

SPORT DISPUTE RESOLUTION CENTRE OF CANADA

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SDRCC

# Anti-Harassment Policy

**Final Version**

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# Anti-Harassment Policy

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## 1. General Principles

The Sport Dispute Resolution Centre of Canada (the Centre) is committed to establishing a workplace free of harassment that fosters the self-esteem and dignity of all persons involved with the Centre.

The Centre's goal is to foster an environment based on understanding, cooperation and mutual respect. In order for this goal to be reached, it is essential that the Centre refuses to accept or tolerate behaviour that might reasonably be construed as harassment.

The Centre does not tolerate any form of harassment and assumes responsibility for protecting its stakeholders, irrespective of their race, ancestry, place of origin, colour, ethnic background, religion, citizenship, creed, gender, sexual orientation, physical or mental condition, age, pardoned conviction, and civil or family status, against any form of harassment arising from or connected to their interaction with the Centre.

The Centre will conduct a fair, timely and confidential investigation of any complaint or concern, ensuring that no retaliatory action is taken against a complainant acting in good faith.

## 2. Scope

This policy is applicable to complaints of harassment against the Centre's employees, arbitrators, mediators, members of the Centre's Investigation Unit, members of the Centre's board of directors (the "Board") and its volunteers in their conduct of activities associated with or arising from the Centre.

This policy is not applicable to complaints of harassment against parties, their representatives and witnesses involved in SDRCC proceedings or in investigations conducted by members of the SDRCC Investigation Unit.

## 3. Definition and Examples of Harassment

**"Harassment"** is generally defined as engaging in vexatious physical or verbal behaviour that is known or ought reasonably to be known to be unwanted or insulting, intimidating, humiliating, hurtful, malicious, derogatory, degrading or otherwise offensive to an individual or group and may include, without limitation, any of the following forms:

- (i) **"Verbal harassment"** which may include the use of vulgar or obscene language, racial slurs, degrading ethnic jokes and/or insults, inappropriate and unwelcome sexual remarks, implicit or explicit promises of reward for sexual favours, and/or acts or threats of reprisal or retaliation where such sexual advances are rejected.
- (ii) **"Physical harassment"** which may include practical jokes, acts of violence otherwise aggressive behaviour, or other similar types of unwelcome physical contact or actions.
- (iii) **"Sexual harassment"** which may include unwelcome, offensive or humiliating behaviour directed towards a person's sex or sexual orientation, any unsolicited or

gratuitous physical contact, or any physical interference with a person's work or movements. It also extends to questions or discussions about a person's sex life, comments related to a person's attractiveness, leering or other suggestive behaviour.

(iv) **"Visual harassment"** which may include obscene gestures or the display of offensive or degrading posters, caricatures, graffiti, photos, drawings or videos which are shown to a person or group or are displayed in clear view. Visual harassment that is sexual in nature constitutes sexual harassment.

## 4. Other Definitions

**"Complainant"** is the person who alleges harassment against another person subject to this policy.

**"Complaint Administrator"** is the person who initially receives the complaint and becomes responsible for the implementation of this policy. The Complaint Administrator may be the Chief Executive Officer, a member of the Executive Committee or the Safety Officer.

**"Hearing Committee"** is made up of three (3) members who may come from any field or background and must be neutral, independent of the parties involved, impartial and free of any conflict of interest. It is recommended that the committee members not be members of the Board, employees, volunteers, arbitrators or mediators of the Centre, or members of the Centre's Investigation Unit or have any affiliation with them.

**"Investigator"** is a person with experience in harassment cases and investigation techniques who is legally qualified to investigate complaints in the relevant jurisdiction and who is hired by the Complaint Administrator on behalf of the Centre to conduct a fact-finding investigation. The Investigator may be a member of the SDRCC Investigation Unit, if deemed appropriate by the Complaint Administrator.

