



## Discipline Policy

It is the policy of Ontario Sailing to provide a sporting environment where the dignity of the individual is respected and free from harassment and the fear of harassment including sexual harassment and any form of physical, verbal or written abuse or any form of.

1. Ontario Sailing recognizes that:

- a) Every athlete and member is entitled to a climate free of harassment including sexual harassment and any form of verbal or physical abuse including in written form and;
- b) Harassment or fear of harassment, including sexual harassment, can compromise the integrity of the sporting relationships and endanger personal well-being and performance

2. Harassment is defined as a course of action, vexatious comment or conduct that is known or ought to reasonably be known to be unwelcome.

3. A person who has the authority to prevent or discourage harassment or abuse of any kind may be considered responsible for failing to exercise his/her authority to do so, and consequently be subject to such disciplinary actions as may be deemed appropriate by Ontario Sailing.

4. Ontario Sailing will make every effort to ensure that no athlete or member is subjected to harassment including sexual harassment or abuse of any form.

5. Ontario Sailing will take such disciplinary action as it deems appropriate against any person under its direction who subjects any athlete or member to sexual harassment, harassment and any form of verbal or physical abuse.

### Application

This policy applies to all individuals such as volunteers, coaches, athletes, officials, judges and members of Ontario Sailing. It applies to harassment which may occur during the course of all Ontario Sailing business, activities and events. For staff and coaches please refer to the Harassment Policy that applies to them directly and is posted on the website.

### Definition

Harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

Sexual harassment means:

1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Types of behaviour which constitute sexual harassment includes, but are not limited to:

- a) unwelcome remarks, jokes, innuendoes or taunting of a sexual nature about a person's body, attire, age, marital status, and/or which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- b) unwelcome or intimidating invitations or requests with sexual overtones whether indirect or explicit;
- c) leering or other gestures;
- d) unwelcome physical contact such as touching, patting, or pinching;
- e) unwelcome display of objects or pictures of a sexual nature, and/or offensive or ought to be known to be offensive;
- f) sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature;
- g) written or verbal abuse or threats thereof;
- h) physical or sexual assault;
- i) submission to such conduct is made explicitly or implicitly a term or condition of being named to a team;
- j) submission to or rejection of such conduct is used as the basis for decisions affecting movement within the organization/team and/or;
- k) such conduct has the purpose or effect of humiliating an individual or substantially interfering with the sporting performance or in creating an intimidating, hostile or offensive environment.

#### Confidentiality

1. Ontario Sailing recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can also be devastating to be wrongly accused of harassment. Ontario Sailing recognizes the interests of both the complainant and the respondent in keeping the matter confidential;
2. Ontario Sailing will not disclose the name of the harassed person or the circumstance related to the situation to any person except where disclosure is necessary for the purpose of investigating the harassment and /or taking disciplinary action.

#### Roles and responsibilities

##### 1. Principle:

The ultimate responsibility for dealing with a harassment case rests with the Board of Directors. Since any sexual harassment situation would constitute a highly sensitive subject matter, athletes or members have the choice of seeking counsel from their coach, the Executive Director, or the President.

##### 2. Ontario Sailing Staff and Volunteers will do all of the following:

- a) ensure the Ontario Sailing Harassment Policy is communicated with individuals associated with the organization
- b) provide clarification of what constitutes sexual harassment behaviour;
- c) inform any person under its direction of procedures for handling harassment complaints;
- d) initiate action without waiting for an individual complaint when harassment behaviour is known to be taking place. To do otherwise will constitute misconduct on the part of the supervisor.
- e) upon receipt of a formal harassment complaint will inform the President, Executive Director (the President of Ontario Sailing if the matter involves the Executive Director)

The Executive Director will inform the alleged harasser, supervisor, complainant and the President, in writing as to what action or investigation is to take place; inform the complainant, the alleged harasser and the President of the outcome of any action or investigation, in writing.

### Complaint Procedure

1. A person who experiences harassment or any type of abuse is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this policy.

