

NSGSC



Bullying and Harassment Policy

Board Approved February 2019

Updated February 2021

PURPOSE

The policy applies to everyone at North Shore Girls Soccer Club (**NSGSC**), including employees, directors, officers, volunteers, coaches, managers, associates, officials, players and parents of players (hereinafter collectively referred to as “**Members**”).

POLICY

1. Policy Statement

NSGSC is committed to providing a collegial environment in which all Members are treated, and treat each other, with respect and dignity. Members have the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices, to be treated in a fair and respectful manner, and to be free from Discrimination, Sexual Harassment and Bullying and Harassment.

Discrimination, Sexual Harassment and Bullying and Harassment are offensive, degrading, threatening and prohibited by law, including by the British Columbia *Human Rights Code* and the British Columbia *Workers Compensation Act*. In its most extreme forms, conduct amounting to Discrimination, Sexual Harassment or Bullying and Harassment may constitute an offence under the *Criminal Code of Canada*.

Conduct amounting to Discrimination, Sexual Harassment or Bullying and Harassment is unacceptable and will not be tolerated by NSGSC. Conduct amounting to Reprisal or Retaliation will not be tolerated by NSGSC, and will be addressed in the same manner as an instance of Discrimination, Sexual Harassment or Bullying and Harassment.

This Policy applies during the course of all NSGSC business, activities and events, whether on or off NSGSC property and on or off the field. It also applies to conduct outside of NSGSC business, activities and events when such misconduct involves Members of NSGSC.

NSGSC recognizes that Discrimination, Sexual Harassment and Bullying and Harassment can occur in a variety of situations and forums, including, but not limited to:

- at on-field soccer events (i.e., competitions, practices, matches and tournaments);
- at off-field soccer functions (i.e., meetings, conferences, training sessions and workshops);
- at soccer related social functions;
- during soccer/work-related travel;
- through any form of communication device/system (i.e., telephone, email, fax, text message, social media); and

NSGSC will address allegations of Discrimination, Sexual Harassment and Bullying and Harassment arising out of any of these, or any other, situations or forums in accordance with the procedures set out in this Policy.

2. Definitions

“**Bullying and Harassment**” includes any inappropriate conduct or comment by a person towards a

Member that the person knew or reasonably ought to have known would cause the Member to be humiliated or intimidated, but does not include any reasonable action taken by or on behalf of NSGSC relating to the management and direction of Members.

Examples of conduct or comments that could constitute Bullying and Harassment include, but are not limited to, verbal or written aggression or insults, derogatory name-calling, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.

“Discrimination” means a differentiation or distinction in the manner of treatment of a Member by a person, whether intentional or unintentional, and based on the enumerated grounds found in the British Columbia *Human Rights Code*: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age and criminal or summary conviction offences where unrelated to the employment or intended employment of that Member.

“Sexual Harassment” means one or more incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature that detrimentally affects the work environment or leads to adverse work-related consequences.

Examples of types of behaviour which could constitute Sexual Harassment include, but are not limited to, the use of promises or threats contingent on the performance of sexual favours, the display of sexually offensive material, leering or other suggestive or obscene gestures, unwanted physical contact or sexual attention and unwelcome sexual flirtations, remarks, comments, inquiries, advances, requests or invitations whether indirect or explicit, verbal or written.

Sexual Harassment is not limited to sexual remarks or conduct. NSGSC considers sexist and sexually degrading terms, remarks and comments to constitute Sexual Harassment and will address such incidents in accordance with the procedures set out in this Policy.

Discrimination, Sexual Harassment and Bullying and Harassment can include a single incident.

“Retaliation” or **“Reprisal”** means any improper treatment against a Member or Members for having filed a complaint under this Policy, having participated in any procedure under this Policy or for having associated with a Member who properly invoked this Policy or participated in any procedure under this Policy.

3. Responsibilities of NSGSC and Members

NSGSC is committed to providing an environment that is free from Discrimination, Sexual Harassment and Bullying and Harassment and will:

- take steps to prevent, where possible, or otherwise minimize incidents of Discrimination, Sexual Harassment and Bullying and Harassment;
- make all Members aware of this Policy and the procedures set out herein; and
- provide access to training to Members to help them fulfill their responsibilities and obligations under this Policy,

Members must:

- avoid engaging in any conduct that constitutes Discrimination, Sexual Harassment and Bullying and Harassment;

- report if Discrimination, Sexual Harassment or Bullying and Harassment is observed or experienced; and
- apply and comply with this Policy and the procedures set out herein.

Members on the Board, and professional and volunteer coaches also have an obligation to ensure that Members under their supervision are free from Discrimination, Sexual Harassment and Bullying and Harassment.

