

RESPECTFUL ENVIRONMENT POLICY

1.0 Preamble

The Canadian Sport Centre Manitoba is dedicated to the support of athletic excellence by providing programs and services for high performance athletes and coaches in Manitoba. It recognizes that each individual has the right to participate, work and train in an environment, which promotes equal opportunities and prohibits discriminatory practices, and is committed to providing such an environment. Thus, CSCM does not condone behaviour that is likely to undermine the dignity, self-esteem or productivity of any of its members.

Harassment and discrimination, in all their forms, violate the victim's human rights and run contrary to CSCM's fundamental values. CSCM will act promptly and efficiently to deal with such situations. CSCM will ensure that individuals who believe they have been subjected to harassment or discrimination are able to register complaints without fear of retaliation or reprisal. CSCM will exercise care to protect and respect the rights of both the complainant and the respondent.

While CSCM supports the informal resolution of problems associated with such behaviour, it considers harassment and discrimination in all forms to be a serious offence. Where appropriate, CSCM will take disciplinary action against individuals found to be in violation of this policy. Discipline may range from a reprimand to dismissal or expulsion.

Any person who believes that a member of CSCM, in the course of CSCM-related employment, training or activities, has subjected him or her to harassment or discrimination may make a complaint under this policy. All complaints must be made within a reasonable time, usually within six months from the date of the most recent alleged incident.

2.0 Application

This Policy applies to all:

2.1 CSCM staff, board and committee members, and volunteers, and serves as an interim policy to national team representatives, athletes and staff whose national sport organization has not yet developed or implemented a Respectful Environment Policy.

2.2 Allegations of harassment or discrimination which arise during the course of CSCM's related business, activities, training, work, functions meetings conferences, or events.

3.0 Definitions

This policy covers:

SEXUAL HARASSMENT, which is deemed to include but is not restricted to:

- Unwanted sexual attention by a person who knows or ought reasonably to know that such attention is unwanted.
- Express or implied promise of reward to complying with a sexually oriented request;
- Express or implied threat or reprisal for refusal to comply with a sexually oriented request;
- Denial of opportunity or an expressed or implied threat of denial of opportunity for refusal to comply with a sexually oriented request
- Sexually oriented behaviour or gender-based abusive and unwelcome conduct or comment that has the purpose or effect of creating an intimidating, hostile or offensive environment.
- Promises, rewards, threats or reprisals related to a sexually oriented request.
- Sexually oriented behaviour that creates a hostile, intimidating or offensive environment.

EXAMPLES INCLUDE:

- Sexist remarks, jokes, innuendoes or taunting about a person's body or appearance.
- Displaying of pornographic or other sexually offensive materials.
- Persistent and unwelcome invitations or requests for dates.
- Leering, ogling or other sexually oriented gestures.
- Inappropriate questions or sharing of information about a person's sexuality or sexual orientation

- Inappropriate touching;
- Sexual assault.

3.2 PERSONAL HARASSMENT, which is deemed to include but is not restricted to:

- One or a series of objectionable and unwelcome comments or actions directed towards a person which serve no legitimate related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment.
- Physical or verbal abuse, intimidation or threats that are humiliating or demeaning.

EXAMPLES INCLUDE:

- Repeated and continuous incidents of yelling, screaming, or name-calling.
- Repeated and continuous threats to terminate employment or training unrelated to job performance.
- Assignment of unrealistic and impossible employment or training responsibilities, demands or deadlines;
- Hazing or initiation rites.
- Patronizing comments addressed to a person, which have the effect of which, undermining a person's role in CSCM environment.

3.3 HARASSMENT & DISCRIMINATION, which means, except where bona fide and reasonable cause exists, or where it is based upon bona fide and reasonable requirements or qualifications, the differential treatment, whether intended or not, of an individual or group of individuals base on:

- 3.3.1 an individuals actual or presumed membership in or association with some class or group of persons, rather than on the basis of
- personal merit;
- any category set out in the Manitoba Human Rights including ancestry, race, colour, nationality, or national origin, ethnic background, religion or religious belief, age, sex, gender-determined characteristics, sexual orientation, marital or family status, source of income, political belief, political association or activity, physical or mental disability or related characteristics, or circumstances:

- a failure to make reasonable accommodations for the special needs of an individual or group, if such failure is based upon any of the characteristics referred to in section 3.3.2 above.