2. If confronting the harasser or abuser is not possible, or if after confronting the harasser the harassment continues, the complainant should request a meeting with the next high authority or official.

3. Once contacted by a complainant the role of the official is to serve in a neutral unbiased capacity in receiving complaints and assisting their informal resolution. If the official considers that he or she is unable to act in this capacity, the complainant shall be referred to another official.

4. There are three possible outcomes to this meeting of complainant and official:

- It may be determined that the conduct does not constitute harassment or abuse 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. The written complaint must be submitted with the original signature of the complainant. All documented complaints will be treated as highly confidential to protect all parties involved. The official shall receive the written complaint, provide a copy to the respondent, who shall be given an opportunity to respond in writing.

5. Once the respondent's statement is received, the official shall provide copies of both written statements to the President of Ontario Sailing (or to another Executive Officer if the President is involved in the complaint). Within 7 days of receiving the written statements, the President shall appoint three members of Ontario Sailing to serve as a Panel. This Panel shall consist of at least one woman and at least one man, and shall include one individual who is knowledgeable and familiar with harassment issues.

### Hearing

1. As soon as possible but in any event within 14 days of being appointed, the Panel shall convene a hearing. The hearing shall be governed by such procedures as the Panel may decide, provided that:

- The complainant and respondent shall be given 10 days written notice of the day, time and place of the hearing;
- Members of the Panel shall select from among themselves a Chairperson;
- A quorum shall be all three Panel members;
- Decisions shall be by majority vote. If a majority vote decision is not possible, the vote of the Chairperson shall be the decision of the Panel;
- 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 shall be dismissed. If the respondent does not appear, the hearing shall proceed.

- The complainant and respondent may be accompanied by a representative or adviser. Should the complainant and/or respondent choose to have legal counsel, they shall be responsible for any costs incurred.

2. As soon as possible but in any event within 14 days of the hearing, the Panel shall present its findings in a report to the President (or Executive Officer who appointed the Panel) 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;
- If the acts constitute harassment; recommend disciplinary action against the respondent and recommend measures to remedy or mitigate the harm or loss suffered by the complainant.

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

### Discipline

In any situation where discipline for an individual or group associated with Ontario Sailing is deemed necessary, officials will ensure it is appropriate to the situation.

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

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
- Expulsion from membership
- Any measure stated in the Code of Conduct.

### Appeal Procedures

1. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel. A notice of intention to appeal, along with grounds for the appeal, must be provided within 14 days of the complainant or respondent receiving the Panel's report. It must be sent to the person identified in the internal dispute resolution process as defined below.

2. Permissible grounds for an appeal are:

- a) the Panel did not follow the procedures laid out in this policy;
- b) members of the Panel were influenced by bias; or
- c) the Panel reached a decision which was grossly unfair or unreasonable.

3. Internal Dispute Resolution Process

- a) When appealing a decision, the complainant or respondent also has an obligation to recognize the structure, responsibilities and authorities of the different committees within Ontario Sailing. As well, Ontario Sailing committees must understand that their actions may be reviewed and changed by a higher authority.
- b) Settlement of these disputes should be reached through an appeal procedure that conforms to the principles of fairness, justice and due process.
- c) The appeal must be provided to the next high authority. The head of that authority shall either convene a meeting of his or her committee or a subcommittee of three or more members. The person whose decision is being appealed shall not be a member of the reviewing panel. It is expected that an appeal should be decided within thirty days of receiving the written basis of the appeal.

d) The general process is as follows:

An appeal of an action by a member(s) of:	Appeal must be sent to	Appeal will be reviewed by
a specific committee	Ontario Sailing President	Ontario Sailing Executive Committee
Ontario Sailing Executive Committee	Ontario Sailing President	Ontario Sailing Board of Directors

e) The Ontario Sailing Board of Directors is the final authority of the Ontario Sailing. The decision of the appeal body shall be final.

***Reviewed and Approved by  
Ontario Sailing Board of Directors  
September 20<sup>th</sup> 2016***