4. Reporting, Handling and Responding to Complaints of Discrimination, Sexual Harassment and Bullying and Harassment

Reporting Complaints

Preventing Discrimination, Sexual Harassment and Bullying and Harassment requires the participation of NSGSC and all Members. If a Member believes that they have been subjected to Discrimination, Sexual Harassment or Bullying and Harassment, or if they are aware of any such conduct occurring, the Member must report any such incident promptly and diligently to the Executive Director or Health & Safety Officer, either verbally or in writing.

When reporting an incident, members should provide as much information as possible, including the names of those involved, witnesses, where and when the event occurred, the behavior that led to the complaint and any supporting documents or materials (i.e., emails, notes or photographs).

Confidentiality and Record-Keeping

NSGSC understands that it can be extremely difficult to come forward with a complaint of Discrimination, Sexual Harassment or Bullying and Harassment and that it can be devastating to be wrongfully accused of such misconduct. NSGSC recognizes the interests of both alleged victims and alleged harassers in keeping the matter confidential. Accordingly, all those participating in the complaint process must respect its confidentiality and shall not disclose any information regarding the complaint, except as required in order to administer this Policy or as required by law.

Process for Handling Complaints

Upon receipt, the Executive Director will conduct an initial review of the Complaint. This review will occur within 7 calendar days of receiving a Complaint unless exceptional circumstances exist that prevent meeting this timeline, in which case the Executive Director will contact the individual making the Complaint as soon as possible to inform them of the revised timeline.

If the Executive Director determines that the Complaint falls within the scope of the Policy, they will either;

- investigate the Complaint, either personally or through the appointment of a neutral third-party investigator trained in harassment investigations
- refer the matter to the alternative resolution process described below.

If the Executive Director determines that the allegations in the Complaint do not fall within the scope of the Policy, the Executive Director will advise the individual making the Complaint of this decision along with reasons.

The responsibilities of the Executive Director under this Policy may be delegated or assigned to a member of the Board, or to a third party, at the discretion of the President.

Interim Measures

NSGSC reserves the right to implement interim measures as it considers appropriate, to protect the safety of its members pending the review or completion of an investigation. Such measures may include, but are not limited to:

- directing the Complainant, Respondent, witness or other parties to cease and desist from engaging in a particular type of behaviour;
- restricting access to NSGSC property and/or events;
- imposing a no-contact directive; and/or
- temporary, non-disciplinary leave of an individual

Alternative Resolution

If the Executive Director believes that an alternative resolution process may be appropriate in the circumstances, they will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Executive Director will contact the Respondent to advise them that a Complaint has been made and will discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process, the Executive Director will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.

Participation in an alternative dispute resolution process is entirely voluntary. If either the Complainant or the Respondent decides they no longer wish to participate in the alternative resolution process at any time, then the Executive Director will appoint an Investigator to investigate the Complaint.

Investigation

The Investigator will advise participants in the investigation process of the option to have a support person present for interviews.

Except in exceptional circumstances, investigations (including the preparation of the Investigator's report) will be completed within 30 calendar days of the Investigator's receipt of the Complaint. If during the course of the investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the President as soon as possible to inform them of the revised timeline.

Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.

In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.

The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator.

At the completion of the investigation, the Investigator will submit a written Report to the Human Resources Committee of the Board. The Report will normally include the following information:

- a summary of the evidence considered;
- any assessment of credibility that is required to render a determination; and

- the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, the Policy has been violated.

A copy of the Report will be kept by the HR Committee.

Where complaints are substantiated, appropriate action shall be taken by NSGSC Human Resources Committee. Action may include (without limitation):

- directing the Complainant, Respondent, witness or other parties to cease and desist from engaging in a particular type of behaviour;
- restricting access to NSGSC property and/or events, on a temporary or permanent basis;
- imposing a no-contact directive; and/or
- for employees found to have contravened this Policy, appropriate disciplinary action.

Withdrawal of Complaint

At any time, a Member may choose to withdraw his or her complaint without penalty so long as the complaint was filed in good faith.

The withdrawal of a complaint does not prevent the Executive Director from continuing or commencing an investigation where deemed appropriate.

5. Personal Relationships

NSGSC takes the view that intimate relationships between coaches and adult players, while not against the law, can have harmful effects on the individual player involved and on other players and coaches and on NSGSC public image.

Intimate relationships which involve an imbalance of power arising from roles with NSGSC are prohibited. This includes relationships between coaches and minors (non-adult), and between employees in supervisory or direct reporting relationships. NSGSC will take action, up to and including termination of employment and membership and, in the case of minors, reporting such relationships to external authorities, as deemed appropriate.