

Maple Leaf International Muzzle Loading Association

Harassment Policy

Purpose

The Maple leaf International Muzzle Loading Association (MLIMLA) is committed to promoting a policy in sport in which the terms and conditions of participation are equitable and non-discriminatory. Each participant has the right to be treated with dignity and respect and to work and play in milieu conducive to productivity, self-development and performance advancement based upon individual ability. It is MLIMLA's intention to foster a sport environment free of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offense.

MLIMLA, like the community at large, is becoming increasingly diverse. It includes people of different genders, races, cultures and backgrounds. We must all work together to eliminate the barrier to equality that is caused by harassment.

Harassment is a serious problem. It creates a hostile environment, undermines self-respect and contributes to low morale, poor performance and high turnover.

All athletes, coaches, team managers, officials, board members, committee members and staff have a shared responsibility to understand harassment and its ramifications, and to ensure that all reasonable steps are taken to realize the goal of a harassment free sport environment.

Responsibilities

Participants

This policy applies to all persons engaged in any volunteer or paid capacity with the MLIMLA or otherwise under the jurisdiction of the MLIMLA. Participants include athletes, coaches, support personnel, officials, employees, directors, members and volunteers.

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Training and Discipline

Persons in authority have the responsibility not to harass any individual. It must be recognized that disciplined training is an indispensable part of high performance sport. Such discipline should not be confused with harassment. However, it is vital importance that those in authority:

- Communicate performance standards, rules and regulations to all participants
- Be fair and consistent in taking corrective action and in applying discipline
- Avoid favouritism

- Use appropriate terminology: address individuals by name and avoid the use of derogatory slang or offensive terms

Prevention and intervention are key to achieving a harassment-free sport environment. Persons in authority must present a positive role model. Therefore:

- They must show that they take issues seriously. They must communicate MLIMLA's objective to create and maintain a harassment-free sport environment.
- If they observe behaviour such as racial name calling, sexual or racist jokes, the display of sexually explicit, racist or other offensive or derogatory material, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint.
- They should investigate if harassment is suspected or rumoured. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labeled a troublemaker or of reprisal.
- They should take all complaints of harassment seriously and respond appropriately in accordance with MLIMLA's harassment complaint and investigation procedures. Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known that harassment was occurring and they failed to take corrective action they may be considered party to the harassment.

Responsibilities of the People in Charge

Prevention and intervention are key to achieving a sport and work environment free of discrimination and harassment. The MLIMLA must be a positive role model. MLIMLA participants should:

- Communicate the MLIMLA's objective to create and maintain a sport and work environment free of harassment and discrimination and with a view to discourage harassment;
- Exercise good judgement and initiate appropriate action under this policy, if they become aware that discrimination or harassment has occurred;
- Follow-up consultation with MLIMLA Board if discrimination or harassment is suspected or rumoured, appreciating that individuals who experience discrimination or harassment are often reluctant to report it.

The Executive, Board Members, the Managing Director are expected to contribute positively to the development of an environment in which harassment does not occur.

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Executive Committee

The Executive Committee is responsible for:

- Ensuring that an investigation of formal complaints of harassment is conducted in a sensitive, responsible and timely manner;
- Imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;

- Supporting and assisting any employee or member of the MLIMLA who experiences harassment by someone who is not an employee or member of the MLIMLA;
- Ensuring that this policy is posted on the web-site and the information is contained in an Operations Manual;
- Appointing case review panels and appeal bodies and providing resources;
- Maintaining records as required under this policy.

Harassment Officers

The MLIMLA shall appoint at least two persons, one male and one female, who are themselves members of MLIMLA, to serve as officers under this policy.

The role of the harassment officer is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to the President of the MLIMLA and the Vice President of Administration.

The MLIMLA shall ensure that officers receive appropriate training and support for carrying out their responsibilities under this policy.

Definition of Abuse and Harassment

Harassment

Harassment takes many forms but can generally be defined as behaviour including: comments and/or conduct which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise causes offense or discomfort to an individual or groups of individuals, Harassment may include:

- Written or verbal abuse or threats
- Racial or ethnic slurs
- Unwelcome remarks, jokes, innuendo, or taunting about a person's body, attire, age, marital status, ethnic or racial origin and religion
- Sexual, racial, ethnic or religious graffiti
- Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- Unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation
- Leering or other obscene or offensive gestures
- Condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions
- Physical conduct such as touching, kissing, patting and pinching
- Vandalism
- Physical assault

Coach/Athlete Sexual Relations

MLIMLA takes the view that intimate sexual relations between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, or other athletes and coaches and on MLIMLA's public image.

MLIMLA therefore takes the position that such relationships are unacceptable in any way with respect to development and junior athletes. Should a sexual relationship develop between an athlete and a coach, the MLIMLA will investigate in accordance with this policy and take action where appropriate which could include reassignment or if not feasible or appropriate, a request for resignation or dismissal from employment.

