



## **HARASSMENT & ABUSE POLICY**

**Note: Any Mention of Football Canada is inclusive of Ontario Football Alliance and its membership.**

### **Policy**

It is the policy of Football Canada that there shall be no harassment, abuse or neglect, whether physical, emotional or sexual of any participant in any of its programs. Football Canada expects every parent, volunteer, and staff member to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment.

### **Scope of Jurisdiction**

Football Canada's policy on Harassment and Abuse sets out the principles and practices regarding harassment and abusive behaviour towards participants. Each Provincial and affiliate Association is responsible for adopting a similar policy and adapting it to provincial, regional or local requirements as appropriate.

### **Reference**

In applying its policy regarding Harassment and Abuse, Football Canada and its member association shall use "Speak Out... Act Now! A Guide to Preventing and Responding to Abuse and Harassment for Sport Clubs and Associations" - January 29, 1998 as its main reference in administering the program.

### **Purpose, Scope and Application of the Policy**

Football Canada is committed to providing a sport and work environment that promotes equal opportunities and prohibits discriminatory practices.

Harassment is a form of discrimination that is prohibited by human rights legislation in Canada. In its most extreme forms, harassment can be an offense under Canada's Criminal Code.

This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of Football Canada. It applies to harassment that may occur during the course of all Football Canada business, activities and events.

This policy shall not prevent a person in authority from taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes minor incidence of harassment.



## **Standard of Behaviour**

Harassment is defined as conduct that is insulting, intimidating, humiliating, offensive, or physically harmful. Types of behaviours that constitute harassment include, but are not limited to:

- Unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation
- Condescending, patronizing, threatening or punishing actions that undermine self-esteem or diminish performance
- Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- Unwanted or unnecessary physical contact including touching, patting, or pinching
- Any form of hazing
- Any form of physical assault
- Behaviours such as those described above that are not directed towards individuals or groups but have the effect of creating a negative or hostile environment
- In the case of minors, abuse and neglect as defined in Provincial/Territorial child protection legislation

## **Abuse and Neglect of Minors**

When any member has a reasonable belief that a minor is being abused or neglected, he/she shall report this belief to authorities, pursuant to the provisions of the Act and shall advise the Executive.

Football Canada shall take on further action until such time as child protection authorities and/or police have concluded their investigation.

The matter shall then be dealt with as a disciplinary matter pursuant to this policy, and the report of the investigation carried out by authorities may be used as evidence in these proceedings.

## **Receiving a Complaint**

A person who experiences harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known that the behaviour is unwelcome, offensive and contrary to this policy.

If confronting the harasser is not possible, or if after confronting the harasser the behaviour continues, the person who has experienced the harassment, who has witnessed the harassment or who believes that harassment has occurred should report the matter to an official of Football Canada. For purposes of this policy, an official is any person in a responsible staff or volunteer position with the organization.

Once an incident is reported, the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents or guardians of the incident (if the



person who has experienced the harassment is a minor), and assisting in an informal resolution of the complaint, where this is appropriate.

If the official considers that he or she is unable to act in this capacity, the complaint shall be referred to another official who is able and willing to assist.

### **Fact-Finding**

If informal resolution of the complaint is not appropriate or possible, and if the person who has experienced or witnessed the harassment, or believes that the harassment has occurred decides to pursue a formal complaint, the official shall receive this complaint and shall provide a copy to the Executive.

Once the complaint has been reported to the Executive, the official shall then gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint (the respondent) is made, and any witnesses who in the opinion of the official, might have relevant facts or observations about the incident.

In addition, to provide information to the official, the respondent shall have the opportunity to provide a written statement to the official, if he or she wishes.

The official shall summarize the results of the fact gathering in a written report.

Upon completion of the fact gathering stage, the official shall provide copies of the complaint and his/her factual report to the Executive of Football Canada.

### **Procedures for Reviewing Complaints**

Within seven (7) days of receiving these documents, the Executive shall decide if the complaint should be dealt with informally, in which case it shall direct the appropriate response and the matter shall be concluded.

If the Executive determines that the complaint should be dealt with by means of a hearing, it shall appoint three (3) individuals to serve on a Panel, and shall appoint one of these individuals to serve as the Chairperson of the Panel.

