

# Water Ski Manitoba Harassment Policy

Approved: June 2001

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## INTRODUCTION

Water Ski Manitoba is committed to promoting a policy in which the terms and conditions of participation are equitable and non-discriminatory. Each participant has the right to be treated with dignity and respect and to work and play in a milieu conducive to productivity, self-development and performance advancement based upon individual ability. It is WSM's intention to foster a sport environment free of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offense.

WSM, like the community at large, is becoming increasingly diverse. It includes people of different genders, races, cultures and backgrounds. We must all work together to eliminate the barrier to equality that is caused by harassment.

Harassment is a serious problem. It creates a hostile environment, undermines self-respect and contributed to low morale, poor performance and high turnover.

All athletes, coaches team managers, officials, board members, committee members and staff have a shared responsibility to understand harassment and its ramifications, and to ensure that all reasonable steps are taken to realize the goal of a harassment free sport environment.

## Definition of Harassment

Harassment takes many forms but can generally be defined as behavior including: comments and/or conduct which is insulting, intimidating, humiliating,, hurtful, malicious, degrading or otherwise causes offense or discomfort to an individual or groups of individuals. Harassment may include:

- \* written or verbal abuse or threats
- \* Racial or ethnic slurs.
- \* unwelcome remarks, jokes innuendo, or taunting about a person's body, attire, age martial status, ethnic or racial origin and religion.
- \* sexual, racial, ethnic or religious graffiti
- \* practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance.
- \* unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation.
- \* leering or other obscene or offensive gestures.
- \* condescension, paternalism, or patronizing behavior which undermines self-respect or adversely affects performance or working conditions.

- \* physical conduct such as touching, kissing, patting and pinching.
- \* vandalism.
- \* physical assault.

### *Sexual Harassment*

There are three types of sexual harassment:

#### 1) Unwelcome Behavior

This is the most prevalent form of sexual harassment. It includes:

- \* inappropriate sexual comments about a person's body or appearance.
- \* use of inappropriate or derogatory sexual terms.
- \* inquiries or comments about an individual's sex life, sexual preference, etc.
- \* sexual/sexist graffiti.
- \* spreading rumors about an individual's sex life, sexual preference, etc.
- \* unwanted touching, patting or leering

#### 2) Sexual Advance

Occurs when any person in a position of authority threatens to use or uses that authority to retaliate against an individual who has rejected his or her sexual advance. This would include dropping an individual from a team because that individual refused a "proposition".

### *Child Abuse*

**The Manitoba Child and Family Services Act** defines abuse as an act or omission of a parent or guardian of a child or of a person having care custody, control or charge of a child where the act or omission result in:

- \* Physical injury to the child
- \* Emotional disability of a permanent nature in the child or is likely to result in such a disability.
- \* sexual exploitation of the child with or without the child's consent.

The focus of the legislation includes situations involving a parent, guardian, teacher, baby-sitter, day care worker, coach, group leader or anyone in a position of trust with the child.

#### **Neglect:**

Neglect occurs when a primary caregiver endangers a child's welfare by failing to provide for physical, emotional or medical needs.

#### **Physical Abuse:**

Physical abuse is any intentional non-accidental injury of a child.

### **Emotional Abuse:**

The damaging by whatever means, of a child's self-image by an adult responsible for the child's nurturing or learning, resulting in a decrease in the child's feeling of personal worth, and thus in his ability to love, to trust and to feel at one with the human race.

\*Emotional disability is extremely difficult to define and prove, especially when dealing with the relationships between coach and participant, participant and participant, etc. (i.e. most relationships found in a sport and recreational environment). The attached procedures do not deal with this issue because of the difficulties involved in definitely identifying emotional disability.

### **Sexual Abuse:**

Sexual abuse is the use of a child for sexual purpose by an adult, or the allowing of such use of a child by a parent, caretaker, or legal guardian. It includes any manual, oral or genital sexual contact or the use of an object for sexual touching or penetration or any other explicitly sexual behavior that an adult imposes on a child by exploiting the child's vulnerability and powerlessness.

Sexual abuse is both a child welfare matter and a criminal offense. Any allegation or suspicion of sexual abuse must be reported to Child and Family Services and the police.

