

# **British Columbia Soccer Association Harassment Policy**

## **Section 1.0 - GENERAL**

### **1.1**

The British Columbia Soccer Association (BCSA) is committed to providing a sport and work environment in which 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.

### **1.2**

Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.

### **1.3**

Harassment is offensive, degrading and threatening. In its more extreme forms, harassment, in particular, sexual harassment can be an offence under Canada's Criminal Code.

### **1.4**

Whether the harasser is a director, supervisor, employee, coach, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.

### **1.5**

The BCSA is committed to providing an environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability.

### **1.6**

This policy applies to all employees as well as to all directors, officers, volunteers, coaches, referees, administrators, athletes and members or registrants of the BCSA.

### **1.7**

This policy applies to harassment, which may occur during the course of all BCSA business, activities and events. It also applies to harassment between individuals associated with the BCSA but outside BCSA business, activities and events when such harassment adversely affects relationships within the BCSA's work and sport environment.

1.8

In keeping with this policy, the BCSA encourages the reporting of all incidents of harassment regardless of who the harasser may be and is committed to a process that is widely published in the soccer community, available to all participants and easy to follow and implement.

## **Section 2.0 - DEFINITION OF HARASSMENT**

2.1

Harassment is defined as a comment, conduct, or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive.

2.2

Types of behaviour which constitute harassment include but are not limited to:

- Written or verbal abuse or
- 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 undermines self-esteem diminishes performance or adversely affects working conditions;
- Practical jokes which cause awkwardness or embarrassment endanger a person's safety or negatively affect performance;

2.3

For the purposes of this policy, harassment does not include types of misconduct identified in the Discipline Policies and Procedures section of the BCSA Published Rules and Regulations.

2.5

For the purpose of this policy, retaliation against an individual

- For having filed a complaint under this policy; or
- For having participated in any procedure under this policy; or
- For having been associated with a person, who filed a complaint or participated in any procedure under this policy, will be treated as harassment and will not be tolerated.

## **Section 3.0 - DEFINITION OF SEXUAL HARASSMENT**

### **3.1**

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when it ought to be reasonably known to be unwelcome;

### **3.2**

Sexual harassment may occur in the form of such conduct by males towards females, between males, between females, or by females towards males.

### **3.3**

Some examples of types of behaviour which may be sexual harassment include:

- Sexually degrading words used to describe a person;
- Criminal conduct such as stalking, and physical or sexual assault or abuse;
- Promises or threat contingent on the performance of sexual favours;
- The displaying of visual material which is offensive or which one ought to know is offensive, for example pornographic pictures, sexual/sexist graffiti or any display of sexually explicit material or pictures;
- Leering or other suggestive or obscene gestures;
- Unwanted physical contact including touching, petting, pinching, or kissing or unwanted sexual attention by a person who knows or ought reasonably to know that such attention is unwanted;
- Unwelcome sexual flirtations, sexual remarks, advances, requests or invitations whether indirect or explicit; or
- Unwanted inquiries or comments about an individual's sex life, or sexual preferences;
- Threats of, or acts of retaliation to punish an individual who has rejected sexual advances

### **3.4**

For the purpose of this policy, retaliation by a person against another:

- For having invoked this policy (whether on behalf of oneself or another);
- For having participated in any investigation under this policy; or
- For having been associated with a person who has invoked this policy or participated in these procedures Will be considered a form of sexual harassment

## **Section 4.0 - COACH/ATHLETE SEXUAL RELATIONS**

4.1 The BCSA 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, on other athletes and coaches and on the BCSA's public image.

4.2 The BCSA, therefore, takes the position that such relationships are unacceptable for coaches coaching or assisting in any way with a British Columbia provincial team or provincial team program.

