



Harassment Policy

Scope

This policy applies to all individuals directly associated with Ontario Sailing, such as a team member, who encounter a harassment situation as defined below. The scope of the policy includes all situations regardless of physical location. This policy applies to all Ontario Sailing programs and organization functions including social events.

This policy will apply for any incident of harassment (or other major infractions) that take place between members of different clubs. In inter-club situations Ontario Sailing's Harassment Policy and Procedures will be followed to ensure impartial investigation.

Note this policy and associated procedures mirrors Ontario Sailing's Workplace Harassment Policy which applies to employees/volunteers and interactions with employees/volunteers.

Policy

Ontario Sailing is committed to providing a sport environment in which all individuals are treated with respect and dignity. Harassment will not be tolerated from any person associated with Ontario Sailing.

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

Sexual harassment means:

1. engaging in a course of vexatious comment or conduct against an individual 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 individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by a coach relating to the management and direction of athletes is not harassment.

Individuals are encouraged to formally report any incidents of harassment to the Executive Director or President of the Board. Should these individuals be inappropriate given the nature of the complaint any member of the Board of Directors is prepared to assist with formal reports of incidents of harassment. No one is to be penalized or disciplined for reporting an incident or for participating in an investigation involving harassment.

All complaints or incidents of harassment will be investigated and dealt with in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect individuals, to investigate the complaint or incident, to take corrective action or as otherwise required by law. Detailed information on the process of filing formal complaints and the investigation process are in the attached Harassment Procedures.



Harassment Policy

If an individual needs further assistance, he or she may always file an application with the Human Rights Tribunal of Ontario.

This policy will be reviewed annually and revised as needed by the Board of Directors.

*Board approved last: Sept 16 2019
Review date: 2022*

Operational Procedures

A. How to Report Harassment

Individuals can report incidents or complaints of harassment verbally or in writing. When submitting a written complaint, please use the Harassment Complaint Form (see attached). When reporting verbally, the reporting contact, along with the individual complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

1. Name(s) of the person who has allegedly experienced harassment and contact information
2. Name of the alleged harasser(s), position and contact information (if known)
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
5. Any supporting documents the staff/volunteer who complains of harassment may have in his/her possession that are relevant to the complaint.
6. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

B. Who to Report Harassment to

An incident or a complaint of harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a harassment incident or complaint to the Executive Director or President of the Board. If either of these individuals is the person engaging in the harassment, contact any member of the Board of Directors who will assist you in your complaint.

The Executive Director or President, based on the position of the alleged harasser, shall be notified of the harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the Executive Director or a member of the Board of Directors' Executive, an external person qualified to conduct a harassment investigation who has knowledge of the relevant harassment laws will be retained to conduct the investigation.



Harassment Policy

The President in partnership with the Executive Director and/or the Board's Executive will determine if the situation needs to be reported to any other governing body, this could include Sail Canada and/or local legal authorities.

All incidents or complaints of harassment shall be kept confidential except to the extent necessary to protect all individuals, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

3. Investigation

A. Commitment to Investigate

Ontario Sailing will ensure that an investigation appropriate in the circumstances is conducted when the Executive Director, President or a Board Member becomes aware of an incident of harassment or receives a complaint of harassment.

B. Who Will Investigate

Executive Director or President will determine who will conduct the investigation into the incident or complaint of harassment. If the allegations of harassment involve these individuals or a member of the Board Executive, Ontario Sailing will refer the investigation to an external investigator to conduct an impartial investigation.

C. Timing of the Investigation

The investigation will be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

D. Investigation Process

The person conducting the investigation will, at minimum, complete the following:

1. The investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator will thoroughly interview the individual who allegedly experienced the harassment and the alleged harasser(s), if the alleged harasser is involved with Ontario Sailing. If the alleged harasser is external, the investigator will make reasonable efforts to interview the alleged harasser.
3. The alleged harasser(s) will be given the opportunity to respond to the specific allegations raised. In some circumstances, the individual who allegedly experienced the harassment should be given a reasonable opportunity to reply.
4. The investigator will interview any relevant witnesses who may be identified by either the individual who allegedly experienced the harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator will make reasonable efforts to interview any relevant witnesses if there are any identified.



Harassment Policy

5. The investigator will collect and review any relevant documents.
6. The investigator will take appropriate notes and statements during interviews
7. The investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, and the allegations of the individual who allegedly experienced the harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether harassment was found or not.

E. Results of the Investigation

Within 10 days of the investigation being completed, the individual who allegedly experienced the harassment and the alleged harasser, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken to address harassment.

Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect individuals, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the individual who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or witnesses or other individuals unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

Handling Complaints

In the time frame after a complaint is received until the investigation report is received interim measures will be considered and taken if necessary. The Executive Director or President, based on the position of the alleged harasser, will work with both the individual who allegedly experienced the harassment and the alleged harasser, if he or she is actively involved with Ontario Sailing, to determine if any alternate situations needs to be put into place during the period of investigation. Neither the complainant nor the respondent shall suffer any penalty during the period of investigation.

During the period of investigation, the complainant shall not be compelled to attend a joint meeting.

Either party may request that an individual (who is not legal counsel) accompany them to the investigation meetings for support. The individual can only act as a silent witness.



Harassment Policy

Where the investigation finds that harassment arises from any individual associated with Ontario Sailing there will be consequences for the individual. Examples of possible consequences could include, but are not limited to, apologies, education, counseling, reprimands, suspension, expulsion depending on the nature or severity of the behavior and the circumstances.

4. Record Keeping

Ontario Sailing will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to the individual who allegedly experienced the workplace harassment and the alleged harasser,
5. a copy of any corrective action taken to address the complaint or incident of harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of harassment, take corrective action or otherwise as required by law.

Records will be kept for a minimum of three years or at least a year after the individuals are associated with the organization.

The Executive Director will review the procedures and program for handling harassment and sexual harassment complaints annually and all staff and volunteers will be trained in the policy and procedures.

Last reviewed: Sept 16 2019

Operational procedures are not approved by the Board of Directors. Operational procedures are approved by the Executive Director.