

Harassment Policy

DEFINITIONS:

1. **Ontario Association of Archers:** The brand and operating name of the officially registered and incorporated organization formally known as the Ontario Association of Archers. (OAA).
2. **Abuse:** Refers to any form of physical, emotional and/or sexual mistreatment or lack of care which causes damage, emotional or physical, to a child, youth or adult. Common characteristics of abuse against children and youth are abuse of power or authority, or a breach of trust.
3. **Complainant:** The Party and/or Registrant alleging an infraction, the person who makes an official complaint. Refers to the person making the allegations of harassment or abuse.
4. **Conduct:** The manner in which a person behaves, especially on a particular occasion or in a particular context.
5. **Defamation:** This occurs when one party causes harm to another party's reputation by spreading false information about that person or entity. In general, defamation that appears temporarily (as unrecorded speech or in a live broadcast) is called slander, and defamation that appears permanently (in a book or on a website) is called libel.
6. **Emotional Abuse:** Refers to an attack on a child/youth's self-esteem. It is behaviour by a person in authority that damages a child/youth psychologically. It can be name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring a child's needs.
7. **Ethics:** Moral principles that govern a person's behaviour.
8. **Event:** Means any Ontario Association of Archers sanctioned competition, program or archery-related activity.
9. **Flames/Flaming Flaming or sending Flames:** is the act of posting or sending offensive messages over the Internet. These messages, called "flames," may be posted within online discussion forums or news groups, public posting/comments or sent via e-mail or instant messaging programs.
10. **Harassment:** Harassment can generally be defined as repeated behaviours including comments and/or conduct that is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment.
11. **Harasser:** A person who causes repeated emotional pain, distress, or annoyance to another.
12. **Hearing Panel:** Refers to the 3-member panel responsible for reviewing documentation and oral arguments regarding the alleged harassment, the arguments establishing the harassment and all evidence in support of the complaint, as well as information from the Respondent(s).
13. **Member:** The organization recognized by Ontario Association of Archers as the sole governing body for the sport of archery in each Province or Territory of Canada.
14. **Neglect:** Refers to inattention to the needs of a child, or athlete or any Registrant. This may occur when: equipment is unsafe; no-one intervenes when a child/youth is being abused or harassed; injuries are not adequately treated; or athletes are made to compete with injuries.
15. **Offender:** A person who has committed the offense of harassment, or who has breached any of the Code of Conduct and Ethics, Social Media Policy or Harassment and Abuse Policy of Ontario Association of Archers.
16. **Parties:** All of the Complainants, Respondents and others party to a complaint.

17. **Physical Abuse:** Refers to when a person injures or threatens to injure purposely. It can be slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.
18. **Policy:** Means the Harassment and Abuse Policy as set out below in this document.
19. **Registrants:** Those individuals who participate in the activities of Ontario Association of Archers. Registrants include athletes, coaches, officials, administrators, volunteers, directors, officers, committee members and individuals recognized previously by the Corporation as Honorary and Life Members. In all cases, such individuals are registered with an archery club, a Member or with the Corporation directly (in cases where the Registrant is a Canadian living abroad). The term Registrant is also taken to mean archery clubs that are registered with the Corporation's Members. Registrants are not members of the Corporation but may be charged registration fees in order to participate in the programs and activities of the Corporation.
20. **Representative:** An individual who is representing a party or entity, providing advice to the party or entity or is presenting information on behalf of the party or entity, during a harassment or abuse complaint process. The Representative can be but is not necessarily legal counsel.
21. **Respondent(s):** Refers to the alleged harasser(s) or abuser(s).
22. **Sexual Abuse:** Is defined as a person being used by another, for the sexual stimulation or gratification of another. It can take two forms: contact and non-contact.
23. **Sexual Harassment:** Is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature.
24. **Sport Environment:** Any place where Ontario Association of Archers business or activities are conducted. Sport Environment includes but is not limited to, Ontario Association of Archers competitions, tournaments, practices, tryouts, training camps, travel associated with Ontario Association of Archers, the Ontario Association of Archers office environment and any meetings.
25. **Tribunal Panel:** Refers to the 3-member panel responsible for determining whether there are reasonable grounds for believing that the conduct complained of took place and was harassment or abuse.
26. **Witness:** One who can give a firsthand account of something seen, heard, or experienced, or otherwise has personal knowledge of an incident.

