



## HARASSMENT POLICY

The Erin Mills Soccer Club is committed to providing a sport and work environment where all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices. This environment should be free of harassment on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, marital status, family status or disability.

This policy applies to all officers, directors, employees, volunteers, coaches, referees, players and members of the Club. The Club encourages reporting all incidents of harassment, regardless of who the offender may be.

Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from the Ontario Soccer Association or the Ontario Human Rights Tribunal, even if steps have been taken under this policy.

### **Part I Definitions:**

**1.01** "Harassment" refers to behaviour that may be verbal, physical, deliberate, unsolicited or unwelcome. It may relate to a single incident or a series of incidents. It may include:

- behaviour which is intimidating, hostile, abusive and/or an abuse of power and authority;
- verbal abuse or threats;
- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc...;
- a display of pornographic, racist or other offensive or derogatory pictures;
- practical jokes which cause awkwardness or embarrassment;
- unwelcome invitations or requests, whether indirect, explicit or intimidating;
- leering and other gestures;
- condescension or patronization which undermines self-respect;
- unnecessary physical contact such as touching, patting, pinching, tickling, punching;
- physical assault

**1.02** "Sexual Harassment" means:

- unwanted sexual attention of a persistent or abrasive nature made by a person who knows or ought to reasonably know that such attention is unwanted and/ or inappropriate;
- a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the sexual advance;
- a reprisal, or a threat or implied threat of retaliation, for rejecting a sexual solicitation or advance;



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- a course of abusive or unwelcome conduct or comment made on the basis of sex or sexual orientation when it has the purpose or effect of creating an intimidating, hostile or offensive environment in which the person works.

## 1.03 "Child Abuse" (under 18 yrs old) includes:

- neglect, which endangers a child's welfare by failing to provide for physical, emotional or medical needs;
- physical abuse which causes intentional non-accidental injury to a child;
- emotional abuse, which is damaging by whatever means to a child's self-image by an adult responsible for the child's nurturing or learning. It results in a decrease in the child's feeling of personal worth and thus their ability to love, trust and feel at one with the human race;
- sexual abuse, which includes any manual, oral, or genital sexual contact or the use of an object for sexual touching or penetration or any other explicitly sexual behaviour that an adult imposes on a child by exploiting the child's vulnerability and powerlessness.

**NOTE: Any allegation or suspicion of sexual abuse MUST be reported to the appropriate Child and Family Services and/ or agencies and the police.**

## **Part II Responsibility:**

### 2.01 The Executive Director/ General Manager is responsible for ensuring implementation of this policy by:

- discouraging and preventing harassment within the Club;
- ensuring formal complaints of harassment are investigated in a sensitive, responsible, timely and confidential manner;
- providing advice to persons who experience harassment;
- using the Club's best efforts to support and assist any employee or member of the Club who experiences harassment by someone who is not an employee or member of the Club;
- making all members, volunteers and employees of the Club aware of this policy and procedures contained herein;
- informing complainants and respondents of the procedures contained in this policy;
- regularly reviewing the terms of this policy to ensure that they adequately meet the Club's legal obligations and public policy objectives;
- referring any harassment complaint to Safe Sport Canada (or such other independent third party) to investigate and resolve by way of mediation or arbitration, as the case may be, and
- following any recommendations, remedial steps or corrective measures when a complaint of harassment has been substantiated, regardless of the position of the person or authority of the offender;



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- 2.02** Every member of the Erin Mills Soccer Club is responsible for ensuring that the Club's environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member of the Club who believes that anyone else has experienced or is experiencing harassment is encouraged to notify the Club's Harassment Officer or the Board of Directors of the situation.
- 2.03** If any Officer or Director of the Club is involved directly or indirectly in any complaint under this policy, the Board of Directors shall appoint an independent party for the purpose of dealing with the complaint.

## **Part III General Provisions:**

- 3.01 Team Official/ Player/ Parent Sexual Relations:** The Club takes the view that intimate sexual relationships between team officials and adult players or parents, while not against the law, can have harmful effects on the individual player involved or on other players or team officials and the Club's public image. The Club takes the position that such relationships are unacceptable. Should a sexual relationship develop between a player/ parent and a team official, the Club will investigate and determine if harmful effects exist and may take action, which could include reassignment to another team, dismissal as a coach or employee, suspension of member privileges and/ or reprimand.