Sexual Harassment

There are three types of sexual harassment:

1) Unwelcome Behaviour

This is the most prevalent form of sexual harassment. It includes:

- Inappropriate sexual comments about a person's body or appearance
- Use of inappropriate or derogatory sexual terms
- Enquiries or comments about an individual's sex life, sexual preferences, etc.
- Sexual/sexist graffiti
- Spreading rumours about an individual's sex life, sexual preferences, etc.
- Unwanted touching, patting or leering

2) Sexual Advance

Occurs when any person in a position of authority makes unwanted sexual advances or requests for sexual relations.

3) Reprisal

Occurs when any person in a position of authority threatens to use or uses that authority to retaliate against an individual who has rejected his or her sexual advance. This would include dropping an individual from a team because that individual refused a "proposition".

Racial Harassment

Racial slurs, jokes or name-calling based on race, ancestry, place of origin, colour, ethnic origin and creed (or religion) is the most common form of racial harassment. Examples include:

- Use of terminology which reinforces stereotypes

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- Racial, ethnic or religious jokes
- Use of racially derogatory nicknames
- Making "fun" of individuals or discounting their abilities because of their racial or ethnic origin
- Racist, ethnic or religious graffiti or the display of racist material

Racial harassment can be both direct and indirect. The behaviour, including comments and/or conduct, can be acted out in the presence of the individual against whom it is targeted. Racial harassment can also occur when the targeted individual or individuals are not present.

Racial harassment also includes racially motivated behaviour. For example: Individuals may be subjected to practical jokes because of their racial or ethnic background although the jokes themselves do not include a reference to race or ethnicity; as well individuals may be told to “go back where they came from” or that they are “not welcome in Canada”. Such behaviour constitutes racial harassment.

Racial slurs, jokes and name-calling are inappropriate and illegal. Racial harassment can and does create stress, endangering an individual’s health, morale and performance, arousing anger and frustration, creating an atmosphere which gives rise to other forms of discrimination, and undermines relations between individuals.

Poisoned Sport Environment

The presence of annoying and distressing elements in the sport environment can also constitute harassment. A poisoned sport environment includes:

- Work or sport sites where material that denigrates a person or group by virtue of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offence is openly displayed for example, sexually explicit posters and racial/racist cartoons.
- Work or sport groups where name-calling that denigrates a person/group is part of the normal course of activities.
- A poisoned sport environment constitutes harassment, whether or not individuals complain.

Harassment – Sport and/or Workplace

For the purposes of this policy, sport and/or workplace harassment will include the following places:

- At sporting events, competitions, and in training sessions
- Training sessions, and workshops
- During work-related / sport-related travel
- Over the telephone
- At the office
- At office-related social functions
- At MLIMLA’s business functions, such as meetings and/or conferences.

Elsewhere if the person harassed is as a result of work-related or sport-related responsibilities or work-related or sport-related relationships.

Cyber-Stalking and Online Harassment

Criminal harassment can be conducted through the use of a computer system including the Internet. Although this type of conduct is described in various ways, not all such conduct falls within Canada’s

definition of criminal harassment. For example, “cyber-stalking” or “on-line harassment” is often used to refer to:

- Direct communication through email
- Internet harassment, where the offender publishes offensive or threatening information about the victim on the internet
- Unauthorized use, control or sabotage of the victim’s computer.

In some cyber-stalking situations, criminal harassment charges may be appropriate; however, depending on the activity involved. Activities that can be considered cyber-stalking can include delivering threatening or harassing messages through one or more of the following:

- E-mail
- Chat rooms
- Message boards
- Newsgroups
- Forums
- Sending inappropriate electronic greeting cards
- Posting personal advertisements in the victim’s name
- Creating websites that contain threatening or harassing messages or that contain provocative or pornographic photographs which may or may not have been altered
- Sending viruses to the victim’s computer
- Using spy-ware to track website visits or record keystrokes the victim makes
- Sending harassing messages to the victim’s employers, co-workers, students, teachers, customers, friends, families or churches, or sending harassing messages forged in the victim’s name to others.

Confidentiality

The MLIMLA understands 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. The MLIMLA recognizes the interest of both the complainant and the respondent in keeping the matter confidential.

The MLIMLA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless a disciplinary or other remedial process requires such disclosure.

Information related to harassment matters is provided to others on a “need to know” basis only. While the MLIMLA wishes to create an environment where members are willing to come forward to have complaints resolved, such members should understand that harassment allegations must be dealt with in a forthright and fair manner. This includes an obligation to be fair to the alleged harasser by providing sufficient information about the allegation that concerns them to enable them to respond properly. In many cases, this will mean that anonymity is not feasible or fair. However, members can be assured that the MLIMLA will take all possible steps to preserve confidentiality.

Complaint Procedure

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.

If confronting the harasser is not possible, or if the person experiencing the harassment does not wish for any reason to confront the alleged harasser, or if after confronting the harasser the harassment continues, the complainant should seek the advice of a harassment officer.

