

Harassment & Abuse Policy and Action Plan- North Vancouver Cruisers Aquatics

PURPOSE

Harassment and abuse of any kind is unacceptable at the North Vancouver Cruisers Aquatics (the "Club") and will not be tolerated. The Club is committed to providing a safe, caring and friendly environment for all of our members, where everyone is treated with respect and dignity. If harassment or abuse does occur, all athletes and parents should know that incidents will be dealt with promptly and effectively. Anyone who knows that harassment or abuse is happening is expected to tell a coach, board member or athlete/mentor.

Objectives of the Club's Harassment & Abuse Policy and Action Plan:

1. To make it clear that the Club will not tolerate harassment or abuse in any form.
2. To define harassment and abuse and give all board members, coaches, parents and swimmers a good understanding of what harassment and abuse is.
3. To make it known to all parents, swimmers and coaching staff that there is a policy and protocol should any issues arise.
4. To make how to report harassment and abuse clear and understandable.
5. To spread the word that North Vancouver Cruisers Aquatics takes harassment and abuse seriously and that all swimmers and parents can be assured that they will be supported when incidents are reported.

WHAT IS HARASSMENT?

"Harassment" is defined as any comment(s) or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.

Harassment may involve repeated conduct or a single incident that could cause a lasting harmful effect on the victim.

Types of behaviour that are considered to be harassment include, but are not limited to:

- a. Unwanted and unnecessary touching or other suggestive physical conduct
- b. Written or verbal or online abuse, threats, or outbursts
- c. Unwelcome remarks, jokes, comments, innuendo, or taunts about a person's physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, or gender expression
- d. Leering or other suggestive or obscene gestures
- e. The display of visual material which is offensive or which one ought to know is offensive

- f. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect a person's experience
- g. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- h. Any form of hazing
- i. 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
- j. Retaliation or threats of retaliation against an individual who reports harassment or participates in a harassment investigation.

Harassment includes bullying which is defined as intentionally hurting someone in order to insult, humiliate, coerce, degrade or exclude them. Bullying can be broken down into five categories:

- a. Physical bullying including interference with or blocking normal movement with or without the use of equipment
- b. Verbal bullying including phone or video calls
- c. Relational (ie. trying to cut off victims from social connection by convincing peers to exclude or reject a certain person)
- d. Reactive (i.e. engaging in bullying as well as provoking bullies to attack by taunting them)
- e. Sending or leaving offensive physical or electronic messages, videos, or social media posts.

Harassment includes sexual harassment, which 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:

- a. Sexist jokes
- b. Display of sexually offensive material
- c. Sexually degrading words used to describe a person
- d. Inquiries or comments about a person's sex life
- e. Unwelcome sexual flirtations, advances, or propositions
- f. Persistent unwanted physical contact including, but not limited to, touching, hugging, petting, pinching, or kissing.

WHAT IS NOT HARASSMENT?

Harassment does not include disciplined training. However, those with authority must:

- a. Set and communicate reasonable and consistent performance and training standards to all participants,

- b. Ensure that training involving touching or other physical contact occurs in the appropriate setting and only after informed consent, where practicable, has been sought and received; and,
- c. Act consistently with North Vancouver Cruisers Aquatics Code of Conduct.

Harassment does not include legitimate exercise of managerial or supervisory authority over an employee. This includes, but is not limited to, day-to-day management or supervisory decisions involving work assignments, evaluations and disciplinary action.

THE NORTH VANCOUVER CRUISERS AQUATICS POSITION ON HARASSMENT

The Club does not tolerate any form of harassment in connection with any of its activities and will take all reasonable steps to prevent harassment from occurring and to stop it if it occurs.

This policy applies to all North Vancouver Cruisers Aquatics employees, contractors, directors, officers, volunteers, participants and family members of participants.

For purposes of this policy, harassment may occur:

- a) at the Club's sporting events or training sessions;
- c) at the Club's social functions;
- d) at the Club's meetings, conferences and training sessions;
- e) while traveling to or from the Club's activities; and,
- f) in any other location where harassment relating to involvement with the Club may occur.

REPRESENTATION BY A RESPONSIBLE ADULT

If a victim of harassment is a minor or someone otherwise unable to represent themselves, a complaint may be brought forward by a parent, guardian or other adult of the person's choice who may act on behalf of the concerned person throughout the complaint process (the "Responsible Adult").

If an alleged harasser is a minor or someone otherwise unable to represent themselves, the Club's officials dealing with the complaint will inform them that they may have a Responsible Adult present during the complaint process and/or have a Responsible Adult act on their behalf throughout the complaint process.