## **Confidentiality:**

- 3.02** The Erin Mills Soccer Club understands that it can be challenging to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. The Club recognizes the interests of both the complainant and the respondent in deeming the matter to be treated in a confidential manner.
- 3.03** The Club will not disclose to any third parties the name of the complainant/ victim or the respondent/ harasser or the circumstances giving rise to the complaint unless such disclosure is consented to by the affected party or such disclosure is necessary to investigate the allegations or engage in any disciplinary or remedial process.
- 3.04** If the complainant/ victim refuses to consent to the disclosure of their complaint to the alleged respondent/ perpetrator to conduct an investigation or participate in mediation and/or arbitration, then the complaint shall be deemed to have been rescinded.
- 3.05** Despite any of the preceding, if the Executive Director/ General Manager has reasonable grounds to suspect that a situation of harassment, physical assault or sexual abuse has occurred, the Executive Director/ General Manager has a duty to investigate the suspicions or allegations and shall conduct any such investigation as discretely and as confidentially as possible.



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## Safe Sport Canada:

- 3.06** The Executive Director/ General Manager refers any harassment complaint to Safe Sport Canada or any other independent third party suitable for investigating and resolving the complaint through mediation and/ or arbitration.
- 3.07 Harassment of an Employee or Volunteers:** Where a person believes that an employee or volunteer has experienced or is experiencing harassment and reports this belief to the Executive Director/ General Manager, who shall meet with the affected party, assess whether harassment has occurred and follow the resolution options described in this policy.
- 3.08 Limitation Period:** Except where there is an allegation of physical assault, sexual assault, or child abuse, Harassment Complaints MUST be made within SIXTY (60) Days of the Incident.
- 3.09 Child Protection Act:** If the Executive Director/ General Manager has reasonable grounds to suspect that a child is in need of protection, they SHALL report the suspicion and the information on which it is based to the Police and/or a Child Protection Agency.

## Part IV Complaint Procedure:

- 4.01** 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.
- 4.02** If confronting the harasser is not possible, or if the harassment continues after confronting the harasser, the complainant/ victim should seek the advice of the executive director/general manager.
- 4.03** If any of the affected parties (complainant/ victim, respondent/ harasser) are young persons under 18 years old, then they must be represented at all times by an adviser as per OSA Discipline Policy 9.0. If the victim is a youth, their parent or legal guardian may file a complaint pursuant to this policy.
- 4.04** The Executive Director/ General Manager shall inform the complainant/ victim or their adviser of the following:
- the options for pursuing an informal resolution of the complaint, including voluntary mediation;
  - the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
  - the confidentiality provisions of this policy;
  - the right to be represented by an adviser of their choice at any stage of the complaint process;



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- the right to withdraw from any further action in connection with the complaint at any stage of the process (even though the Club may continue to investigate the complaint and
- Other avenues of recourse include the right to file a complaint with the Ontario Soccer Association or the Ontario Human Rights Tribunal or, where appropriate, to contact the police and have them lay a formal charge under the Criminal Code.
- The Executive Director/ General Manager has a legal duty to report any reasonable suspicion of child abuse to the Police or a Child Protection Agency.

**4.05** After the complainant/ victim has been advised of their rights and options and provided satisfactory evidence of the harassment, they must advise how they wish to proceed based on the following options:

- (i) The complainant/ victim decides not to pursue any remedial action;
- (ii) The complainant/victim chooses to pursue an informal resolution of the complaint;
- (iii) The complainant/ victim decides to lay a formal written complaint to be investigated and resolved by Safe Sport Canada or
- (iv) The Complainant/ victim chooses to pursue other remedial options such as:
  - filing a complaint with the OSA pursuant to their Harassment Policy
  - filing a claim with the Ontario Human Rights Tribunal;
  - filing a police report.

## **Part V The Investigation:**

**5.01** If the complainant/ victim chooses to resolve the matter through Safe Sport Canada or another independent third party retained by the Club, they **MUST**:

- (a) provide a written complaint describing what occurred, including full and complete particulars regarding the allegations (specifically indicating who, what, where, when, how often, and who witnessed the incident(s)); and
- (b) consent to the disclosure of the complaint and any personal information to Safe Sport Canada so that they can conduct a proper investigation, which will include speaking with the respondent/ harasser and with other persons who witnessed the incident(s), as well as Club Staff and/ or Club Officials.