OBJECTIVE OF THE HARASSMENT AND ABUSE POLICY

1. Ontario Association of Archers is committed to the achievement of equal opportunity including the establishment and maintenance of an organizational and sport environment in which all Registrants have the opportunity to contribute to the sport to their maximum potential.
2. As such, Ontario Association of Archers has a zero tolerance Harassment and Abuse Policy, meaning no level of harassment or abuse is acceptable or will be permitted.
3. Ontario Association of Archers will not tolerate any form of harassment or abuse and undertakes to protect all Registrants regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, sexual identification, disability, age, marital status, family status or record of offence, from harassment or abuse by other Registrants with whom they have contact.

SCOPE AND APPLICATION OF THE HARASSMENT AND ABUSE POLICY

1. This policy is directed towards the protection of Registrants from harassment that may occur during Ontario Association of Archers business and events, where there may be repercussions in the work or sport environment adversely affecting Registrants' archery relationships.
2. The definition of Ontario Association of Archers business and events, are those activities that receive direct Ontario Association of Archers financial support, in whole or in part. (Examples include but are not limited to: administrative office work environment, sport events/meets at which Ontario Association of Archers is represented by athletes, coaches, officials, volunteers, staff, etc.)
3. Ontario Association of Archers operates in accordance with The London Declaration: Expectations for Fairness in Sport, and is committed to its 12 provisions. (1)
(1) *The London Declaration: Expectations for Fairness in Sport.*
2001 <http://www.mtc.gov.on.ca/en/sport/sport/expectations-e.pdf>

HARASSMENT

1. Harassment is a form of discrimination and is prohibited by legislation in each Province and Territory of Canada.
2. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
3. Harassment may occur between peers or someone in a position of power and an adult in a subordinate position. Examples include but are not limited to:
 - athlete to athlete;
 - coach to coach;
 - parent to coach;
 - coach to athlete;
 - administrator to coach; and
 - administrator to athlete.

SEXUAL HARASSMENT

1. For the purposes of this policy, sexual harassment is defined as unwelcome repeated sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:
 - submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
 - such conduct has the purpose or effect of interfering with an individual's performance; or
 - such conduct creates an intimidating, hostile or offensive environment.

CYBER HARASSMENT

1. For the purposes of this policy, cyber-harassment and cyber-bullying refers to online harassment. Cyber harassment or bullying is the use of email, instant messaging or text-messaging, instant chat, social media and derogatory websites to bully or otherwise defame and/or harass an individual, group or entity through personal attacks. Cyber harassment can be in the form of flames, comments made in chat rooms, sending of offensive, cruel or defamatory e-mail(s), or even harassing others by posting on blogs or social networking sites.
2. Stakeholders, Registrants, Ontario Association of Archers volunteers or staff, and all other persons connected with the Ontario Association of Archers organization must refrain from:
 - Uploading, posting, emailing, or otherwise transmitting
 - Any content that is offensive, obscene, unlawful, threatening, abusive, harassing, defamatory, hateful, invasive of another person's privacy, or otherwise objectionable, (i.e., Flames/Flaming);
 - Any material which is designed to cause annoyance, inconvenience, or needless anxiety to others;

HARASSMENT BEHAVIOURS

1. Types of behaviour or conduct which constitute harassment and/or abuse include, but are not limited to:
 1. a. repeated written or verbal abuse or threats;
 2. b. the repeated display of visual material which is offensive, which one has been told is offensive, or which one ought to know is offensive;
 3. c. the repeated displaying of sexually explicit, racist or other offensive or derogatory material;
 4. d. repeated unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (gender), sexual orientation, sexual identification, disability, age, marital status, family status or record of offence, etc.;
 5. e. sexual, racial, ethnic or religious graffiti;
 6. f. practical jokes, (including hazing) which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 7. g. repeated unwelcome sexual flirtations, advances, remarks, invitations or requests whether indirect or explicit, or intimidation;
 8. h. repeated leering (suggestive staring), or other obscene or offensive gestures;
 9. i. repeated condescension, paternalism, or patronizing behaviour which undermines self- respect or adversely affects performances or working conditions;
 10. j. repeated unwanted physical conduct such as touching, kissing, patting, petting, pinching;
 11. k. vandalism; or
 12. l. physical or sexual assault
2. Some behaviours that might be described as harassment when directed towards an adult, may constitute abuse when directed towards a child or youth by any person with power or authority over the person being harassed.