COMPLAINT PROCEDURE

A person who believes they have been harassed should take immediate action to resolve the issue. This should include the following steps:

1. Approach the alleged harasser and explain that the conduct is causing discomfort. The alleged harasser should immediately stop the conduct that is causing concern.
2. If the complainant does not feel comfortable approaching the alleged harasser or has done so and the conduct has continued, they should inform their coach, Club Manager, Board Member or Club President of the conduct, explain it in detail and, if necessary or helpful, provide a written statement of the complaint. If the Club President is informed, the club president will in turn inform the BCSSA Regional Director as necessary. This complaint should take place within 30 days of the alleged incident or the latest event in a string of incidents.
3. The person or group informed will review the information available relating to the complaint and determine whether the complaint should initially be pursued informally or whether the complainant should file a formal complaint. In making this decision, they will consider the seriousness of the complaint, the wishes of the complainant and the likelihood of the complaint being resolved informally. This step should be completed within 2 weeks of receiving the complaint.

4. Informal Resolution

- a. The method of resolution at the informal stage should consider the wishes of the complainant but will also depend on the nature of the allegation.
- b. If the complainant and alleged harasser (respondent) are willing, the Coach, Club Manager, Board member and/or Club President may convene a meeting between the parties to attempt to resolve any issues.
- c. The complainant and the respondent may have another person accompany him or her in the informal process if they so desire.
- d. If the issue is dealt with to the satisfaction of both parties at the informal stage, then the issue will be considered resolved, the Club's representatives will report this to the BCSSA and the process will be complete.
- e. This step should be completed within 30 days of the decision to pursue informal resolution.

5. Formal Complaint

- a. If the issue is not resolved through the informal process or if the complainant wishes to file a formal complaint, they may do so by completing the BCSSA Formal Harassment Complaint Form. This is a written signed statement setting out their allegations and is provided to the Regional Director. The complainant will be given 2 weeks to complete this.
- b. The Regional Director will, in consultation with the BCSSA President, appoint a case manager to manage the formal complaint process. The case manager reports to the BCSSA.

c. The case manager will review the complaint and determine whether the alleged conduct of the respondent may fall within this policy. If the conduct does not fall within this policy, the case is dismissed. This will be completed within 2 weeks of receipt of the formal complaint.

d. If the case manager determines that the alleged conduct may fall within this policy, then a copy of the complaint will be provided to the respondent, who will be given an opportunity to respond, in writing, to the allegations.

e. When the harassment advisor has received a written response from the alleged harasser, or a period of 2 weeks has passed and none has been provided, the harassment advisor will determine whether there are appropriate resolution options, other than an investigation, such as mediation, that are acceptable to both the complainant and the respondent.

f. If there are appropriate resolution options agreeable to the complainant and the respondent, then these will be enacted, the issue will be considered resolved, the case manager will report this to the BCSSA and the process will be complete.

6. Investigation

a. If there are no appropriate resolution options, other than an investigation, that are acceptable to both the complainant and the respondent, then the case manager, or another individual appointed by the Club (the "Investigator"), will conduct an investigation into the alleged harassment. The investigator has the option to form an investigation committee at this point rather than pursue the investigation independently. This committee will include at least three members, none of whom may have any personal or professional relationship with either the complainant or the respondent.

b. The investigation will include interviews with the complainant, the respondent and any witnesses, as the investigator deems appropriate. The investigation should take no more than 4 weeks to complete.

c. The complainant and the respondent may have another person accompany them in the process if they so desire.

d. The investigator will make a determination as to whether the respondent has committed an act or acts of harassment.

e. The investigator will prepare a report to the Club summarizing their findings and will include recommendations with respect to discipline, if any. This report should be complete within 2 weeks of the conclusion of the investigation.

f. If no disciplinary action is recommended, the investigator will provide the complainant and the respondent with copies of the report, the issue will be considered resolved and the process will be complete.

7. Discipline

- a. If the investigator's report recommends disciplinary action and the investigation was conducted by a committee, the recommendations of the committee will be accepted, and the investigator will provide the complainant and respondent with copies of the report.
- b. If the investigator's report recommends disciplinary action and the investigation was conducted by an individual, the Club will appoint a discipline committee. This committee will include at least three members, none of whom may have any personal or professional relationship with either the complainant or the respondent.
- c. The discipline committee will review the investigator's report and may accept or reject some or all of its recommendations for disciplinary action. If this step is needed this committee will be given an additional 2 weeks to make a decision. The report will then reflect this decision and copies will be delivered to the complainant and the respondent.
- d. No disciplinary action will be taken against a person for making a complaint of harassment in good faith, whether or not the claim is substantiated.
- e. A person found to have harassed another person contrary to this policy will be subject to discipline. The form of discipline depends on the severity of the harassment.
- f. A person found to have falsely accused another person of harassment and to have done so maliciously or in bad faith will be subject to disciplinary action.
- g. Examples of disciplinary action that may be imposed include, but are not limited to:
 - i. letter of reprimand from the Club;
 - ii. removal of certain privileges of membership;
 - iii. temporary suspension of membership in the Club;
 - iv. expulsion from membership in the Club;
 - v. prohibition from attending the Club's events and/or activities;
 - vi. temporary suspension of the Club's employment with or without pay; and
 - vii. termination of the Club's employment for cause.