### **Child Abuse Registry**

The Director of Child and Family Services maintains a child abuse registry. The child and Family Services Act, Articles 19(1) to Article 19.5(1) outlines reporting procedures, appeal procedures, etc.

See Appendix A for further details and reporting procedures.

### ***Racial Harassment***

Racial slurs, jokes or name calling based on race, ancestry, place of origin, colour, ethnic origin and creed (or religion) are the most common form of racial harassment. Examples include:

- \* use of terminology which reinforces stereotypes.
- \* racial, ethnic or religious jokes.
- \* use of racially derogatory nicknames.
- \* making "fun" of individuals or discounting their abilities because of their racial or ethnic origin.
- \* racist, ethnic or religious graffiti or the display of racist material.

Racial harassment also includes racially motivated behavior. For example: Individuals may be subjected to practical jokes because of their racial or ethnic background although the jokes themselves do not include a reference to race or ethnicity; as well individuals may be told to "go back where you came from" or that they are "not welcome in Canada". Such behavior constitutes racial harassment.

Racial harassment can be both direct and indirect. The behavior, including comments and/or conduct, can be acted out in the presence of the individual against whom it is targeted. Racial harassment can also occur when the targeted individual or individuals are not present.

Racial slurs, jokes and name calling are inappropriate and illegal. Racial harassment can and does create stress, endangering and individuals health, morale and performance, arousing anger and frustration, creating an atmosphere which gives rise to other forms of discrimination, and undermines relations between individuals.

### *Poisoned Sport Environment*

The presence of annoying and distressing elements in the sport environment can also constitute harassment.

A poisoned sport environment includes:

Work or sports sites where material that denigrates a person or group by virtue of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or record of offense is openly displayed. (Sexually explicit posters and racial/racist cartoons for example).

Work or sports groups, where name calling that denigrates a person/group is part of the normal course of activities.

A poisoned sport environment constitutes harassment, whether or not individuals complain.

### *Intentional/Unintentional Harassment*

Behavior which constitutes harassment can be intentional or unintentional. Intentional behavior can stem from hatred or fear. Unintentional behavior often stems from ignorance but may still constitute harassment. This behavior can be changed through education—simply informing the individual that the behavior is offensive. Intentional behavior is more difficult to deal with.

### *The Sport Environment*

WSM's Harassment Policy is directed toward the protection of individuals from harassment at all times. This includes during the course of their work in sport and also recreation or social; activities in off hours where contact between individuals might lead to repercussions adversely affecting working relationships.

### *Training and Discipline*

Persons in authority have the responsibility not to harass any individual. It must be recognized that disciplined training is an indispensable part of high performance sport. Such discipline should not be confused with harassment. However it is of vital importance that those in authority:

- \* Communicate performance standards, rules and regulations to all participants.
- \* be fair and consistent in taking corrective action and in applying discipline.
- \* avoid favoritism.
- \* use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

Prevention and intervention are key to achieving a harassment-free environment. Persons in authority must present a positive role model. Therefore:

- \* They must show that they take the issue seriously. They must communicate WSM's objective to create and maintain a harassment-free environment.

- \* If they observe a behavior such as racial name calling, sexual or racist jokes, the display of sexual explicit, racist or other offensive or derogatory material, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint.
- \* They should investigate if harassment is suspected or rumored. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labeled a troublemaker or of reprisal.
- \* They should take all complaints of harassment seriously and respond appropriately in accordance with WSM's harassment complaint and investigation procedures.

Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known that harassment was occurring and they failed to take corrective action they may be considered party to the harassment.

### Complaint Handling

The overall objective of WSM's Harassment Policy is to create and maintain a harassment-free sport environment. To achieve this, individuals within WSM's sphere of influence who experience harassment must be encouraged to take action. They must have the confidence that the Board of Directors will support them by taking complaints seriously and responding in a sensitive, effective and timely manner.

### Reporting Incidents of Harassment

Harassment rarely ceases on its own. Silence and inaction are often interpreted as acceptance or consent resulting in continued harassment. Those who are victimized by or aware of harassment have a responsibility to report it.

In some cases, harassment is "unintentional" and can be stopped by informing the harasser(s) that the behavior is offensive.

However, for many individuals, confronting the harasser(s) on their own is not an option. They would feel uncomfortable or might place themselves in a threatening or dangerous situation. They must be reassured of the existence of an effective procedure.