The Executive shall then, at its sole discretion, and having regard to the nature of the complaint and the potential seriousness of the outcome, determine which of the following procedures shall be used by the Panel to review the complaint:

- The Panel shall review the statement of the complainant, the documentation provided by the official and the statement of the respondent and shall render a decision.
- The Executive shall appoint an outside investigator who shall conduct a formal investigation of the incident and shall provide a written report to the Panel. The Panel shall consider the report, as well as the statements of the complainant and the respondent, and the report of the official, and shall then render a decision.



- The Executive shall appoint an outside investigator who shall conduct a formal investigation of the incident and shall provide a written report to the Panel. The Panel shall review this report at a hearing with the complainant and the respondent present, may ask questions of the complainant and respondent, and may allow the complainant and the respondent to ask questions of each other. Following the hearing, the panel shall render its decision.
- The Panel shall convene a hearing involving the complainant, respondent and witnesses. The parties shall have an opportunity to present evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the panel shall render its decision.

In holding a hearing, the Panel shall govern the hearing by such procedures as it may decide.

If at any point in these proceedings, the complainant becomes reluctant to continue, it shall be at the sole discretion of the Executive to continue the review of the complaint in accordance with this policy.

After reviewing and deciding any harassment matter, the Panel shall present its findings in a report to the Executive with a copy provided to both the complainant and the respondent. This report shall contain:

- A summary of the relevant facts;
- A determination as to whether the acts complained of constitute harassment or abuse as defined in this policy;
- Disciplinary action to be taken, if the acts constitute harassment or abuse; and
- Measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment or abuse.

### **Imposing Disciplinary Sanctions: Aggravating and Mitigating Circumstances**

In order to provide some guidance to those responsible for determining disciplinary sanctions and to provide some consistency to the application of sanctions, the following possible aggravating and mitigating circumstances, and other factors are to be considered when determining the appropriate sanction:

- The nature and severity of the harassment or abuse;
- Whether the harassment or abuse involved any physical contact;
- Whether the harassment or abuse was an isolated incident or part of an ongoing pattern of behaviour;
- The nature of the relationship between the complainant and harasser
- The age of the complainant;
- Whether the perpetrator has been involved in the previous harassment or abuse incidents;
- Whether the perpetrator admitted responsibility and expressed a willingness to change;
- Whether the perpetrator retaliated against the complainant.

### **Range of Sanctions**



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

- Verbal apology;
- Written apology;
- Letter of reprimand from Football Canada
- A fine or a levy;
- Referral to counseling;
- Removal of certain privileges of membership or employment;
- Demotion or a pay cut;
- Temporary suspension with or without pay;
- Termination of employment or contract;
- Expulsion from membership;
- Publication of the details of the sanction;
- Any other sanction that the Panel considers appropriate.

### **Failure to Comply with Sanctions**

Failure to comply with a sanction as determined by the Panel shall result in an automatic suspension from membership in Football Canada.

The Executive of Football Canada may determine that the alleged offense is of such seriousness as to warrant suspension of membership from Football Canada pending a review of the complaint.

### **Appeal Mechanism**

Both the complainant and the respondent shall have the right to appeal the decision of the Panel. A “Notice of Intention to Appeal”, along with the grounds for the appeal, must be provided to the Executive within 14 days of the complainant or respondent receiving the Panel’s report.

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 that could not be supported by the evidence, or that was grossly unfair or unreasonable.

The appeal shall be heard by the Executive, who shall base its decision on a review of the documentation surrounding the complaint, including the complainant’s and respondent’s statements, the report of the official, the report of the investigator and/or the report of the Panel and the notice of appeal.

In deciding the Appeal, the Executive 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.



The decision of the Appeal Body shall be final and binding, and not open to any further intervention by any court with the exception of a review in accordance of the rules of arbitration set out in “Alternate Disputes Resolution Program for Amateur Sport”.

### **Timelines**

In extraordinary circumstances, and at its sole discretion, the Panel may abridge or extend the timelines in this policy.

### **Confidentiality**

Football Canada recognizes the sensitivity and serious nature of harassment and abuse, and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Football Canada will do so. It is also the policy of Football Canada to allow publication of the decision of the Panel, where the acts complained of constitute harassment.