

Harassment Policy

Final Version

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SDRCC

Harassment Policy

SDRCC

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1. General Principles

The SDRCC is committed to establishing a workplace free of harassment that fosters the self-esteem and dignity of all persons involved with the Centre.

All members and employees of the SDRCC have the right to be free from harassment. The SDRCC'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 every employee and member of the SDRCC refuse to accept or tolerate behaviour that might reasonably be construed as harassment.

The SDRCC does not tolerate any form of harassment and assumes responsibility for protecting all of its members and employees, 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 by any member or employee with whom they come into contact.

The SDRCC 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 concerning the SDRCC's employees, arbitrators, mediators, members of the SDRCC's board of directors, (the "Board") and its volunteers.

3. Definitions 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. Complaints and Procedures

The SDRCC 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 Executive Director or a member of the Executive Committee.

Upon receiving the initial complaint, the Executive Director or the member of the Executive Committee, as applicable, must notify all other members of the Board, with the exception of any member who has been identified as the Complainant.

The Executive Committee must then designate one or more of the Board members to 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 the Board members concerned;
- (iii) The Complainant wishes to file an official complaint (a **“Complaint”**) with the chair of the Board or, if the chair is the Respondent, with any other member of the Board (hereinafter referred to as the **“Administrator”**).

If an official Complaint is filed, the Administrator must then appoint a neutral person from outside the SDRCC to investigate the Complaint. The Investigator must have experience in harassment cases and investigation techniques. He or she will submit written conclusions to the Administrator within a reasonable period of time.

The Administrator may determine whether the alleged behaviour is serious enough for the Respondent to be suspended pending the hearing and the Hearing Committee’s decision.

Within ten (10) days of receiving the written report from the Investigator, the Administrator must appoint a Hearing Committee made up of three (3) persons. They 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 SDRCC or have any affiliation with them.

Within ten (10) days of the appointment, the Hearing Committee will meet and determine the procedure for the case at issue. The procedure may take a number of forms, including a meeting with one or more of the parties, a formal hearing or a conference call.

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 Administrator. It must be a majority decision and include any penalty to be imposed.

5. Appeal

Any party to the Hearing may appeal the decision to the Sport Dispute Resolution Centre of Canada, following the normal procedures. Such appeal must be registered no later than 15 days following the announcement of the decision.

6. Confidentiality

The SDRCC recognizes that harassment is a sensitive and serious issue and will endeavour to protect confidentiality in all matters pertaining to complaints and procedures.