### Complaint Investigation and Resolution

Once a complaint is reported, immediate action will be taken as follows:

- \* the documented complaint must be forwarded to the President who will inform the Management Committee as quickly as possible.
- \* or if at a Provincial/National Event, the documented complaint must be forwarded to the Team Manager or coach, who will inform the President as quickly as possible.
- \* the President or the Management Committee will appoint a tribunal to investigate the incident(s). A tribunal may consist of one or more persons.
- \* or if at a Provincial/National event, the Team Manager or Coach, may, after discussions with the President, appoint a tribunal to investigate the incident(s)
- \* the documented complaint must be forwarded to the chair of the tribunal.

All complaints of harassment must be investigated by the appointed tribunal to determine the nature and circumstances of the incident(s) and to determine appropriate resolution.

### Responding to a Complaint

#### STEP ONE: Receiving a complaint

The person receiving the complaint must:

- \* understand and be sensitive to the impact of harassment on the victim. The experience can be and often is intimidating, demoralizing and threatening.
- \* reassure the complainant, advising that WSM does not tolerate harassment and will do everything within its power to ensure a harassment-free sport environment.
- \* ask the individual to provide details of the incident or incidents, including dates, time locations, description of action, account of dialogue, the name of the harasser(s) and any witnesses or names of other individuals who may also have been harassed. Has any action been taken? Has the harasser been confronted or has the harassment been previously reported?
- \* carefully document the complaint and review the details with the complainant to ensure accuracy. Attach any documentation or other supporting material.
- \* immediately forward all documentation to the President or, where applicable to the Team Manager/Coach.

It is the responsibility of the President or the Team Manager/Coach to ensure that an investigation is undertaken.

#### STEP TWO: Complaint Investigation

**ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN A THOROUGH AND UNBIASED MANNER. IN DEALING WITH BOTH THE COMPLAINANT AND THE RESPONDENT IT IS IMPORTANT TO BE OBJECTIVE. COLLECT ALL THE FACTS BEFORE DRAWING ANY CONCLUSIONS.**

The tribunal should first review the facts with the complainant to verify accuracy. Additional information will be documented. During this interview any questions the complainant may have regarding the investigation process will be answered.

If the complainant has named a harasser or harassers, the first step in the investigation process is to inform the alleged harasser(s) (or respondent) of the complaint. If more than one individual has been named, separate interviews will be conducted. The tribunal will:

- \* advise the alleged harasser(s) of the complaint.
- \* explain that WSM is committed to providing a harassment-free sport environment and does not tolerate inappropriate behavior.
- \* advise the respondent of the investigation procedure and what steps will be taken next.
- \* document the response to the complaint, Review the details of the statement in order to ensure accuracy and ask the respondent sign the response.

In order to determine whether or not the incident(s) took place and who was involved, it may be necessary for the tribunal to interview any witness named by either the complainant or the respondent. If there is more than one witness, they will be interviewed individually. The tribunal will:

- \* advise the witness that a complaint has been received and that they were named.
- \* inform the witness of the WSM Harassment Policy and assure the individual that he or she will be protected from any reprisal which could result from the participation in the investigation.
- \* document the statement of the witness and review it to ensure accuracy.

If there are no witnesses named, it may be necessary for the tribunal to interview other individuals involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, individuals will be advised of WSM's Policy on Harassment, and assured of freedom of reprisal. The interview(s) will be documented.

Before concluding the investigation, the tribunal will consider the following:

- \* did the harassment occur? If it didn't, is there reason to proceed against the claimant? In either event was there one incident or a series of incidents?
- \* what was the nature of the harassment? Did it constitute an infraction of the Canadian Human Rights Code? Do not consider factors unrelated to the complaint.
- \* did the harasser(s) admit to or deny the behavior?
- \* if the harasser(s) admitted to the behavior was there an indication of a willingness to change?
- \* has anyone else experienced similar harassment?
- \* is this the first complaint against the harasser(s) or have there been previous complaints?  
Describe the nature of previous complaints.

The tribunal will contact the President or where applicable the Team Manager/Coach to review the investigation results and the conclusions to determine if further investigation is required.