4.3 Should a sexual relationship develop between an athlete and a coach, the BCSA will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

## **Section 5.0 - RESPONSIBILITY FOR HARASSMENT POLICY**

5.1 The Executive Committee of the BCSA and the Executive Director are responsible for the implementation of this policy. In addition, they are responsible for:

- Discouraging and preventing harassment within the BCSA;
- Investigating formal complaints of harassment 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;
- Providing advice to persons who experience harassment;
- Doing all in their power to support and assist any employee or member of the BCSA who experiences harassment by someone who is not an employee or member of the BCSA;
- Making all members and employees of the BCSA aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
- Informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
- Regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;

- appointing harassment officers and providing the training and resources they need to fulfill their responsibilities under this policy; and
- appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy.

## 5.2

Every member and registrant of the BCSA has a responsibility to play a part in ensuring that the BCSA sport environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member or registrant of the BCSA who believes that a fellow member or registrant has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

## **Section 6.0 - DISCIPLINARY ACTION**

### 6.1

Employees, members or registrants of the BCSA against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal, termination of membership or registration, or a lifetime suspension from all soccer activities where the harassment takes the form of assault, sexual assault or a related sexual offence.

## **Section 7.0 - CONFIDENTIALITY**

### 7.1

The BCSA understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused or convicted of harassment. The BCSA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

### 7.2

The BCSA 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.

## **Section 8.0 - HARASSMENT OFFICERS**

### 8.1

The BCSA shall appoint four persons, two male and two female, to serve as Provincial Harassment Officers.

### 8.2

BCSA District Associations shall appoint at least two persons, one male and one female, as District Harassment Officers. Where appropriate, two or more District Associations may be combined for this purpose but not if the result is that the appointed officers are too remote from any of the District Associations such that the reporting of incidents of harassment would be discouraged.

### 8.3

A District Association may, at its own expense and with the permission of the BCSA, contract with a company to provide the same professional services as the BCSA-appointed District Harassment Officers would provide.

### 8.4

The role of harassment officers 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 BCSA Executive Committee.

### 8.5

All Harassment Officers will be required to undertake a CPIC check to ensure that a finding of guilty in offences concerning children has not compromised their suitability for this role.

### 8.6

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

### 8.7

Provincial Harassment Officers shall deal with complaints affecting provincial teams and provincial team programs.

### 8.8

District Harassment Officers shall deal with complaints arising from within their District Association(s). In the event of an absence of a duly appointed District Harassment Officer, one of the Provincial Harassment Officers may be appointed on a temporary basis to handle a complaint.

## **Section 9.0 - COMPLAINT PROCEDURE**

### 9.1

A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to BCSA policy. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of a harassment officer.

### 9.2

The harassment officer shall inform the complainant of:

- The options for pursuing an informal resolution of his or 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 a network of referrals and other support provided by the BCSA;
- The confidentiality provisions of this policy;
- The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- The external mediation/arbitration mechanisms that may be available;
- The right to withdraw from any further action in connection with the complaint at any Stage (even though the BCSA might continue to investigate the complaints); 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.

### 9.3

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

#### 9.3.1

The complainant and 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 other than reporting to the BCSA Executive on a monthly basis the number of such incidents the officer dealt with.

#### 9.3.2

The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.

- If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
- If 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.

#### 9.3.3

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.

#### 9.3.4

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.

### **Section 10: FORMAL COMPLAINT INVESTIGATION**

As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the Executive Director\* containing the documentation filed by both parties along with a recommendation that:

- a) 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
- b) The complaint should be investigated further.

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

(\*Where the Executive Director is involved in the complaint, the report shall be submitted to the President of the Association or any other Officer of the Association not involved in the complaint).

In the event that the harassment officer's recommendation is to proceed with an investigation, the Executive Director (or Officer of the Association to whom the report was submitted) shall review with the Executive Committee who shall within 14 days appoint three members or registrants of the BCSA to serve as a case review panel. This panel shall consist of at least one woman and 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.

Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:

- a) The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.
- b) Members of the panel shall select a chairperson from among themselves.
- c) A quorum shall be all three panel members.
- d) 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.
- e) The hearing shall be held in camera.
- f) Both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will 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 will proceed.
- g) The complainant and respondent may be accompanied by a representative or advisor and, where necessary, by a translator.
- h) The harassment officer may attend the hearing at the request of the panel.

