

# **Harassment Policy Statement**

(INCLUDING SEXUAL HARASSMENT)

## **POLICY STATEMENT**

1. It is the policy of CORK to provide a work and sporting environment where the dignity of the individual is respected and free from harassment and fear of harassment including sexual harassment.
2. CORK recognizes that :
  - a) every employee and member is entitled to a climate free of harassment including sexual harassment; and
  - b) harassment or fear of harassment, including sexual harassment, can compromise the integrity of the employment and sporting relationships and endanger personal well-being and performance
3. Harassment as defined by Human Rights legislation is a course of action, vexatious comment or conduct that is known or ought to reasonably be known to be unwelcome.
4. A person who has the authority (any person in a supervisory role has the authority) to prevent or discourage harassment of any kind may be considered responsible for failing to exercise his/her authority to do so, and consequently be subject to such disciplinary actions as may be deemed appropriate by CORK.
5. CORK will make every effort to ensure that the CORK environment is free of harassment including sexual harassment.
6. CORK will take such disciplinary action as it deems appropriate against any person who subjects anyone, such as an employee or member to harassment, including sexual harassment.

## **APPLICATION**

1. This policy applies to all directors, officers, volunteers, coaches, athletes, officials, judges, employees and members of CORK. It applies to harassment which may occur during the course of all CORK business, activities and events. In the event that action is taken under a Sail Canada policy, the CORK policy becomes secondary, but any action taken or not taken under the Sail Canada policy does not preclude action to be taken under the CORK policy.

There will be a statement that all must abide by CORK policies on the CORK website, in the policy section and in the participant and volunteer registration section.

## **Guidelines for addressing incidents under the Harassment Policy statement.**

The following paragraphs provide the guidelines for addressing incidents under the policy.

## **DEFINITION**

1. Harassment includes any comments or conduct consisting of words or actions that disparage or cause humiliation to a person in relation to race, ancestry, place of origin, colour, ethnic origin, citizen, creed, age, sex, record of offenses, marital status, family status or disability.
2. Sexual harassment is any conduct, comment, gesture or contact of a sexual nature:
  - a) that is likely to cause offense or humiliation to any person or;

- b) that might, on reasonable grounds, be perceived by that employee or member as placing a condition of a sexual nature on employment, or on any opportunity for training or promotion.
3. Types of behaviour which constitute harassment include, but are not limited to:
- a) unwelcome remarks, jokes, innuendoes or taunting of a sexual nature about a person's body, attire, age, marital status, and/or which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - b) unwelcome or intimidating invitations or requests with sexual overtones whether indirect or explicit;
  - c) leering or other gestures;
  - d) unwelcome physical contact such as touching, patting, or pinching;
  - e) unwelcome display of objects or pictures of a sexual nature, and/or offensive or ought to be known to be offensive;
  - f) sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature;
  - g) written or verbal abuse or threats thereof;
  - h) physical or sexual assault;
  - i) submission to such conduct is made explicitly or implicitly a term or condition of employment or being named to a team;
  - j) submission to or rejection of such conduct is used as the basis for decisions affecting employment, promotion, or movement within the organization/team and/or;
  - k) such conduct has the purpose or effect of humiliating an individual or substantially interfering with the work or sporting performance or in creating an intimidating, hostile or offensive environment.

## **CONFIDENTIALITY**

1. CORK recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can also be devastating to be wrongly convicted of harassment. CORK recognizes the interests of both the complainant and the respondent in keeping the matter confidential;
2. CORK will not disclose the name of the complainant or the circumstance related to the situation to any person except where disclosure is necessary for the purpose of investigating the harassment and /or taking disciplinary action.

## **ROLES AND RESPONSIBILITIES**

1. Principle:  
The ultimate responsibility for dealing with a harassment case rests with the Executive Committee.
2. The Executive Committee or its designate will:
  - a) inform any person under its direction of CORK's Harassment Policy;
  - b) provide clarification of what constitutes sexual harassment behaviour;
  - c) inform any person under its direction of procedures as contained in this policy, for handling harassment complaints;
  - d) initiate action without waiting for an individual complaint when harassment behaviour is known to be taking place. To do otherwise will constitute misconduct on the part of the Executive and
  - e) upon receipt of a formal harassment complaint;
    - inform the Chairman of the Board, Board Secretary and the Executive Director (the Chairman of the Board if the matter involves the Board Secretary or Executive Director and the Secretary if the matter includes the Board Chair);