### STEP THREE: Complaint Resolution

The intent of WSM's Harassment Policy is to provide all individuals in the sphere of WSM's influence with a harassment-free environment. This can be accomplished through prevention and effective complaint resolution. In resolving the complaint the goal is to eliminate the harassment.

In many cases, the first incident of harassment is unintentional and the harasser(s) is unaware that the behavior is inappropriate and offensive. Resolution in these cases can be accomplished through education. The tribunal will:

- \* inform the harasser(s) that the behavior is inappropriate, in contravention of the WSM Policy and the Canadian Human Rights Act and must cease.
- \* ask for an apology from the harasser(s) and, if agreeable to the claimant, arrange a face to face meeting between the parties to effect the resolution. If a face to face meeting is not possible, a written apology will be obtained.
- \* advise both the complainant and the respondent(s) that a recurrence of the behavior will result in the need for corrective action.

These last two points are critical as they lay the necessary groundwork for progressive discipline should the harassment continue.

All disciplinary action is left to the discretion of the investigative tribunal. Action may include termination of the offender's association with WSM and/or its Teams.

Where resolution requires disciplinary action, it must be approved by the President who will inform the Executive Board.

#### STEP FOUR: Follow up

Follow-up is a critical component of effective complaint resolution. The purpose of following-up with the complainant is 1) to ensure that the harassment has stopped, 2) to ensure that there are no instances of reprisal and 3) to ensure the complainant of ongoing support. In resolving a complaint, set the stage for follow-up. The tribunal will:

- \* inform the complainant that action has been taken to correct the situation. The complainant may request details, but the release of such information may not be appropriate. The intent of WSM's Policy on Harassment is to eliminate harassment. In other words - corrective not punitive.
- \* advise the complainant to immediately report a further incident and any incident of reprisal.
- \* determine a follow-up plan with the complainant. Carry out the follow-up and document the follow-up interviews.

Initially, the tribunal may want to follow-up on a frequent basis, extending that period over time. In most cases, follow-up should occur periodically over a minimum 6 month period from the date of the resolution.

#### Discipline

Harassment is a serious offense and it is also a serious offense to falsely accuse someone of harassment. In both cases, resolution will require that appropriate disciplinary action be taken. When discipline is considered, there must be just case. The results of the investigation must indicate that there is reason to believe that the alleged harasser(s) committed harassment. The disciplinary action taken must also be appropriate in the circumstance and can range from a verbal warning to withdrawal of WSM services.

The investigative tribunal is responsible for deciding what kind of discipline is appropriate. When deciding on appropriate disciplinary action the following factors will be considered:

- \* the nature of the harassment - verbal or physical.
- \* the degree of aggressiveness
- \* the ongoing nature of the harassment. The number of incidents and/or the time period of the harassment.
- \* the nature of the relationship between the complainant and the harasser. Coach/athlete? Co-members of a Committee? Co-members of a Team, etc.?
- \* disciplinary action for previous similar incidents.
- \* cooperate fully in the investigation of the complaint.

#### Rights and responsibilities of the Respondent

Individuals accused of harassment have a right to:

- \* be informed as soon as reasonably possible that a complaint has been filed against them.
- \* be informed of the allegations and be given an opportunity to respond to them.
- \* be accompanied by a representative of their choice at meetings concerning the complaint which they are required or entitled to attend.
- \* seek advice/information from the Executive Director regarding the WSM's Harassment Policy complaint procedure.
- \* seek legal advice or assistance recognizing that they are responsible for any cost occurred.
- \* fair and equitable treatment
- \* be advised of the results of the investigation and action to resolve the complaint.
- \* lodge an appeal to the Executive Board if dissatisfied with the action to resolve the complaint.

Individuals who are accused of harassment have the responsibility to:

- \* fully cooperate in the investigation of the complaint.
- \* change any behavior that violates WSM's Harassment Policy.

#### Documentation and Record Keeping

The following are the guidelines for documentation and record keeping.

##### *Complaint Documentation*

The following documentation is required:

- \* details of the complaint as described in this Policy.

- \* the response of the alleged harasser(s).
- \* statement of any witness or other individuals interviewed in connection with the complaint.
- \* summary report of the investigation with results and conclusions.
- \* actions taken to resolve the complaint including any disciplinary documentation.
- \* follow-up interviews with the complainant.

Upon completion of the investigation and resolution process all documentation will be forwarded to the Executive Director.