REPRISAL

1. As part of their right to freedom from harassment and abuse, Ontario Association of Archers Registrants are protected from reprisal or the threat of reprisal.
2. Reprisal may include situations in which a Registrant is:
 - denied or threatened with denial of promotional, advancement, training, participation or other related opportunities or benefits (e.g. team selection, etc.);
 - disciplined or threatened with disciplinary action;
 - dismissed or threatened with dismissal on the sole basis of: rejecting the sexual advances of a person in authority who could or who could be perceived to have influence over archery-related decisions affecting the Registrant; or
 - having made a complaint of harassment and/or abuse.
3. Reprisal may also include situations involving co-Registrants who, because the Registrant has made a complaint of harassment and/or abuse, continue or escalate the harassment and/or abuse; ostracize or isolate the member; and/or engage in any behaviour with the intent to intimidate, threaten, humiliate, hurt or adversely affect the performance or working conditions of the Registrant.

RESPONSIBILITY

1. Board members, committee members, Provincial/Territorial Members, affiliated club executives, staff, coaches, managers and judges of Ontario Association of Archers and fellow Registrants are responsible for preventing and discouraging harassment and/or abuse by:
 - undertaking and upholding the principles of this policy;
 - not engaging in behaviour contrary to this policy and ensuring that all Registrants are treated fairly and equitably;
 - communicating the Ontario Association of Archers objective to create and maintain a harassment and abuse-free sport environment;
 - not allowing, permitting, condoning or encouraging behaviour contrary to this policy; and
 - taking all complaints of harassment or abuse seriously by investigating complaints in a thorough, timely and sensitive manner by taking prompt action to resolve the situation in accordance with procedures outlined in the following sections.
2. Any person who has authority to prevent or discourage harassment and/or abuse will be held responsible for failing to exercise this authority.
3. All Registrants of Ontario Association of Archers have a responsibility and obligation not to harass and/or abuse any other Registrant.
4. Registrants who experience harassment and/or abuse are strongly encouraged to make it known to the harasser and/or abuser that the behaviour is offensive and/or to report the incident(s) according to the following complaint procedures.
5. Registrants who witness harassment and/or abuse or who become aware that a Registrant is being harassed or abused are obligated to report the incident according to the complaint reporting procedure that follows

COMPLAINT REPORTING

1. Ontario Association of Archers Registrants who experience harassment and/or abuse are strongly encouraged to make it known to the harasser that the behaviour is offensive and if it continues, report the incident to the Office through Ontario Association of Archers' Vice President of Administration (see Appendix A). If this avenue is either unavailable or inappropriate, complaints may be made directly to:
 - any member of Ontario Association of Archers Board of Directors;
 - any Ontario Association of Archers staff member;
 - any Chair of any Ontario Association of Archers Committee;
 - any Ontario Association of Archers coach, judge, or manager;
 - any Executive Member of a club affiliated with Ontario Association of Archers; all of whom will have the responsibility for bringing the report to the attention of the Ontario Association of Archers Office.
2. Ontario Association of Archers Registrants who experience harassment and/or abuse;
 - at the local or club level, should contact their Provincial/Territorial Archery Organization
 - at the provincial level, should contact their Provincial/Territorial Archery Organization
 - at an Ontario Association of Archers Provincial Championship or tournament or event, should contact Ontario Association of Archers.
3. In the event that the complaint is lodged against the Ontario Association of Archers Executive Director, the Vice President of Administration will be responsible for all procedures outlined in section 11 entitled Complaint Investigation and Resolution, and at any other time where the Executive Director has a role to play in the process.
4. Registrants are encouraged to report incidents of harassment or abuse. Registrants who bring an incident(s) to the attention of Ontario Association of Archers will receive the full support of the organization.
5. Complaints will be addressed in a sensitive, responsible and timely manner.
6. Registrants who experience harassment and/or abuse because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (gender), sexual orientation, sexual identification, disability, age, marital status, family status or record of offence are specifically protected under Human Rights legislation and have the right to file their complaint with their Provincial or Territorial Human Rights Commission.
7. If a Registrant wishes to lay criminal charges, they should consult their local police department or law enforcement officials.
8. The Registrant has the right to sue under the civil code, anyone who had an opportunity to prevent, mitigate or end the harassment and/or abuse, and failed to do so.