**5.02** Safe Sport Canada or an independent third party will then investigate to determine if the allegations are valid and recommend what remedial, corrective or disciplinary action is appropriate.



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- 5.03** The respondent/ harasser MUST be advised of their rights in the process, which includes:
- their right to have an adviser;
  - their right to provide any evidence in their possession or control that is relevant to the complaint;
  - their right to be advised of and respond to the allegations against them;
  - their right to confidentiality, subject to any disclosure in the course of the investigation or any possible remedy or discipline that may result, and
  - their option to resolve the complaint informally if the complainant has accepted this option.
- 5.04** Factors to be considered in the investigation of the harassment complaint include: the evidence (oral and written) that has been provided by the complainant/ victim or by the respondent/ harasser or any witnesses;
- any evidence contained in the books and records of the Club or the OSA;
  - any circumstances that relate to the participation of the complainant/ victim with the respondent/ harasser, the Club, its programs and its officers, directors or employees;
  - the history and relationships between any of the affected parties or
  - any financial dealings between any of the affected parties.
- 5.05** Allegations of harassment may be substantiated, in some instances, based on verbal interactions between the parties or conduct related to training or playing time, player selection, and/ or positional play.
- 5.06** Despite the preceding, the Club recognizes that in performing their role, Coaches are required and expected to provide both positive and negative feedback to players and/ or parents regarding performance issues. Such feedback would only qualify as harassment if it were provided in bad faith, if the method of communication or the forum where this occurred was embarrassing or demeaning, or if the feedback was patently false and unfounded as determined objectively.
- 5.07** The Club further recognizes that playing time, positional play, and player selection must be determined by Coaches based on a variety of factors that include but are not limited to:
- the technical skills and abilities of a player;
  - the tactical knowledge and awareness of a player;
  - the physical fitness of a player;
  - the social and mental aspects of a player;
  - the player's first touch and positioning on and off the ball;
  - the technical and tactical needs of the team in any given game situation;
  - attendance at practices and training sessions;
  - whether the player is motivated, committed and coachable;
  - the player's awareness, ability and willingness to execute the team's tactical strategy and formation at any given time in a game;



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- the player's attitude and mental preparedness towards the game, their team-mates, coaches, game officials and opponents at any given time, and
- how the affected player compares to other players on the team or competing for a roster position in terms of the preceding factors.

**5.08** Issues related to playing time, positional play and player selection are not generally reviewable by the Club unless it can be determined that such decisions are being made in bad faith or reflect a form of harassment, punishment or retaliation that is not warranted on an objective basis.

**5.09** The Club further recognizes that allegations of harassment often occur if a player is not selected as a player on a team roster is cut by the team, or is not chosen to participate in a specific club program or event, or if there are disputes with respect to the team budget, the training program, or financial issues. Alternatively, allegations of harassment may be made if there is a conflict between a team official/ volunteer and an employee or club official.

**5.10** If any of the preceding circumstances apply, these factors should be considered together with all other relevant evidence in determining the investigation findings.

## **Remedial Action:**

**5.11** Once Safe Sport Canada has objectively determined that the harassment complaint is valid, they shall make recommendations to the Club concerning appropriate remedial, corrective or disciplinary action.

**5.12** Appropriate resolutions of harassment complaints may include, but are not limited to, the following:

- a) voluntary mediation of the dispute between the affected parties;
- b) an apology from the respondent/ harasser (oral, written, private or public);
- c) a verbal or written reprimand by a Club Official;
- d) mandatory remedial training;
- e) a reassignment of duties;
- f) a suspension of membership privileges and participation;
- g) the removal or dismissal of the respondent/ harasser; or
- h) termination or suspension of membership or employment.

**5.13 Considerations:** When determining appropriate disciplinary and corrective measures, Safe Sport Canada shall consider factors such as:

- the nature and severity of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was sexual in nature;
- whether the harassment was an isolated incident or part of an ongoing pattern of behaviour;



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- whether the interaction demonstrated bad faith on an objective basis;
- the nature of the relationship between the affected parties;
- the ages and physical differences sizes of the affected parties;
- whether the respondent has been involved in previous harassment incidents;
- whether the respondent/ harasser has admitted responsibility and expressed a willingness to change and
- whether the respondent/ harasser retaliated against the complainant/ victim.

## Report of Findings:

- 5.14** Safe Sport Canada shall report its findings to all affected parties with its recommendations concerning the disposition of the matter.