

## **Softball Ontario Policy to Address Discrimination and Harassment**

### **Policy Statement**

1. Softball Ontario is committed to providing a sport and work environment that is safe, welcoming, inclusive and respectful. Such an environment does not include or condone discrimination or harassment. Softball Ontario recognizes that harassment is a form of discrimination, and like discrimination is prohibited by human rights legislation in Canada. In its extreme forms, harassment can also be an offence under Canada's Criminal Code.

### **Application**

2. This policy applies to all employees as well as to all directors, officers, coaches, athletes, team personnel, officials and members of Softball Ontario. It applies to discrimination and harassment that may occur during the course of all Softball Ontario business, activities and events.
3. Harassment and discrimination arising within the business, activities and events of clubs, provincial/territorial associations, affiliates or partners of Softball Ontario will be dealt with using the policies and mechanisms of such other organizations.

### **Definitions**

4. Discrimination is a distinction, based on grounds relating to personal characteristics of an individual or group which, whether intended or not, has the effect of imposing disadvantages on that individual or group not imposed on others, or withholding or limiting access to advantages available to others.
5. Harassment is a form of discrimination and takes many forms, but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals that is known, or ought to be known, to be unwelcome.
6. Behaviours that constitute harassment include, but are not limited to:
  - Written or verbal abuse or threats;
  - The display of audio or visual material which is offensive, or which one ought to know is offensive;
  - Unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation, or abilities;
  - Leering or other suggestive or vulgar gestures;
  - Condescending, paternalistic or patronizing behaviour that undermines self-esteem, diminishes performance, or adversely affects working conditions;
  - Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - Unwanted physical contact including touching, petting, pinching or kissing;
  - Unwelcome sexual flirtations, advances, requests, invitations, questions or discussions;
  - Use of homophobic or other derogatory sexual terms;
  - Any form of hazing;
  - Behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative, hostile or poisoned environment;
  - Criminal conduct such as stalking and physical or sexual assault or abuse;
  - Retaliation or threats of retaliation against an individual who reports harassment.
7. For the purposes of this policy, sexual harassment is defined as unwelcome 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;
- Such conduct creates an intimidating, hostile or poisoned environment.

### **Complaints**

8. Any person may make a complaint under this policy to an Official of Softball Ontario. For the purposes of this policy, an 'Official' is any person in a responsible staff or volunteer position with Softball Ontario. Complaints to an Official must be timely (within 30 days of the incident giving rise to the complaint) and must be in writing, signed by the complainant.
9. Once a complaint is made, the role of the Official is to serve in a neutral capacity in assisting in an informal resolution of the complaint, where this is appropriate.
10. If the Official is unable to assist in an informal resolution of the complaint, or if informal resolution is not appropriate, the Official will report the complaint to the Chair of Softball Ontario.

### **Investigation**

11. The Chair will appoint an independent individual to conduct an investigation of the complaint. The Investigator will carry out an investigation in a timely manner and at the conclusion of the investigation will provide a written report. This report will make findings and where the complaint is substantiated, will set forth recommendations for conducting a hearing in order to resolve the complaint.
12. The Chair may determine that the alleged conduct is of such seriousness as to warrant immediate suspension or removal of the individual pending an investigation, hearing and decision.

### **Hearing and Decision**

13. Where the Investigator recommends that a hearing take place, such hearing will occur in a timely manner, using fair procedures that afford all parties an opportunity to make representations to a Panel of three impartial decision-makers appointed by the Chair of Softball Ontario. The format, timelines and procedures for the hearing will be at the discretion of the Panel. The Panel has an obligation to ensure a timely procedure that respects the principles of procedural fairness at all times.
14. The Panel will consider the evidence of the parties, relevant witnesses, and the Investigator's findings in making its decision and will issue a written decision. The decision of the Panel will take effect immediately and will be final and binding on all parties.

15. Discipline sanctions that may be imposed by the Panel include the following, singly or in combination, depending on the nature and severity of the case:
  - Verbal or written apology;
  - Letter of reprimand;
  - Removal of certain privileges of membership;

- Suspension from membership for a defined period of time;
- Indefinite suspension from membership to be reviewed at a future time;
- Termination of membership or employment;
- Publication of the decision.

16. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Softball Ontario until such time as the sanction is fulfilled.
17. Harassment and discrimination complaints arising during competition may be dealt with immediately by a Softball Ontario representative in a position of authority. In such instances, disciplinary sanctions will be for the duration of the event only. Further sanctions may be applied but only after a review of the matter in accordance with the procedures in this policy. This review does not replace the appeal provisions of this policy.

### **Criminal Matters**

18. Notwithstanding the procedures set out in this policy, any person to whom this policy applies who is convicted of an offense under Section 5 of the Criminal Code of Canada (Sexual Offenses, Public Morals and Disorderly Conduct), or is convicted of a similar offense of sexual nature, will face automatic suspension from Softball Ontario for a period of time corresponding to the length of their criminal sentence, and may face further disciplinary action by Softball Ontario in accordance with this policy.

### **Confidentiality**

19. Softball Ontario recognizes the sensitive nature of discrimination, harassment and member discipline and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Softball Ontario will do so. It is also the policy of Softball Ontario to allow publication of the decision of the Panel, where the Panel directs publication as part of its decision.

### **Appeal**

20. An individual who is sanctioned under this Policy may appeal, in accordance with Softball Ontario's Appeal Policy.

**Policy Name:** Discrimination and Harassment

**Ratification Date:** January 12, 2019

**Review Date:** January 12, 2024