COMPLAINT INVESTIGATION AND RESOLUTION

1. The complaint must be documented and reported to a party as indicated in section 10.1 and immediately, but no later than 4 days, forwarded to the OAA office staff, who must inform the Board of Directors of the complaint as quickly as possible, but no later than 4 days.
2. Should the proceedings implicate the Executive Director, the Vice President of Administration shall act instead.
3. The Board of Directors must immediately appoint a Tribunal Panel with the following features, to investigate the incident(s);
 - The Tribunal Panel must be impartial.
 - The Tribunal Panel members are to have no association or connection whatsoever with the parties to the reported incident.
 - If appropriate, the Tribunal Panel Chair will be the Vice-President of Administration. If inappropriate, the President of Ontario Association of Archers will appoint a member from the Ontario Association of Archers Board of Directors.
4. The documented complaint must be immediately forwarded to the Chair of the Tribunal Panel. The Tribunal Panel will immediately, but no later than 3 days, appoint an Investigator.
5. The Vice President of Administration must ensure that an investigation is initiated.
6. All complaints of harassment must be investigated by the Investigator appointed by the Tribunal Panel to determine the nature and circumstances of the incident(s) and to provide a recommendation to the Tribunal Panel as to an appropriate resolution.
7. During the investigation of a complaint the Investigator shall:
 - interview both the Complainant and the alleged Offender as soon as possible;
 - interview any witnesses;
 - document the situation accurately and completely;
 - state an opinion as to the validity of the complaint;
 - conduct the investigation with the utmost confidentiality and sensitivity;
 - caution persons who are questioned not to discuss the case with Ontario Association of Archers Registrants, Members, volunteers or staff; and
 - recommend to the Tribunal Panel, based on the balance of probabilities, whether harassment may have occurred.
8. No later than 10 days after being appointed and after receiving the investigation report, the Tribunal Panel Chair shall recommend to the President if a hearing is justified in each particular case. A further hearing shall be necessary if the Investigator has reasonable grounds for believing that the conduct complained of, took place and was harassment or abuse.
9. Upon the Board of Directors being informed by the Tribunal Panel Chair that a further hearing is justified, the Board of Directors, with the assistance of the President as necessary, shall immediately appoint a three-member (3) Hearing Panel as soon as possible. The Hearing Panel must be independent and must have no association or connection whatsoever with the incident or the individuals involved.
10. In the event that the complaint implicates the President, the Ontario Association of Archers Board of Directors will appoint the Hearing Panel members.