The harassment officer shall inform the complainant of:

- The options for pursuing an informal resolution of his/her complaint;
- The right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
- The availability of counselling and other support provided by the MLIMLA;
- The confidentiality provision of this policy;
- The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- The right to withdraw from any further action in connection with the complaint at any stage (even though MLIMLA might continue to investigate the complaint); and
- Other avenues of recourse, including the right to file a complaint with a human rights commission, or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

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

- 1) The complainant and the officer agree that the conduct does not constitute harassment.
- If this occurs, the harassment officer 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 complaint.
- If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complaint, or assist the complainant with informal means of resolving the complaint. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
- If an informal resolution yields a result which is acceptable to both parties, the harassment officer 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.
- If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.

- If an informal resolution is not achieved and the complainant does not file a written complaint, a record of his/her dealing with the harassment officer. Such record will be confidential it shall not be placed or referred to in any other file kept in any other area of the MLIMLA.
- 3) The complainant brings evidence of harassment and decides to lay a formal written complaint.
 - If this occurs, the harassment officer 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.
 - The respondent will be given an opportunity to provide a written response to the complaint. The harassment officer may assist the respondent in preparing this response.
 - 4) The complainant brings evidence of harassment but does not wish to lay a formal complaint.
 - If this occurs, the harassment officer must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
 - When the harassment officer decides that the evidence and surrounding circumstances require a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

Step One:

As soon as possible after receiving the written complaint, and within 21 days, the officer shall submit a report to the President and Vice President of Administration, containing the documentation filed by both parties along with a recommendation (and reasons for the recommendation) that:

- 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
- The complaint should be investigated further.

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

Step Two:

In the event that the harassment officer's recommendation is to proceed, the MLIMLA's President and the Vice President shall within 14 days appoint three employees or members of the MLIMLA to serve as a case review panel. MLIMLA may also appoint up to two members to the panel from outside the MLIMLA. This panel shall consist of at least one woman and at least one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.

Step Three:

Within 21 days of its appointment, unless the parties and the panel agree otherwise, the case review panel shall convene a hearing. The hearing shall be conducted in a manner that is fair to both parties and shall be governed by such procedures as the panel may decide provided that:

- The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.
- Members of the panel shall select a chairperson from among themselves.
- A quorum shall be all three-panel members.
- Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.

- The hearing shall be in camera.
- Both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. Each shall have the right to present evidence and to question and cross-examine witnesses.
- If the complainant does not appear, the matter may be dismissed (unless the complainant decided not to lay a formal complaint, but the officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing may proceed in any event.
- A representative or adviser may accompany the complainant and respondent.
- The harassment officer may attend the hearing at the request of the panel.

Step Four:

Within 14 days of the hearing, the case review panel shall present its findings in a report to the MLIMLA President and Vice President which shall contain:

- A summary of the relevant facts found by the case review panel, based on the evidence presented at the hearing;
- A determination as to whether harassment as defined in this policy has occurred as alleged in the complaint;
- Recommended disciplinary action against the respondent if harassment is found to have occurred; and
- Recommended measures to remedy or mitigate the harm or loss suffered by the complainant if harassment is found to have occurred.

Step Five:

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

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

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

- The nature 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 complainant and harasser;
- The age of the complainant;
- Whether the harasser has been involved in previous harassment incidents;
- Whether the harasser admitted responsibility and expressed a willingness to change;
- Whether the harasser retaliated against the complainant.

Disciplinary Action

Employees or members of the MLIMLA against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

Disciplinary Sanctions

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

- A verbal apology
- A written apology
- A letter of reprimand from the sport 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, or
- Expulsion from membership.

Investigation

Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to the MLIMLA President, the Vice President and the harassment officer.

Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of ten years unless new circumstances dictate that the report should be kept for a longer period of time.

Procedure Where a Person Believes that a Colleague has been Harassed

Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to a harassment officer, the officer shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with the complaint procedure outline commencing on page 7 of this policy.

Appeals

Both the complainant and respondent shall have the right to appeal the decisions 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.

Permissible grounds for an appeal are:

- The panel did not follow procedures laid out in this policy or has otherwise failed to act in a fair and impartial manner;
- Members of the panel were influenced by bias;

- The panel reached a decision which was patently unfair or unreasonable.

In the event that a notice of appeal is filed, the MLIMLA President and the Vice President shall together appoint a minimum of three members to constitute the appeal body. Up to two members of the panel may also be appointed from outside the MLIMLA. 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 shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statement, the reports of the harassment officer and the case review panel, and the notice of appeal.

Within ten days of its appointment, the appeal body shall present its findings in a report to the MLIMLA President and the Vice President. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or modify any of the panel'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.

Review and Approval

The MLIMLA' Board of Directors approve this policy.

The MLIMLA' President and the Vice President shall review this policy on an annual basis.

Statute of Limitations

Should a participant be involved in or witness an incident of harassment as described in this policy, they shall have one (1) year from the date on which they became aware, or should have reasonably become aware, that the incident occurred, to file a written complaint.

This policy was approved by the MLIMLA' Board of Directors on July 9th, 2016.