Documentation must be marked “STRICTLY CONFIDENTIAL”. Envelopes should be sealed and marked “TO BE OPENED BY ADDRESSEE ONLY”.

Copies should be strictly limited. Every effort must be made to ensure appropriate confidentiality. All documents will be kept in a locked filing cabinet with restricted access.

The Executive Director will impress upon clerical staff handling documentation that it is strictly confidential and make known the expectations of them.

All information and documentation pertaining to harassment complaint will remain confidential subject to the requirements to conduct the investigation and resolve the complaint or to discuss information or give evidence according to the law (e.g. Provincial or Canadian Human Rights Commission proceedings, legal court action, Freedom of Information and Personal Privacy legislation).

## **SUMMARY**

The objective of WSM’s Harassment Policy is to create a sport and work environment which is tolerant and accepting differences. Diversity is a reality. Sport includes men and women of many races, of varied ethnic origins, who hold different cultural values, observe many religious traditions and have a range of abilities. While we are all different, we hold one thing in common - WSM and its Values. We must all work together.

Harassment is destructive. It is a barrier to equal opportunity. It not only affects individuals, it affects organized sport as a whole.

Harassment is against the law.

Water Ski Manitoba does not tolerate harassment. Creating and maintaining a harassment free-sport environment is a responsibility shared by all members.

The Board of Directors, committee chairs, coaches, team managers, athletes and staff should lead through example and action. They must:

- \* know what harassment is and be able to recognize inappropriate behavior.
- \* act as a role model by treating all members equitably.
- \* not engage in, allow, condone or ignore inappropriate behavior.
- \* communicate WSM’s commitment to a harassment-free sport environment.

\* respond appropriately to complaints of harassment.

Prevention and intervention are key to ensuring all members their right to work, train and enjoy sport in an environment free of harassment.

## **APPENDIX**

SEXUAL ASSAULT is a criminal code offense. It can be defined as any unwanted act of a sexual nature imposed by one person upon another. This would include unwanted touching, kissing and holding as well as forced sexual relations. There are three levels or degrees of sexual assault: (1) sexual assault; (2) sexual assault causing bodily harm; and (3) aggravated sexual assault.

### **Other Options for Proceeding With a Complaint**

Individuals who experience harassment are encouraged to use the complaint procedure established by WSM's Harassment Policy. However, there are other options which include;

- \* Complaint to a Provincial Human Rights Commission.
- \* Complaints to the Canadian Human Rights Commission.
- \* Complaints under the Criminal Code. Sexual and other forms of assault are covered under the Criminal Code of Canada. Sexual assault is a serious criminal offense and should be reported to the police. In such instances the police can be asked to lay charges or the individual can proceed independently with a justice of peace.
- \* Civil Litigation. Individuals may choose to contact a lawyer to discuss legal rights and/or civil action. Individuals who retain the services of a lawyer are responsible for their legal expenses.

### **Situations When Harassment and Abuse are Claimed**

When WSM is faced with an incident in which both harassment and abuse are claimed (e.g.: a coach dealing with athletes ranging in age from 13 - 17 years of age), the abuse procedures take precedence. WSM's responsibility is the protection of the child.

## **POLICY STATEMENT**

It is the policy of Water Ski Manitoba that every member of the Association can expect to be afforded a sport environment free of harassment and abuse and to be treated with respect. All participants will be protected, regardless of their age, gender, ancestry, place of origin, color, ethnic origin, citizenship, creed, sexual orientation, disability, marital status, or family status, from harassment or abuse by any other participants (volunteers, coaches, athletes, officials) with whom they have contact.

Water Ski Manitoba is committed to providing a quality sport experience for all its members. Therefore, the Association does not tolerate any form of harassment or abuse, i.e.: zero tolerance.

Neither will Water Ski Manitoba accept a hostile environment. This may be defined as an atmosphere of tolerance for behavior, language or treatment of individuals which undermines their personal power, creates personal discomfort or jeopardizes their aspirations to achieve their personal goals within the Association.

Water Ski Manitoba will act quickly on any complaint of harassment and abuse with the goal of resolving the situation fairly and of preventing future occurrences.

Water Ski Manitoba will be proactive in ensuring that the membership is aware of all participants' rights and obligations outlined in this policy.

Accepted: Minutes of