



# HURONIA DISTRICT SOCCER ASSOCIATION HARASSMENT POLICY

**Note:** Throughout this Policy, the term “member” may be used to refer to employees, directors, officers, volunteers, coaches, game officials, administrators, players, members and registrants of the District Association. This Policy uses the term “complainant” to refer to a person who experiences, or alleges to experience, harassment or abuse in any of its forms, regardless of whether this person files a formal complaint. For brevity, HDSA will be used instead of Huronia District Soccer Association.

## 1. Policy Statement

HDSA is committed to promoting, developing, and administering soccer, both indoor and outdoor, within the district. This commitment extends to ensuring that each individual is afforded the right to participate and work in an environment free from harassment and discriminatory behaviour.

Harassment shall mean any comment, conduct, or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive.

Harassment means inappropriately exerting power over another person. Harassment occurs along a continuum that ranges from mild conduct such as gestures or commands to conduct which may be physical, forceful, and violent. In certain forms, harassment may be a criminal offence.

**1.1** HDSA has adopted this Policy to make it clear that harassment and discrimination of any form will not be tolerated. Members found to have engaged in conduct constituting harassment or discrimination may be disciplined/suspended to the full extent of this Policy and the law.

**1.2** HDSA is committed to educating its members and providing information to parents/guardians of youth members regarding this Policy.

**1.3** This Policy applies to all employees, directors, officers, administrators, volunteers, coaches, athletes, officials, members and HDSA registrants. Members are expected to refrain from committing and discourage acts which constitute harassment/discriminatory behaviour.

**1.4** For the purposes of this Policy, harassment can occur a) at sporting events, competitions, or training sessions; b) at the office; c) at sport-related social functions; d) during sport-related travel; e) through any form of communication device, including social media.

## 2. Policy Objectives

The objectives of this policy are:

- 2.1** To ensure a safe and positive environment within the HDSA, free from harassment and discrimination;
- 2.2** To alert all members that harassment is an offence;
- 2.3** To clearly outline what constitutes harassment;
- 2.4** To establish procedures for receiving and resolving complaints;

### **3. Definitions**

**3.1** *"Affiliate Organization"* - means any Ontario Soccer District Association, League, Club, Ontario Recognized Academy, or Registered Organization.

**3.2** *"Complainant"* - the party alleging an infraction

**3.3** *"Discipline Panel"* - shall mean a group consisting of three persons who are appointed by the Huronia District Soccer Association or the applicable affiliate organization to judge a case in accordance with the Policy

**3.4** *"Individuals"* - means all categories defined in the Ontario Soccer Bylaws or the Affiliate Organizations Bylaws, as well as all individuals employed by, or engaged in activities with, Ontario Soccer or their affiliate organizations, including, but not limited to, Administrators, Coach, Director, Employee, Player, Registered Team, Registrant, Team Official, volunteers, spectators, parents/guardians or Representatives.

**3.5** *"Party"* - means the Complainant or Respondent of a complaint

**3.6** *"Policy"* - means this Huronia District Soccer Association Harassment Policy

**3.7** *"Respondent"* - means the alleged infracting Party

**3.8** *"Workplace"* - means any place where business or work-related activities are conducted. Workplaces include, but are not limited to, the Huronia District Soccer Association or Affiliate Organizations' office, work-related social functions, work assignment outside of the office, work-related travel, and work-related conferences or training sessions.

### **4. Responsibilities**

**4.1** Individuals have a responsibility to:

- Refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual group, which is offensive, abusive, racist, sexist, degrading or malicious. Types of harassment include, but are not limited to:
  - Written or verbal abuse, threats, or outbursts;
  - The display of visual material which is offensive or which a reasonable person ought to know is offensive in the circumstances;

- Unwelcome remarks, jokes, comments, innuendo, or taunts;
- Leering or other subjective or obscene gestures;
- Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
- Any form of hazing where hazing is defined as *any potentially humiliating, degrading, abusive, or dangerous activity*;
- Retaliation or threats of retaliation against an individual who reports harassment to the HDSA or an affiliate organization;
- Bullying;
- Offensive or intimidating communications, including social media;
- Inappropriate use of social media;
- Displaying or circulating offensive pictures, photographs or materials in printed or electronic form;
- Psychological abuse;
- Discrimination;
- Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, demeaning or intimidating;
- Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment.
- Refrain from any behaviour that constitutes sexual harassment, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:
  - Sexist jokes;
  - Sexual violence;
  - Display of sexually offensive material;
  - Sexually degrading words used to describe a person;
  - Inquiries or comments about a person's sex life;
  - Unwelcome sexual flirtations, advances, requests, invitations or propositions;
  - Inappropriate sexual touching, advances, suggestions or requests;
  - Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
  - Physical or sexual assault.
- Communicate that they feel they are being subjected to harassment.
- Take assertive action should they feel like they are being subjected to harassment.

**4.2** The HDSA Board of Directors are responsible for the implementation of this policy.

**4.3** The HDSA Board of Directors will identify and designate one or more Harassment Officer(s) and access the Harassment Officer(s) as necessary.

**4.4** The HDSA will promptly act on any complaint of harassment with the goal of resolving the situation fairly and preventing future occurrences.

