



## **ANTI-HARASSMENT POLICY**

*Note: For convenience, this policy uses the term "complainant" to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term "respondent" refers to the person against whom a complaint is made.*

### **POLICY STATEMENT**

1. LONDON SYNCHRO CLUB is committed to providing a sport and work environment that promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in each province of Canada.
3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada's Criminal Code.

### **APPLICATION**

4. This policy applies to all members of the LONDON SYNCHRO CLUB that includes athletes, coaches, parents/guardians, volunteers and the executive. It applies to harassment that may occur during the course of all LONDON SYNCHRO CLUB business, activities and events.
5. Harassment arising within the business, activities and events of SYNCHRO SWIM ONTARIO and SYNCHRO CANADA shall be dealt with using the policies and mechanisms of such organizations.

### **DEFINITIONS**

6. Harassment can generally be defined as comment or conduct, directed toward individual or group of individuals that is insulting, intimidating, humiliating, malicious, degrading or offensive.
7. 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 that affect the individual; or
  - such conduct has the purpose or effect of interfering with an individual's performance; or
  - such conduct creates an intimidating, hostile or offensive environment
8. Types of behaviour that constitute harassment include, but are not limited to:
  - condescending, paternalistic or patronizing language or behaviour that is perceived to undermine self-esteem, diminish performance or adversely affect working conditions
  - written or verbal abuse or threats (i.e. email, text messaging, voice messages, etc.)
  - the display of visual material that is offensive or that 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
  - practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance

- unwanted physical contact including touching, petting, punching or kissing
- unwelcome sexual flirtations, advances, requests or invitations
- physical or sexual assault

## **CONFIDENTIALITY**

9. LONDON SYNCHRO CLUB recognizes 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. LONDON SYNCHRO CLUB recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

## **COMPLAINT PROCEDURE**

10. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to policy.

II. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should contact the LONDON SYNCHRO CLUB *President (or Designate)*.

12. Once contacted by the complainant, the role of the *President (or Designate)* is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution.

13. There are three possible outcomes to this meeting of complainant and the *President (or Designate)*:

- i) It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed; or
- ii) The complainant may decide to pursue an informal resolution of the complaint, in which case the *President (or Designate)* will assist the two parties to negotiate an acceptable resolution of the complaint; or
- iii) The complainant may decide to present a formal written complaint directly to the *President (or Designate)*.

14. In the case of a formal written complaint, the *President (or Designate)* will proceed in the following manner:

- i) Appoint an independent investigator, experienced in harassment matters and investigation techniques outside of the organization. He or she shall carry out the investigation in a timely manner and shall submit a written report to the *President (or Designate)*; and/or
- ii) Appoint a (3) person panel to conduct a HEARING into the complaint.

15. At the discretion of the *President (or Designate)*, the appointment of an investigator may be waived and the decision made to proceed directly to the appointment of the panel within 7 days of the submission of the complaint.

## **HEARING**

16. A Hearing shall take place with both the complainant and respondent in attendance. The complainant and respondent shall each receive a copy of the Investigator's report (where available). Both parties will be allowed to respond to the Investigator's report, give evidence and to answer questions of the Panel. The Investigator may attend the hearing at the request of the Panel.

17. As soon as possible but in any event within 21 days of the hearing the Panel shall present its findings in a report to the *President (or Designate)*, 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;
- a recommended disciplinary action against the respondent, if the acts constitute harassment; and
- recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.

18. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, their report may recommend disciplinary action against the complainant.

## **DISCIPLINE**

19. 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 expresses a willingness to change
- whether the harasser retaliated against the complainant

20. 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
- removal of certain privileges of parents, coaches or swimmers

Examples:

- refused entry to the aquatic centre of an individual during swimming practices;
- limited communication between a parent and coach during the investigation of an incident;
- other restrictions that may be imposed on the individual in question in order to protect the rights of a coach, swimmer or parent
- termination of employment (coaches)
- expulsion from the club

21. Enforcement of the sanctions shall be the responsibility of the *Executive* of the LONDON SYNCHRO CLUB.

22. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel.

*Effective: October 16, 2005*