

# POLICY

<b>DC-POL-03-CONDUCT AND HARASSMENT POLICY</b>	
Original Date: <b>January 12, 2019</b>	Reviewed/Last Modified Date: <b>April 14, 2019</b>
Approved By: <b>Board of Directors</b>	
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## DEFINITIONS

The following definitions are presented in the context of the DC Policy on Discrimination and Harassment:

- a. DC Participants: This Policy applies to all Members of Dodgeball Canada, where Members are defined to include board members, coaches, event group leaders, officials, athletes, team managers and team staff, program and tournament directors, administrators, volunteers, staff and contractors of the Association.
- b. Person in Authority: Any DC participant holding a position of authority over, or trusted by, a person who may be experiencing discrimination or harassment, and can include such persons as team leaders, coaches, trainers, medical or paramedical personnel, parents or other volunteers and supervisors.
- c. Anti-racism: a set of practices and systems designed to eliminate racism. Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviours, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable.
- d. Access: the ability of or extents to which communities or residents can attain needed services and achieve full participation in the planning, development, administration and delivery of those services. Access includes client access and organizational access.

e. **Equity:** practices designed to remove systemic barriers to equality of outcome by identifying and eliminating discriminatory policies and practices.

f. **Discrimination:** the act of treating a person unequally by imposing unequal burdens or denying benefits, rather than treating a person fairly on the basis of individual merit. Discrimination is usually based upon personal prejudices and stereotypical assumptions related to at least one of the grounds set out in this Policy. It is not necessary to have an intent to discriminate under the Code. Workplace rules, policies, procedures, requirements, qualifications or factors may not be directly or intentionally discriminatory but may nonetheless have an adverse effect. This may create barriers to achievement and opportunity.

g. **Harassment:** a course of conduct of comments or actions that are unwelcome or should be known to be unwelcome. A person has the right to be free of humiliating or annoying behaviour that is based on one or more grounds in the Code.

## **BACKGROUND**

Harassment is a form of discrimination and is prohibited by the Canadian Charter of Rights and Freedoms and by Human Rights legislation in every province and territory of Canada.

Harassment/discrimination is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.

Dodgeball Canada is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices.

## **PURPOSE**

Dodgeball Canada (hereafter referred to as DC) prohibits discrimination or harassment and protects the right to be free from hate activity based on age, ancestry, citizenship, creed (religion), colour, disability, ethnic origin, family status, gender identity, level of literacy, marital status, place of origin, membership in a union or staff association, political affiliation, race, receipt of public assistance, record of offences, sex, sexual orientation or any other personal characteristic by or within the organization.

For the purposes of this policy, equity-seeking groups include Aboriginal/First Nations people, women, people with disabilities, racial minorities, the socio-economically disadvantaged, lesbian, gay, bisexual, and transgendered persons.

## **APPLICATION AND SCOPE**

1. This Policy on Discrimination and Harassment applies to all DC Participants, which include all persons engaged in any paid or volunteer capacity with DC or otherwise under the jurisdiction of DC.
2. DC's Policy on Discrimination and Harassment will apply to DC Participants at all times during the course of their work in sport and also during other activities where their conduct may affect the sport environment.
3. This policy will also apply to but not limited to their conduct through online avenues and social media platforms.

### **Prohibited Grounds of Discrimination**

The prohibited grounds of discrimination under the DC Policy on Discrimination and Harassment are as follows:

- a. Age (other than being a criterion of entry into an event).
- b. Ancestry.
- c. Citizenship (other than being a criterion for representing Canada in an event).
- d. Colour.
- e. Creed.
- f. Disability.
- g. Ethnic origin.
- h. Language (but not where a language is a qualification for employment or office).
- i. Marital/family status (defined to include common-law relationships and to not preclude anti nepotism policies).
- j. Place of origin.
- k. Political opinion.
- l. Race.

- m. Religion.
- n. Sex (other than being a criterion of entry into an event).
- o. Sexual orientation.

DC's Policy also applies to any other type of discrimination as prohibited by applicable law, including harassment, abuse of authority, sexual harassment, reprisal, or an act of condoning discrimination.

### **Harassment**

Harassment is a form of discrimination and refers to conduct associated with a prohibited ground that affects the sport environment or leads to adverse consequences within that environment for the person(s) experiencing the harassment, which the perpetrator knew or ought reasonably to have known would be unwelcome.