- inform the complainant, the alleged harasser and their supervisors if appropriate, , in writing as to what action or investigation is to take place; and
  - inform the complainant, the alleged harasser and their supervisors if appropriate of the outcome of any action or investigation, in writing.
3. Executive Director will:
- a) Provide informal advice or guidance to employees, supervisors and coaches as required or requested on matters of harassment

## **COMPLAINT PROCEDURE**

1. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this 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 the next higher authority or official.
3. Once contacted by a complainant the role of the official is to serve in a neutral unbiased capacity in receiving complaints and assisting their informal resolution. If the official or complainant consider that he or she is unable to act in this capacity, the complainant shall be referred to another official.
4. There are three possible outcomes to this meeting of complainant and official:
  - It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed unless the complainant decides to file a formal written complaint;
  - The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint; or
  - The complainant may decide to lay a formal written complaint. The written complaint must be submitted with the original signature of the complainant. No electronically produced complaint will be accepted. All documented complaints will be treated as confidential to protect all parties involved. The official shall receive the written complaint, provide a copy to the respondent, who shall be given an opportunity to respond in writing.
5. Once the respondent's statement is received, the official shall provide copies of both written statements to the Board Chairman (or to the Secretary if the Chairman is involved in the complaint). Within 7 days of receiving the written statements, the Chairman shall appoint a three member Panel. This Panel shall consist of at least one woman and at least one man, and shall include one individual who is knowledgeable and familiar with harassment issues.

## **HEARING**

1. As soon as possible but in any event within 14 days of being appointed, the Panel shall convene a hearing. In view of the limited time in which CORK carries out events, it may be impractical to have both parties physically present at a hearing, in which case electronic participation may be acceptable so long as it does not disadvantage either party to the complaint. The hearing shall be governed by such procedures as the Panel may decide, provided that:
  - The complainant and respondent shall be given 10 days written notice of the day, time and place of the hearing;
  - Members of the Panel shall select from among themselves a Chairperson;
  - A quorum shall be all three Panel members;
  - Decisions shall be by majority vote.

- Both parties should participate in the hearing to give evidence and to answer questions of the other party and of the Panel. The complainant and respondent may be accompanied by a representative or adviser. Should the complainant and/or respondent choose to have legal counsel, they shall be responsible for any costs incurred.
2. As soon as possible but in any event within 14 days of the hearing, the Panel shall present its findings in a report to the Chairman (or Executive Officer who appointed the Panel) with a copy provided to both the complainant and respondent. This report shall contain:
    - a summary of the relevant facts;
    - a determination as to whether the acts complained of constitute harassment as defined in this policy; and
    - if the acts constitute harassment, recommend disciplinary action against the respondent and recommend measures to remedy or mitigate the harm or loss suffered by the complainant.
  3. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, their report shall recommend disciplinary action against the complainant.

## **DISCIPLINE**

1. When recommending appropriate disciplinary action, the Panel shall consider factors such as:
  - the nature and severity 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 the 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
2. In recommending disciplinary sanctions, the Panel 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, employment or participation in CORK events
  - demotion or a pay cut
  - termination of employment or contract
  - expulsion from membership
  - any measure stated in the Code of Conduct.

## **APPEALS**

Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel. A notice of intention to appeal, along with grounds for the appeal, must be provided within 14 days of the complainant or respondent receiving the Panel's report. It must be sent to the person identified in the internal dispute resolution process as defined below.

1. 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; or
- c) the Panel reached a decision which was grossly unfair or unreasonable.

2. Process

- a) Settlement of these disputes should be reached through an appeal procedure that conforms to the principles of fairness, justice and due process.
- b) The appeal must be provided to the appropriate higher authority in accordance with the chart below. The head of that authority shall convene a meeting of the appropriate body specified in the chart.. The person whose decision is being appealed shall not be a member of the reviewing panel. It is expected that an appeal should be decided within thirty days of receiving the written basis of the appeal.
- c) The general process is as follows:

An appeal of an action by a member(s) of:	Appeal must be sent to:	Appeal will be reviewed by:
CORK Staff	Chairman	Executive Committee
a Director	Chairman	Executive Committee
Executive Committee	Chairman	Board of Directors

d) The Board of Directors is the final authority of CORK. The decision of the Board shall be final.

**REVIEW AND APPROVAL**

- 1. This policy was approved by CORK's Board of Directors on April 2, 2016
- 2. Responsibility for the administration and update of this policy rests with the Executive Committee.