



Harassment Policy

Note: The term “complainant” in this policy refers to an individual who experiences harassment, even though not all those who experience harassment will submit a formal complaint. The term “respondent” refers to the individual whom a complaint is made against.

POLICY STATEMENT:

1. The Canadian 5 Pin Bowlers’ Association (“C5PBA”) 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 that promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination and the C5PBA is committed to providing an environment free from harassment on the basis of race, nationality or ethnic origin, religion, age, gender, sexual orientation, gender identity, gender expression, marital status, family status, or disability. Harassment on the basis of any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada.
3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada’s *Criminal Code*.

APPLICATION:

4. This policy applies to all categories of members in the C5PBA as well as to all C5PBA employees, directors, officers, volunteers, coaches, athletes, officials and members of the C5PBA.
5. This policy applies to harassment that may occur during the course of all C5PBA business, activities, and events or when such harassment adversely affects relationships within the C5PBA’s work and sport environment.
6. Harassment arising within the business, activities and events of clubs or other organizations affiliated with the C5PBA will be addressed using the policies and mechanisms of such organizations.

DEFINITIONS:

7. Harassment can generally be defined as a comment or conduct, directed towards an individual, group of individuals or the C5PBA as a whole, which is insulting, intimidating, humiliating, malicious, degrading or offensive. Types of behaviour which constitute harassment include, but are not limited to:
 - a. Written or verbal abuse or threats;
 - b. The display of visual material which is offensive or which one ought to know is offensive;

- c. Unwelcome remarks, jokes, comments, innuendo or taunts
 - d. Leering or other suggestive or obscene gestures;
 - e. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - f. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - g. Any form of hazing;
 - h. Unwanted physical contact including, but not limited to, touching, petting, pinching or kissing;
 - i. Unwelcome sexual flirtations, advances, requests or invitations;
 - j. Physical or sexual assault;
 - k. Behaviours such as those described above that are not directed toward a specific individual or group but have the same effect of creating a negative or hostile environment;
 - l. Retaliation or threats of retaliation against an individual who reports harassment; or
 - m. Retaliation or threats against an individual based on difference of opinion.
8. For the purposes of this policy, *sexual harassment* is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:
- a. Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - b. Such conduct has the purpose or effect of interfering with an individual's performance; or
 - c. Such conduct creates an intimidating, hostile or offensive environment.

CONFIDENTIALITY:

9. The C5PBA recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. The C5PBA recognizes the interests of both the complainant and the respondent in keeping the matter confidential, except where such disclosure is required by law or is in the best interest of the public.

COMPLAINT PROCEDURE:

10. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this policy.
11. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the Complainant can submit a complaint to a C5PBA Harassment Officer.
12. If a person is uncomfortable reporting to the C5PBA Harassment committee, they may contact the independent third-party officer of the Bowling Federation of Canada.
13. Upon receipt of a complaint, the role of the Harassment Officer is to receive the complaint, review it and/or assist in an informal resolution. If the Harassment Officer considers that he or she is unable to act in this capacity, the Complainant will be referred to another C5PBA Harassment Officer.
14. There are three possible outcomes to the review by the Harassment Officer:
- a. It may be determined by that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;

- b. The Complainant may decide to pursue an informal resolution of the complaint, in which case the Harassment Officer will assist the complainant and respondent to negotiate an acceptable resolution of the complaint; or
 - c. The Complainant may decide to lay a formal written complaint, in which case the Harassment Officer will appoint a Panel to hear and decide the complaint.
15. The Harassment Officer may determine that the alleged conduct is of such seriousness as to warrant suspension of the individual from C5PBA pending the hearing and decision.
16. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by a C5PBA representative in a position of authority, provided the individual being disciplined is told the nature of the infraction, and has an opportunity to provide information concerning the incident. In such situations, sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy.
17. This policy will not prevent a person in authority to take immediate, informal corrective disciplinary action in response to behaviour that, in his or her view, constitutes harassment.

HEARING:

18. If the Complainant decides to lay formal written complaint, the Harassment Officer will establish a Panel consisting of 1-3 Adjudicators to hear the complaint.
19. The Harassment Officer and/or the Panel will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Harassment Officer and the Panel deem appropriate in the circumstances, provided that:
- a. The hearing will be held within the appropriate timeline determined by the Harassment Officer.
 - b. The Parties will be given appropriate notice of the day, time and place of the hearing.
 - c. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing in accordance with the appropriate timeline.
 - d. Both Parties may be accompanied by a representative or adviser, including legal counsel.
 - e. The Panel may request that any other individual participate and give evidence at the hearing.

DECISION:

20. After hearing the matter, the Panel will determine whether harassment has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Harassment Officer and the C5PBA within fourteen (14) days of the conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Panel.
21. Where the Respondent acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
22. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.
23. In fulfilling its duties, the Panel may obtain independent advice.

RELUCTANT COMPLAINANT:

24. If at any point during the proceedings under this policy, the Complainant becomes reluctant to continue, it will be at the sole discretion of the C5PBA to continue the review of the complaint in accordance with this policy. In such instances, the C5PBA may take the place of the Complainant.

SANCTIONS:

25. The Panel may consider the following options, singularly or in combination, depending on the nature and severity of the harassment:

- a. Verbal or written apology;
- b. Letter of reprimand from the C5PBA;
- c. Removal of certain privileges;
- d. Service or other voluntary contribution;
- e. Suspension from certain teams, events and/or activities;
- f. Temporary suspension;
- g. Expulsion from membership; and
- h. Any other sanction that the Panel considers appropriate in the circumstances.

26. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.

27. The C5PBA will keep records of cases that result in discipline being applied.

APPEALS:

28. Both the complainant and respondent will have the right to appeal the decision in accordance with the C5PBA's Appeal Policy.