EXAMPLES INCLUDE:

- Derogatory written or oral comments and gestures such as name-calling, slurs, graffiti, pictures, gestures, remarks or jokes based on a person's membership in a particular group.
- Evaluations of performance based on any characteristic referred to in 3.3.2 above:
- Behavior stating or implying actual or perceived abilities or inabilities based on any characteristic referred to in 3.3.2 above:
- Applying stereotypes/generalizations based on characteristic referred to in 3.3.2 above
- Refusal to work with or train or share facilities based on any characteristic referred to in 3.3.2 above
- 3.3.4 Notwithstanding any other provision of this policy, it is not discrimination or a contravention of this policy to:
 - make reasonable accommodation for the special needs of an individual or group, if those special needs are based upon any characteristic referred to in section 3.3.2 above:
 - plan, advertise, adopt or implement an affirmative action program or other special program that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in section 3.3.2 above

GENERAL

3.4 One incident or a series of incidents may constitute harassment or discrimination. It may involve individuals or groups and either peer or power relationships. It may be physical or psychological in nature. It can occur between males and females and between members of the same gender.

3.5 A complainant is the individual who makes a complaint.

3.6 A respondent is a person against whom a complaint has been made.

3.7 A harassment advisor is a designate of CSCM who is conversant with the issue of harassment. The role of the harassment advisor is to provide information about the resources and support available to individuals under this policy, to receive simple complaints, to assist in the informal resolution of complaints, and to make recommendations as to further action. The harassment

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advisor will handle complaints that may be resolved through informal procedures, and refer all other complaints to the harassment officer.

3.8 A harassment officer in an individual identified by CSCM as someone possessing the training and appropriate background to investigate complaints.

3.9 A responsible adult is a parent, guardian or other adult of the minor's choice who may assist the complainant or respondent throughout the complaint process, if either the complainant or respondent is under the age of 18 years.

3.10 The standing discipline committee is multi-disciplinary committee, appointed by CSCM consisting of a minimum of seven members of the sport and recreation community, any three of whom shall form a quorum for the purpose of this policy. Their role is to consult with the harassment officer for the purpose of determining and agreeing upon appropriate discipline or penalty when breaches of this policy have occurred.

3.11 the appeals board is multi-disciplinary committee, appointed by CSCM consisting of a minimum of seven members of the sport and recreation community, any three of whom shall form a quorum for the purpose of hearing appeals under this policy.

4.0 Procedures

Informal complaint:

4.1 A complainant who believes that he or she has been subjected to harassment or discrimination should take direct action, if possible, to make the unease and/or disapproval known to the offender. The complainant may choose to consult with a harassment advisor for the purpose of receiving advice, counseling or assistance with a view to resolving the situation.

4.2 if the complainant is unable to take direct action, or if the offensive behaviour persists in spite of it being brought to the respondent's attention, the complainant may request that harassment advisor intervene to try to resolve the situation. The harassment advisor may meet with the complainant the respondent and any other relevant party with a view to resolving the matter. The harassment advisor shall keep a written record of the date, time and nature of any incident that is brought to his or her attention, along with the names of any witnesses and the steps taken to deal with the situation.

4.3 in an informal resolution, acceptable to both parties, is reached, the harassment advisor will:

4.3.1 end a confirming letter to both parties, setting out the agreement; this letter must be signed and returned by both parties;

4.3.2 assist in bringing about whatever administrative or other action is needed to implement the resolution.

Formal complaint:

4.4 if the matter cannot be resolved informally then the complainant shall be advised to file a formal complaint. The formal complaint shall be in writing and set out the particulars of the allegations, including, where possible, the dates, times and nature of the allegations and the names of any witnesses to the behaviour. It shall be signed and dated by the complainant. This complaint shall be submitted to harassment, advisor who will in consultation with the CSC Executive, retain the services of a harassment officer.

4.5 upon receipt of the formal complaint the harassment officer will review the allegations(s) to ensure that it falls within the definitions set out under this policy:

4.5.1 if it is determined that the allegations(s) does not fall under the definitions set out in this policy then the complainant shall be advised accordingly and no further action will be taken under this policy.