DC Participants and Persons in Authority must refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious.

Examples of harassment include:

- a. Unwelcome remarks, jokes, nicknames, innuendo, or taunting linked to a prohibited ground, such as a person's age, sexual orientation, race, ancestry, political opinions, etc.
- b. Written or verbal abuse or threats linked to a prohibited ground.
- c. Racial or ethnic slurs.
- d. Displays which may cause offence and are related to prohibited grounds, such as sexual, racial, ethnic or religious posters or graffiti.
- e. Use of terminology that reinforces stereotypes based on prohibited grounds.
- f. Vandalism or physical assaults motivated by prohibited grounds.
- g. Condescension, paternalism, or patronizing behaviour linked to prohibited grounds which undermines self-respect or adversely affects performance or working conditions.

### **Sexual Harassment:**

DC Participants and Persons in Authority must refrain from any behaviour that constitutes sexual harassment, where sexual harassment is defined as unwelcome sexual advances or conduct of a sexual nature, when submitting to or rejecting this conduct influences decisions which affect the individual, such conduct has the purpose or effect of diminishing performance, or such conduct creates an intimidating, hostile or offensive environment.

Specific examples of sexual harassment can include:

- a. Criminal conduct such as stalking, and physical or sexual assault or abuse.
- b. Inappropriate comments about a person's body or appearance.
- c. Unwelcome inquiries or comments about an individual's sex life, sexual preferences, etc.
- d. Leering or other obscene or suggestive gestures.
- e. Promises or threats contingent on the performance of sexual favours.
- f. Sexual/sexist graffiti or any displaying of sexually explicit material or pictures.
- g. Unwanted physical contact including touching, kissing, patting and pinching.
- h. Unwelcome flirtation, sexual remarks, invitations or requests whether indirect or explicit.
- i. Use of inappropriate or derogatory sexual terms.

### **Abuse of Authority**

Abuse of authority may be considered a form of harassment where the bounds of discipline are overstepped. While discipline in training is an essential part of high-performance sport and should not be confused with discrimination or harassment, it is nevertheless of vital importance that those in authority:

- a. Set and communicate non-discriminatory performance standards, selection criteria, rules and regulations to all participants.
- b. Ensure that training involving touching or other physical contact occurs in an appropriate setting, and only after informed consent has been sought and received.
- c. Be consistent in taking any corrective or punitive action without discrimination or harassment based on prohibited grounds.

d. Use non-discriminatory terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

## **Reprisal**

Reprisals or threats of reprisal are an aggravating factor in any situation involving discrimination or harassment, particularly where the reprisal or threat of reprisal is by a person in authority.

Examples of reprisal include:

- a. Acts of retaliation designed to punish an individual who has reported discrimination or harassment.
- b. Threats of retaliation designed to dissuade an individual from reporting discrimination or harassment.

In sexual harassment situations, reprisals can also include:

- a. Acts of retaliation to punish an individual who has rejected sexual advances.
- b. Threats of retaliation if sexual advances are rejected

For the purpose of this policy, the making of a groundless complaint shall also be deemed a reprisal.

## **Condoning of Discriminatory Practices**

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions under this policy.

## **Prevention and Intervention**

Prevention and intervention are key to achieving a sport environment free of discrimination and harassment. DC must present a positive role model and therefore DC participants should:

- a. Communicate the DC's objective of creating and maintaining a sport environment free of harassment and discrimination.
- b. Exercise good judgment and initiate appropriate action in consultation with the proper DC official, if they become aware that discrimination or harassment may have occurred.

c. Follow-up in consultation with a DC official if discrimination or harassment is suspected or rumoured, acknowledging that individuals who experience discrimination or harassment are often reluctant to report it.

### **Reporting an Infraction**

The complaint procedures are defined in the DC Dispute Resolution Policy which should be referred to by all parties to a complaint. Disciplinary procedures shall follow the process as described within Articles 16 and 40 of the Dodgeball Canada Bylaws.

Any dispute involving civil or criminal actions will not be considered. If during an investigation of a dispute there are reasonable grounds to suspect illegal or criminal activity, the case will be immediately suspended and referred to the appropriate authorities.