**"Respondent"** is the person against whom harassment is alleged by the Complainant.

**"Retaliation"** constitutes any form of behavior as described under the definition of Harassment herein, displayed by the Respondent against a Complainant where a complaint was filed in good faith under this policy. Where retaliation is alleged prior to a final determination on the complaint, the retaliatory behavior may be brought to the attention of the Complaint Administrator, the Investigator or the Hearing Committee, as applicable. Retaliation taking place after the final determination of a complaint filed in good faith under this policy may be the object of a new complaint.

**"Safety Officer"** is a third party, independent from the Centre, designated by the Centre from time to time to receive a complaint directly from a Complainant, if the latter is uncomfortable raising the complaint with the Centre's Chief Executive Officer or a member of the Centre's Executive Committee.

**"Stakeholders"** include the Centre's employees, arbitrators, mediators, members of the Centre's Investigation Unit, members of the Centre's board of directors (the "Board") and its volunteer in the conduct of activities associated with or arising from the Centre, as well as parties, their representatives and witnesses involved in SDRCC proceedings.

## 5. Complaints and Procedures

The Centre encourages any person who is the target of Harassment (the “**Complainant**”) to inform the person harassing them (the “**Respondent**”) that the behaviour is unwelcome, offensive and contrary to this policy.

If it is impossible or difficult to inform the Respondent of the behaviour or if the behaviour persists after the Respondent has been informed, the Complainant of the alleged harassment should notify the Chief Executive Officer or a member of the Executive Committee, or the Safety Officer. The contact information for the Safety Officer shall be made available at all times on the Centre’s website under the “Contact Us” webpage and the Safety Officer shall be generally available during normal business hours on Eastern time.

The Complaint Administrator will meet with the Complainant and try to gain an understanding of the case on an unofficial, neutral and impartial basis.

One of three possible conclusions may be drawn from the meeting:

- (i) The behaviour does not constitute Harassment;
- (ii) The Complainant wishes to try to resolve the matter informally, through a meeting with the Respondent and either the Complaint Administrator or a neutral third party;
- (iii) The Complainant wishes to file an official complaint (a “**Complaint**”) with the Complaint Administrator.

The Complaint Administrator must then notify all members of the Executive Committee, with the exception of any member who has been identified as the Respondent by the Complainant, of the conclusion drawn from such meeting.

If an official Complaint is filed, the Complaint Administrator must then appoint an Investigator to investigate the Complaint. The Investigator will submit a written report with conclusions to the Complaint Administrator within a reasonable period of time. The report of the Investigator may include recommendations on the next steps.

The Complaint Administrator may determine, on his or her own or upon recommendation by the Investigator, whether the alleged behaviour is serious enough for the Respondent to be suspended pending the hearing and the Hearing Committee’s decision.

If the Investigator concludes that the behavior may constitute harassment and recommends that a hearing be held, the Complaint Administrator must appoint a Hearing Committee within ten (10) days of receiving the written report from the Investigator.

Within ten (10) days of its appointment, the Hearing Committee will meet and determine the procedure for the case at issue. The proceedings are normally conducted by conference call, unless all parties agree otherwise or the Hearing Panel, at its own discretion, determines that they will be conducted by documentary review, by videoconference, in person, or through any combination of those formats. Failure of the Respondent, the Complainant or any witness to appear at the hearing will not prevent the Hearing Committee from rendering a final decision on the matter.

In all cases, the Hearing Committee must render a decision on the Complaint, with its reasons, within thirty (30) days of its appointment by the Complaint Administrator. It must be a majority decision and include any penalty to be imposed.

## **6. Appeal**

Any party to the hearing may appeal the decision to the Centre pursuant to the Canadian Sport Dispute Resolution Code, as amended from time to time by the Centre's Board of Directors. Such appeal must be filed no later than thirty (30) days following the communication of the Hearing Committee decision.

## **7. Confidentiality**

The Centre recognizes that harassment is a sensitive and serious issue and will endeavour, to the extent permitted at law, to protect confidentiality in all matters pertaining to complaints and procedures.