



# HARASSMENT & ABUSE POLICY

Re-approved by the Board of Directors on August 25, 2021

**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. SQUASH ONTARIO is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination and 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 SQUASH ONTARIO employees as well as to all SQUASH ONTARIO directors, officers, volunteers, coaches, athletes, and officials and members of SQUASH ONTARIO. It applies to harassment which may occur during the course of all SQUASH ONTARIO business, activities and events.

## DEFINITIONS

5. *Harassment* can generally be defined as comment or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment also includes any form of abuse involving molestation, corporal punishment, or any form of physical, sexual or mental abuse.
6. 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:
  - a. submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
  - b. such conduct has the purpose or effect of interfering with an individual's performance; or
  - c. such conduct creates an intimidating, hostile or offensive environment.
7. Types of behaviour which constitute harassment include, but are not limited to:
  - written or verbal abuse or threats
  - the 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
- physical or sexual assault

## CONFIDENTIALITY

8. SQUASH ONTARIO 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. SQUASH ONTARIO recognizes the interests of both the complainant and the respondent in keeping the matter confidential, except where such disclosure is required by law.

## COMPLAINT PROCEDURE

9. All actual or suspected incidents should be reported to a Squash Ontario "official" by either a complainant or witness. (For the purposes of this policy, an "official" is any member of the Squash Ontario Board of Directors, Executive Director, or Chair of any Squash Ontario Committee).
10. 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.
11. A Canadian Sport Helpline is available for anyone wishing to report abuse or harassment outside of Squash Ontario. The helpline is available seven days a week, from 8 a.m. to 8 p.m. Eastern time, in both English and French. The service can be reached by phone toll-free at 1-888-83-SPORT (77678), email at [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca), text, or live chat, and is completely anonymous and confidential. The national toll-free helpline offers assistance to victims and witnesses of harassment, abuse, discrimination, and bullying.
12. Once contacted by a complainant, the role of the official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the official considers that s/he is unable to act in this capacity, the complainant shall be referred to another SQUASH ONTARIO official.
13. 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;*

*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 submitted to Squash Ontario's Executive Director, in which case the official shall advise the President of Squash Ontario, who shall appoint an independent individual to conduct an investigation of the complaint.*
14. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques. S/he shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President.
15. The President may determine that the alleged conduct is of such seriousness as to warrant suspension of the individual from Squash Ontario pending the hearing and decision of the Discipline Panel.

16. Within 5 business days of receiving the written report of the Investigator, the President shall appoint three individuals to serve as a Panel.
17. At the discretion of the Executive Director, the investigation may be waived and a three person panel appointed within 5 business days of receipt of a formal complaint.

## HEARING

18. The Discipline Panel shall hold the hearing as soon as possible, but not more than 10 business days after the incident report is first received by the Executive Director.
19. The Discipline Panel shall govern the hearing as it sees fit, provided that:
  - a) members of the Panel shall select from among themselves a Chairperson;
  - b) a quorum shall be all 3 Panel members;
  - c) decisions shall be by majority vote; the Chair carries a vote;
  - d) the Parties may be accompanied by a representative;
  - e) the hearing shall be held in private;
  - f) the Respondent shall be given 5 business days written notice (by courier or fax) of the day, time and place of the hearing.
  - g) the Respondent shall receive a copy of the formal complaint;
  - h) the Complainant and Respondent shall each receive a copy of the Investigator's report.
  - i) Both the Complainant and Respondent shall be present at the Hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel. The Hearing shall proceed in the absence of either or both parties.
  - j) the Investigator may attend the Hearing at the request of the Panel.
  - k) the Panel may request that witnesses to the incident be present or submit written evidence;
  - l) once appointed, the Panel shall have the authority to abridge or extend time lines associated with all aspects of the Hearing.
20. In order to keep costs to a reasonable level, the Panel may conduct the Hearing by means of a conference call or video conference.
21. Unless the Discipline Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.
22. As soon as possible, but in any event within 5 business days of the Hearing, the Panel shall present its decision to the President, with a copy provided to both the Complainant and Respondent. The decision shall contain:
  - a) a summary of the relevant facts;
  - b) a determination as to whether the acts complained of constitute harassment as defined in this policy;
  - c) recommended disciplinary action against the respondent, if the acts constitute harassment; and
  - d) recommended measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.
23. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, it's report may recommend disciplinary action against the Complainant.

## **DISCIPLINE**

24. 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
25. 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 or employment
  - demotion or a pay cut
  - temporary suspension with or without pay
  - termination of employment or contract
  - expulsion from sanctioned events and activities
  - publication of the decision

Both the Complainant and Respondent shall have the right to appeal the decision and recommendations of the Panel, in accordance with SQUASH ONTARIO's Appeal Policy.