11. The Chairperson of the Hearing Panel, via the Ontario Association of Archers Office, within 10 days of its establishment, shall receive written submissions from the Complainant (prepared at his or her own expense), a written complaint setting out in detail the alleged harassment and/or abuse, the arguments establishing the harassment and/or abuse and all evidence in support of the complaint (including all statements and material collected by the Investigator). An individual, (or documentation assembled from other sources), may submit the evidence in the form of sworn affidavits to the Ontario Association of Archers Office.
12. Copies of all materials submitted to the Hearing Panel will be provided to the alleged Harasser at the conclusion of the 10-day submission period.
13. Upon the conclusion of the 10-day submission period, the alleged Harasser (hereinafter called the Respondent) shall then have 10 days to submit to the Hearing Panel Chair, via the Ontario Association of Archers Office, a response to the allegations, (at his or her own expense), that may include evidence of the same type as permitted to the Complainant.
14. No later than 5 days after receiving all written documentation from the Complainant and Respondent, the Hearing Panel shall hear oral arguments from both the Complainant and the Respondent.
15. The individuals may appear in person or may be represented by a Representative, an advisor or a legal counsel, (at their own expense). In appropriate circumstances, telephone conference calls are an appropriate mechanism for conducting the oral hearing.
16. Within 5 days of hearing the oral evidence, the members of the Hearing Panel, after deliberation with each other, which may be by telephone, shall submit their written decision, with reasons, to the President.
17. As soon as possible, but no later than 10 days after receiving the report, the President will advise the Board of Directors, the Complainant and the Respondent of the decision of the Hearing Panel. Copies of the decision and reason will be given to all of the parties. The written decision shall contain:
 - a summary of the relevant facts;
 - a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - the recommended disciplinary action against the Respondent; and
 - measures, if any, to remedy or mitigate the harm or loss suffered by the Complainant, if the act constitutes harassment.
18. In the event the Hearing Panel finds in favour of the Complainant, the Board of Directors will, based on the recommended disciplinary action from the Hearing Panel, determine the appropriate sanctions to be imposed on the Respondent.
19. Sanctions imposed on the Respondent must be applied with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline.
20. When determining appropriate disciplinary action, the Panel shall consider factors such as:
 - the nature and severity of the harassment;
 - whether the harassment involved any physical contact;
 - whether the harassment is part of an ongoing pattern;
 - the nature of the relationship between the Complainant and Respondent (the Harasser);
 - whether the Respondent had been involved in a previous harassment incident;
 - whether the Respondent admitted responsibility and expressed a willingness to change; and
 - whether the Respondent 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:
 - verbal apology;
 - written apology;
 - letter of reprimand from the organization;
 - a fine or levy;
 - referral to counselling;
 - removal of certain privileges of membership or employment;
 - demotion or a pay cut;
 - temporary suspension with or without pay;
 - termination of employment, contract or position of authority for a determined; period of time; and
 - expulsion from Ontario Association of Archers as a Registrant or Employee.
22. The President shall advise the Respondent, as soon as possible but not later than 5 days, in writing, of the sanctions imposed by the Board of Directors
23. Remedial action shall be taken without delay.
24. In the event the Hearing Panel finds that there was no harassment, the matter will be at an end.
25. It is the responsibility of the Tribunal Panel to ensure that a Complainant who lays a complaint in good faith is neither penalized nor suffers any prejudice as a result of making the complaint. Correspondence pertaining to a complaint shall not be placed on the Complainant's personal files.
26. If at any point during the process, the Investigator, Tribunal Panel or Hearing Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous; their recommendation may direct disciplinary action against the Complainant. In such cases, the matter will be referred to the Board of Directors to apply the appropriate sanctions.

CONFIDENTIALITY

1. Ontario Association of Archers recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment or abuse. Ontario Association of Archers recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential.
2. Information or material in any form, regarding the investigation or circumstances surrounding the investigation, or the results of the investigation, shall only be released or divulged to those persons directly involved with the complaint, these include the Complainant, accused/offender (Respondent), Tribunal Panel, Hearing Panel, Ontario Association of Archers Board of Directors and Ontario Association of Archers President. The identity of Tribunal Panel members, other than the Chairperson, will not be made public.

EDUCATION AND PREVENTION

1. Ontario Association of Archers recognizes that an education program is an essential component to preventing incidents of harassment.
2. Ontario Association of Archers is committed to:
 - building awareness, and to creating a harassment-free organization and sport environment;

- ensuring that awareness is properly reflected in policies and procedures;
- building the commitment into the organization's culture, values and mission statement;
- including directly and by reference, these codes, policies and procedures in manuals, handbooks guides and agreements; and
- educating individual Registrants and identifying steps they are responsible for taking if they are harassed and provide contacts they can call for help and advice, if they are unable or unwilling to confront the situation themselves.

JURISDICTION

This policy shall be governed and construed in accordance with the laws of the Province of Ontario.