatory or administrative body intervention.

Notwithstanding this policy, any person who experiences Harassment continues to have the right to seek assistance from the Alberta Human Rights Commission or to file a complaint with the RCMP or such other body or organization as they deem appropriate.

The RDMSC recognizes the contribution of the ASSA Grievance, Harassment and Abuse Procedure as well as the RDCSA Harassment Policy to the development of this Harassment Policy.