**4.5** Harassment Officers are responsible for:

- Receiving complaints of harassment;
- Serving in an unbiased capacity in the investigation of complaints.

## **5. Confidentiality**

Members of the HDSA shall ensure that everything disclosed to them during the Complaint Procedure, including but not limited to, the facts of the case, the content of their deliberations, and the decisions taken, will remain confidential.

## **6. Complaint Procedure**

**6.1** The Complainant will provide a preliminary report, in writing, within fourteen (14) days of the alleged incident to the Harassment Officer. This timeline can be waived or extended at the discretion of the Harassment Officer. At the discretion of the HDSA, the organization may act as the Complainant and initiate the complaint process under terms of this policy. In such cases, the organization will identify an individual to represent the HDSA.

**6.2** The Harassment Officer will assess the solemnity and the application of this Policy's jurisdiction to the complaint.

- If the complaint is deemed solemn and within the jurisdiction of this Policy, the Harassment Officer will notify the involved Parties that the complaint has been accepted
- The Harassment Officer's decision to accept or dismiss the complaint may not be appealed

**6.3** A meeting will be held between the Harassment Officer and the Complainant to discuss the following steps:

- If the Complainant and Harassment Officer agree that the conduct does not constitute harassment, the Harassment Officer will take no further action, but a written record of the resolution will be recorded and kept on file.
- If the Harassment Officer believes that the alleged behaviour constitutes harassment, but the Complainant does not wish to proceed with a complaint investigation, the following steps may be taken:
  - If the Complainant wishes to pursue an informal resolution of the complaint, the Harassment Officer will meet with the Respondent with the objective of obtaining an apology and assurance that the offensive conduct will not be repeated;
  - If the Complainant does not wish to pursue an informal resolution of the complaint, the Harassment Officer may, nevertheless, take either of the following steps:
    - The Harassment Officer may meet with the Respondent with the objective of obtaining assurance that the offensive conduct will not be repeated;
    - If the Harassment Officer is satisfied that the complaint has been resolved through this informal process, the Harassment Officer will take no further action on the complaint;

- If the Harassment Officer is not satisfied that the complaint has been resolved through this informal process, then the Harassment Officer may refer the matter to the Board of Directors.

**6.4** The Harassment Officer will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.

**6.5** After notifying the Parties that the complaint has been accepted, the Harassment Officer will appoint a Discipline Panel.

**6.6** The Harassment Officer, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or any other communication medium, a hearing based on review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Harassment Officer and the Discipline Panel deem appropriate in the circumstances, provided that:

- The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or any other communication medium
- Copies of any written documents which the Parties wish to have the Discipline Panel to consider will be provided to all Parties, through the Harassment Officer, in advance of the hearing
- The Parties may engage a representative, advisor, or legal counsel at their own expense
- The Discipline Panel may request that any other individual participate and give evidence at the hearing
- The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
- The decision will be made by a majority vote of the Discipline Panel

**6.7** If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine an appropriate sanction.

**6.8** Subject to Section 6.6, the hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

## **7. Sanctions**

The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand;
- b) Verbal or written apology;
- c) Service or other contribution;
- d) Removal of certain privileges;

- e) Suspension from certain teams, events, and/or activities;
- f) Suspension from all HDSA or Affiliate Organization activities for a designated period of time;
- g) Payment of the cost of repairs for property damage;
- h) Suspension of funding;
- i) Expulsion;
- j) Any other sanction considered appropriate for the offence.

**7.1** When determining an appropriate sanction, the Discipline Panel shall consider factors such as:

- the nature of the harassment;
- whether the harassment involved any physical contact;
- if the harassment was an isolated incident or part of an ongoing pattern;
- the nature of the relationship between the Complainant and the Respondent;
- the age of the Complainant and/or Respondent;
- whether the Respondent had been involved in previous harassment incidents;
- whether the Respondent retaliated against the Complainant.

**7.2** Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal.

**7.3** Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension from the HDSA or applicable Affiliate Organization until such time as compliance occurs.

**7.4** In instances where conflict arises between this Policy and its preceding documents, the Discipline Panel will refer to Section 12 of the Ontario Soccer Governing Operational Procedures as required.

## **8. Appeals**

The Decision of the Discipline Panel may be appealed in accordance with Ontario Soccer's *Appeal Policy*

## **9. Suspension Pending a Hearing**

Huronian District Soccer Association or the applicable Affiliate Organization may determine that an alleged incident is of such seriousness as to warrant suspension of an individual from HDSA or its applicable Affiliate Organization pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

## **10. Criminal Convictions**

An individual's conviction for a *Criminal Code* offense, as determined by the HDSA or the applicable Affiliate Organization, will be deemed an infraction under this Policy and may result in expulsion from Ontario Soccer and its Affiliate Organizations. *Criminal Code* offences may include, but are not limited to:

- a) any child pornography offences;
- b) any sexual offences;
- c) any offence of physical violence;
- d) any offence of assault.

## **11. Other Regulations**

**11.1** Harassment Policy-related procedures not covered here shall be administered according to the Ontario Soccer Code of Conduct and Ethics.

**11.2** Where a conflict between Ontario Soccer and HDSA arises, Ontario Soccer Policies, Rules, and Regulations shall be applied.