Within 14 days of the hearing, the case review panel shall present its findings in a report to the Executive Director\*, which 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 of loss suffered by the complainant, if the acts constitute harassment.

(\*Where the Executive Director is involved in the complaint, the report shall be submitted to the President of the Association or any other Officer of the Association not involved in the complaint).

If the panel determines that the allegations of harassment are false, vexatious, retaliatory or unfounded, their report shall 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.

## **Section 11. DISCIPLINARY SANCTIONS**

### 11.1

When recommending 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 had been involved in previous harassment incidents;
- Whether the harasser admitted responsibility and expressed a willingness to change; and
- Whether the harasser retaliated against the complainant.

### 11.2

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 BCSA;
- Removal of certain privileges of membership or employment;
- Temporary suspension with or without pay;
- Termination of employment or contract;
- Expulsion from membership; or
- Any other remedy as may be appropriate.

11.3 Where no appeal is made as provided for in the following section, then the recommendations of the case review panel will be implemented by the BCSA.

11.4 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 Executive Committee, the Executive Director and other harassment officers.

11.5 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.

## **Section 12.0 - APPEALS**

### 12.1

Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the BCSA Executive Committee within 14 days of the complainant or respondent receiving the panel's report.

### 12.2

The Executive Committee may, at its own discretion, accept an appeal that was not lodged within the required 14 days.

### 12.3

Permissible grounds for an appeal are:

- The panel did not follow the procedures laid out in this policy;
- Members of the panel were influenced by bias; or
- The panel reached a decision, which was grossly unfair or unreasonable.

### 12.4

In the event that a notice of appeal is filed, the Executive Committee shall appoint an appeal body consisting of a minimum of three persons of whom at least one shall be a woman and at least one shall be a 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.

### 12.5

The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal.

### 12.6

Within ten days of its appointment, the appeal body shall present its findings in a report to the BCSA Executive Committee. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

12.7

The Executive Committee shall accept, reject or vary the recommendations of the appeal body and issue a report, which shall be the final decision of the Association.

12.8

A copy of the Association's final report shall be provided, without delay, to the complainant and respondent.

### **Section 13.0 - DISCIPLINARY ACTION REVIEW**

13.1

On written request from an individual who has been subject to disciplinary action under this policy, and provided that at least one year has elapsed since receiving the Association's final decision, the Executive Committee may, at its own discretion, consider a review of the disciplinary measures imposed.

13.2

The Executive Committee shall appoint a review body consisting of a minimum of three persons of whom at least one shall be a woman and at least one shall be a 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.

13.3

Within ten days of its appointment, the review body shall present its findings in a report to the BCSA Executive Committee. The review body shall have the authority to recommend changes to lessen the disciplinary measures currently in place.

13.4

The Executive Committee shall accept, reject or vary the recommendations of the review body and issue a report, which shall be the final decision of the Association.

13.5

A copy of the Association's final report shall be provided, without delay, to the complainant and respondent.

### **Section 14.0 - REVIEW AND APPROVAL**

14.1

The BCSA Executive Committee and the Executive Director on an annual basis shall review this policy.

## **Section 15.0 - COMMUNICATION**

### 15.1

The General Harassment Policy as stated in 1.0 shall be posted in all BCSA, District Association and Provincial and Regional League offices along with the names and telephone numbers of the Provincial Harassment Officers and the local District Harassment Officers and a notation that the full Harassment Policy is available on request.

### 15.2

The General Harassment Policy as stated in 1.0 along with the names and telephone numbers of the Provincial Harassment Officers and the local District Harassment Officers and a notation that the full Harassment Policy is available on request shall also be made available as a flyer for distribution at club meetings, registration dates, etc

### 15.3

The General Harassment Policy as stated in 1.0 along with the names and telephone numbers of the Provincial Harassment Officers and the local District Harassment Officers and a notation that the full Harassment Policy is available on request shall also be published at least annually in selected soccer or other publications designed to reach as wide an audience as possible from a soccer point-of-view with particular emphasis on youth participants and their families.