4.5.2 if it is determined that the allegation(s) falls within the definitions set out in this policy, an investigation shall be launched.

4.6 the investigation should be concluded as expeditiously as possible.

4.7 if at any time during the course of the investigation the harassment officer deems it appropriate for the complainant and respondent to seek resolution through mediation, and where they both consent to do so, the harassment officer may interrupt the investigation for such period(s) of time as he or she considers reasonable to facilitate such a resolution. Any such resolution may provide for withdrawal of the complaint or a portion thereof.

4.8 upon an investigation being launched the harassment officer shall:

4.8.1 notify the respondent in writing that a complaint has been received and that an investigation has commenced. The respondent shall be provided with a copy of the formal complaint and this policy.

4.8.2 provide the respondent with a reasonable opportunity to consult with counsel, a personal representative or responsible adult.

4.8.3 request that the respondent provide a written response to the complaint within a reasonable time.

4.8.4 investigate the complaint, including interviewing the complainant and the respondent and any other person the harassment officer deems relevant to the investigation. The complainant and he respondent shall cooperate fully with the harassment officer and provide any information required by

the harassment officer upon request. The complainant or respondent may be accompanied during the interview by counsel a personal representative or responsible adult;

4.8.5 at the conclusion of the investigation prepare a written report which sets out the allegation(s) the information obtained and provides a conclusion as to whether the policy has been reached on a balance of probabilities; provide a copy of the written report to the standing discipline committee.

4.9 if it is determined that the policy has been breached then the harassment officer, in consultation with the standing discipline committee shall collectively agree upon an appropriate disposition of the matter. The disposition along with a copy of the harassment officer's report will be provided to the complainant, the respondent and a designated harassment advisor. The harassment advisor will ensure the disposition is fulfilled and file a copy of the disposition in the respondents' employee or personnel file. All other information pertaining to the investigation shall be retained in a secure file held by a designated harassment advisor. A designated harassment advisor will facilitate any request or requirement for counseling on behalf of either the complainant or respondent.

4.10 if it is determined that the policy has not been breached then the harassment officer shall advise the parties accordingly and may provide them a with a copy of the written report. No further action will be taken and no record of the complaint will be placed on the respondent's employee or personnel file.

4.11 no record of the complaint shall be kept in the complainant's employee or personnel file unless it was determined that the complaint was frivolous or vexatious. CSCM may take disciplinary action against a complainant in cases where frivolous or vexatious complaints are submitted.

4.12 CSCM may cause either a formal or informal investigation to be conducted in the absence of a complainant in circumstances where it deems it appropriate to do so.

5.0 APPEALS

5.1 the respondent may appeal the findings and/or disposition made under this policy within 30 days from the receipt of the harassment officer's report by filing a written notice, stating the grounds for the appeal, with the chairperson of the appeals boards. The appeal shall be to the appeals board, any three of whom shall constitute a quorum. The appeals boards shall make its own rules of procedure consistent with the principles of natural justice. The appeals boards will review the report of the harassment officer and hear any further submissions on behalf of the respondent. The appeals board may uphold, dismiss or amend the findings and disposition and may impose a harsher penalty than was imposed in the first instance. The appeals board will send written notice of its decision by registered mail to the complainant and the respondent. The composition of the appeals board may be adjusted as the complaint demands to avoid conflicts of interest.

5.2 no one charged with responsibility under this policy, who carries out their duties in good faith and conscience, shall be liable for any action or claim arising out of their good faith execution of those duties.

6.0 INTERFERENCE AND RETALIATION

6.1 interference with the conduct of an investigation or retaliation against a complainant or witness whether the complaint was substantiated or unsubstantiated, may itself result in disciplinary action.

6.2 where the respondent is in a supervisory position with respect to the complainant, the harassment advisor may, where it is feasible to do so and at the complainant's request, reassign either the complainant or the respondent to different duties, pending the resolution of the complaint.

7.0 RESPONSIBILITY

7.1 to the best of their ability, persons who become privy to a complaint under this policy shall treat it in strict confidence and shall not discuss it with anyone who is not integral to the resolution process.

7.2 intentional breaches of confidentiality by any person may be subject to disciplinary action by the standing committee.