



FIELD HOCKEY CANADA HARASSMENT POLICY

PREAMBLE AND PURPOSE

1. FIELD HOCKEY CANADA is committed to providing a sport and overall environment which promotes equitable opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in each province of Canada.
3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada's Criminal Code.

SCOPE AND APPLICATION

4. This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of FIELD HOCKEY CANADA. It applies to harassment which may occur during the course of all FIELD HOCKEY CANADA business, activities and related events.
5. Harassment arising within the business, activities and events of clubs, provincial associations or affiliates of FIELD HOCKEY CANADA shall be dealt with using the policies and mechanisms of such organizations.

DEFINITIONS

6. *Harassment* can generally be defined as comment or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, bullying, humiliating, malicious, degrading or offensive.
7. 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.
8. 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 taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
 - d) leering or other suggestive or obscene gestures;
 - e) condescending, paternalistic 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) unwanted physical contact including touching, petting, pinching or kissing;
 - h) unwelcome sexual flirtations, advances, requests or invitations;
 - i) physical or sexual assault.

CONFIDENTIALITY

9. FIELD HOCKEY CANADA 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. FIELD HOCKEY CANADA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

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 should contact the Executive Director.
12. Once contacted by a complainant the role of the Executive Director is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution.
13. There are three possible outcomes to this meeting between the complainant and Executive Director:
- a) *It may be determined 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 Executive Director, or a third party as determined by the Executive Director, will assist the two parties to negotiate an acceptable resolution of the complaint; or*
 - c) *The complainant may decide to lay a formal written complaint submitted to FIELD HOCKEY CANADA's Executive Director or President, in which case the Executive Director shall advise the President of FIELD HOCKEY CANADA, who shall appoint an independent individual to conduct an investigation of the complaint.*
14. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques outside of the organization. He or she shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President.
15. Within 7 days of receiving the written report of the Investigator, the President, or delegate, shall appoint three persons to serve as a Panel.
16. At the discretion of the Executive Director, the investigation may be waived and the three person panel appointed within 7 days of receipt of a formal complaint.

HEARING

17. A Hearing shall take place in accordance with the process set out in FIELD HOCKEY CANADA's Discipline Policy, provided that:
- a) The complainant and respondent shall each receive a copy of the Investigator's report.
 - b) Both parties shall be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel.
 - c) The Investigator may attend the hearing at the request of the Panel.
18. As soon as possible but in any event within 21 days of the hearing, the Panel shall present its decision to the President, with a copy provided to both the complainant and respondent. This decision shall contain:
- a) a summary of the relevant facts;
 - b) a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - c) disciplinary action against the respondent, if the acts constitute harassment; and
 - d) measures, if any, to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.



19. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, their decision may direct disciplinary action against the complainant.

DISCIPLINE

20. When determining appropriate disciplinary action, the Panel shall consider factors such as:
 - a) the nature and severity of the harassment;
 - b) whether the harassment involved any physical contact;
 - c) whether the harassment was an isolated incident or part of an ongoing pattern;
 - d) the nature of the relationship between the complainant and harasser;
 - e) the age of the complainant ;
 - f) whether the harasser had been involved in previous harassment incidents;
 - g) whether the harasser admitted responsibility and expressed a willingness to change;
 - h) whether the harasser retaliated against the complainant.
21. In recommending disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
 - a) verbal apology;
 - b) written apology;
 - c) letter of reprimand from the organization;
 - d) a fine or levy;
 - e) referral to counseling;
 - f) removal of certain privileges of membership or employment;
 - g) temporary suspension with or without pay;
 - h) termination of employment or contract;
 - i) expulsion from membership.
22. Both the complainant and respondent shall have the right to appeal the decision of the Panel, in accordance with FIELD HOCKEY CANADA's Appeal Policy.



Note #1: For convenience, this policy uses the term “complainant” to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term “respondent” refers to the person against whom a complaint is made.

Note #2: Field Hockey Canada Harassment Officers

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Rachel helps sport organizations manage risks by providing consulting services in planning, policy development and risk management. As a 'change agent', she works with national sport bodies on major governance, strategic planning and restructuring initiatives. In addition to facilitating the change process, Rachel also drafts clear and concise governing documents to implement planned changes. She helps sport managers adapt to change and deal with the legal and quasi-legal issues and problems that they face on a daily basis. Rachel delivers numerous workshops and seminars across the sport industry, and is a lecturer in several subjects at Brock University. She is the principal author of the Centre for Sport and Law's ten volume handbook series on sport risk management. Please feel free to contact Rachel at rmc@sportlaw.ca.

Steven J. Indig, BRec, LLB Steve is a lawyer based in Toronto and is also a certified agent for professional athletes. In a short period of time, Steve has worked with numerous national and provincial sport organizations providing consulting services relating to governance, policies, disputes, investigations and privacy. In addition, he has acted as an adjudicator on issues relating to eligibility, conduct of athletes and membership. Steve has significant first-hand knowledge of sport from participating in basketball, competitive swimming, coaching with the Vaughan Aquatic Club and refereeing basketball. Please feel free to contact Steve at sji@sportlaw.ca.

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