



**Ottawa Beavers – Banshees Rugby
Football Club**
Sexual Harassment & Discrimination Policy
Effective Date: March 19, 2018
Approved by: OBBRFC Executive Board



POLICY STATEMENT

The Ottawa Beavers Banshees Rugby Football Club (OBBRFC) is committed to creating and providing a sport and social environment that is respectful and free of discrimination and harassment of any nature.

All OBBRFC players, volunteers, coaches, and managers are entitled to be treated with respect and dignity, free from harassment or discrimination as defined in Annex A of this document.

Both general and sexual harassment create an intimidating, offensive or embarrassing work or volunteer environment, and the OBBRFC will not tolerate these activities by any of its players, volunteers, coaches or managers.

APPLICATION

This policy applies to all OBBRFC players, volunteers, coaches, and managers involved in the governance activities of the OBBRFC. It applies to all types of discrimination and harassment that may occur during the course of a rugby season, activities related to the OBBRFC, and OBBRFC business activities.

OBBRFC's Executive Board is expected to act against discrimination and harassment even without a formal complaint, and members are expected to express their disapproval if they encounter discriminating or harassing behaviour.

The process, rights and responsibilities of the complaint process are outlined in Annex B of this document.

Any member guilty of discrimination or harassment may be subject to discipline at the OBBRFC's discretion, as per Article 4 of the OBBRFC Constitution.

CONFIDENTIALITY

The OBBRFC recognizes the sensitive nature of discrimination and harassment and will strive to keep all matters relating to a complaint confidential to the extent possible, consistent with the need to conduct an adequate investigation, discipline process or other mechanism to resolve the matter. However, if required by law to disclose information, the OBBRFC will do so.

ACTING IN GOOD FAITH AND RETALIATION

Anyone filing a complaint alleging discrimination or harassment must act in good faith and have reasonable grounds for filing the complaint. Making allegations that prove to be unsubstantiated and that prove to have been made maliciously or knowingly to be false could result in disciplinary action up to and including termination.

The complainant shall not be penalized, either directly or indirectly, and no form of reprisal will be tolerated against an individual who files a complaint or participates in this complaint procedure in good faith.

ANNEX A: DEFINITIONS

Discrimination: “Discrimination” is defined by the Canadian Human Rights Act as “an action or a decision that treats a person or a group negatively for reasons such as their race, age or disability”. There are 11 grounds protected under the Act: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability; and a conviction for which a pardon has been granted or a record suspended.

Discriminatory practices include:

- Denying someone goods, services, facilities or accommodation, or providing them in a way that treats them adversely and differently;
- Paying men and women differently when they are doing work of the same value;
- Retaliating against a person who has filed a complaint with the Commission or against someone who has filed a complaint for them;
- Harassing someone.

Sexual Harassment: “Sexual harassment” is defined by the Ontario Human Rights Code as follows:

- Unwelcome sexual remarks, invitations or requests, or physical contact by the employer, someone acting for the employer, or a co-worker;
- Any offensive sexual comment, gesture, physical contact or demand for sexual favours, real or perceived, that is deliberate and unwelcome, or that should be known to be unwelcome;
- Unwelcome remarks, jokes or sexual innuendo about a person’s body, attire, marital status;
- Physical or sexual assault.

General Harassment: The Ontario Human Rights Code defines harassment as “a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.” “Harassment” has been defined elsewhere as any unwelcome behavior, conduct or communication or reprisal directed at an individual that is offensive to that individual and is based on any of the protected grounds. It may be persistent or sporadic and creates an intimidating, offensive or embarrassing work environment.

It should be noted that, whereas some behaviour may be offensive, inappropriate, unwanted, or a misuse of authority, it may not be considered harassment under the law. This does not, however, make it acceptable with the OBBRFC. Preventing harassment is everyone’s responsibility.

It should be noted that, unless exceptional circumstances exist, that the following activities do not meet the definition of harassment:

- Members of the OBBRFC being asked to perform Club obligations and activities, such as attend training sessions and social activities, perform duties and errands for the organization, pay dues, etc.;
- Managing performance of any individual, whether related to administrative duties or athletic talent;.
- The administration of disciplinary activities by the OBBRFC Executive Board.

ANNEX B: PROCESS AND ESCALATION

1. When an incident occurs

If an individual feels he or she is being subjected to discrimination, harassment or abuse, he or she should:

- If possible, make the objection clearly known to the offender and ask him or her to stop; and
- If, after a discussion with the offender, the issue resolved, no further steps need to be taken.

If an individual observes another individual being subjected to discrimination, harassment or abuse, he or she should:

- Encourage the other individual to follow the steps detailed above; or
- At the request of the other individual, jointly report the observed behavior to their or a member of the OBBRFC Executive Board.

2. Filing a Complaint

If the issue is still unresolved after a discussion, or if the complainant does not feel comfortable speaking directly to the offender, the following steps should be undertaken:

- Prepare and maintain a written record of the dates, times, nature of the behavior and any witnesses; and
- Report the behavior to their coach or any member of the Executive Board that they feel comfortable speaking to.

3. Investigation a Complaint

Once the Executive Board becomes aware of a complaint related to a matter of harassment or discrimination, the onus is on the President to investigate the alleged incident(s) in coordination with the member of the Executive Board or coach to whom the complaint was filed.

Should the President (and/or subordinate Executive members) be the subject of the accusations or seen to be placed in a conflict of interest situation, the following Executive members are tasked, in descending order until no conflict is identified, of handling further procedures related to the investigation:

- Secretary
- Treasurer
- Vice President, Administration
- Vice President, Development
- Vice President, Game (Men or Women as pertaining to such a team)

Should the allegations contained in the complaint be of criminal nature, the President or designate will inform proper authorities, accordingly.

Upon receipt of the complaint, the President or designate will screen the facts involved with the complaint to determine if the complaint meets the definition of harassment or discrimination. This may require preliminary and informal fact-finding in order to make an informed decision.

Should the complaint be found to meet the definition of harassment and it is deemed further action is warranted, the President or designate will inform the offender of the complaint and proceed to take further action (full investigation, disciplinary action), as warranted. As part of a

full investigation, the offender will be given an opportunity to state their side of the story, in accordance with principles of administrative and procedural fairness.

4. Concluding the Complaint Process

A report with final findings and recommendations will be issued and given to both the complainant and the offender. Any recommendations suggesting disciplinary action will be submitted to the OBBRFC Executive Board for action pursuant to Article 4 of the OBBRFC Constitution.

The President or designate shall endeavour to handle complaints in a timely manner.

If the matter is not resolved to the satisfaction of the complainant or offender, he or she should file a formal, written complaint with the President, or if the President is the alleged offender, with another member of the Executive Team, within seven (7) days of receiving the report. The alleged offender will receive a copy of the complaint.

5. Confidentiality

All parties to the complaint must keep the matter confidential as well as all deliberations, investigation matters, proceedings or record of proceedings.

6. External Authorities

It should be noted that a complainant is free, at any point, to pursue his or her complaint under the Human Rights Code or criminal authorities.