APPEAL PROCESS

Upon receipt of the final report, either party has the right to appeal the decision within 30 days. Members choosing to appeal will follow the BCSSA Appeals Committee process laid out in the Rulebook. Upon receipt of an appeal, the Committee has 30 days to offer their conclusion.

TIMELINE

Timelines listed above are meant to be guidelines. As most of the participants in this policy are likely to be volunteers, their availability may be limited and therefore strict adherence to the timelines may not be reasonable. The case manager and/or the Club's president can approve extensions of the timelines.

CONFIDENTIALITY

The Club, harassment advisors and investigators will act consistently within BCSSA policies on privacy and confidentiality and will not disclose a complainant's or a respondent's name or any circumstances related to a complaint to anyone, except as necessary to investigate or resolve a complaint, take disciplinary action, or as required by law.

The complainant, the respondent, witnesses, and others with knowledge of a complaint are required to keep information about the complaint confidential.

POLICY REVIEW

The Club will review and revise this policy as it deems necessary.

Appendix:

PARAMETERS FOR MEDIATION AND INVESTIGATION:

FINDING OUT WHAT HAPPENED

1. **First, we get the facts.**
 - a. Keep all the involved children separate.
 - b. Get the story from several sources, both adults and kids.
 - c. Listen without blaming.
 - d. Don't call the act "harassment" or "bullying" while you are trying to understand what happened.
 - e. It may be difficult to get the whole story, especially if multiple athletes are involved or the bullying involves social bullying or cyber bullying. Collect all available information.
 2. **Then, we determine if it's harassment.** There are many behaviors that look like harassment but require different approaches. It is important to determine whether the situation is harassment or something else.
 - a. Review the BCSSA definition of harassment;
 - b. To determine if the behavior is harassment or something else, consider the following questions:
 - What is the history between the kids involved?
 - Have there been past conflicts?
 - Is there a power imbalance? Remember that a power imbalance is not limited to physical strength. It is sometimes not easily recognized. If the targeted child feels like there is a power imbalance, there probably is.
 - Has this happened before? Is the child worried it will happen again?
- a. Remember that it may not matter "who started it." Some kids who are bullied may be seen as annoying or provoking, but this does not excuse the harassing or abusive behaviour.
 - b. Once you have determined if the situation is harassment, support all of the kids involved.

SUPPORTING THE KIDS INVOLVED

1. **Support the kids who are being harassed**
 - a. Listen and focus on the child. Learn what's been going on and show you want to help. Assure the child that this behaviour is not their fault.
 - b. Work together to resolve the situation and protect the child that is the target of this behaviour. The child, parents, and fellow team members and coaches may all have valuable input. It may help to:
2. Ask the child being targeted what can be done to make him or her feel safe. Remember that changes to routine should be minimized. He or she is not at fault and should not be singled out. For example, consider rearranging lane assignments for everyone. If bigger moves are necessary, such as switching practice groups, the child who is being targeted should not be forced to change.
3. ii. Develop a game plan. Maintain open communication between the Club and parents. Discuss the steps that will be taken and how this behaviour will be addressed going forward.
 - a. Be persistent. The harassing behaviour may not end overnight. Commit to making it stop and consistently support the targeted child.

1. **Address harassing behavior**
 - a. Make sure the child knows what the problem behavior is. Young people who bully must learn their behavior is wrong and harms others.
 - b. Show kids that bullying is taken seriously. Calmly tell the child that bullying will not be tolerated. Model respectful behavior when addressing the problem.
 - c. Work with the child to understand some of the reasons they bullied. For example:
2. Sometimes children bully to fit in or just to make fun of someone who is a little different from them. In other words, there may be some insecurity involved.
3. Other times kids act out because something else—issues at home, abuse, stress—is going on in their lives. They also may have been bullied. These kids may be in need of additional support.
 - a. Involve the kid who instigated the behaviour in making amends or repairing the situation. The goal is to help them see how their actions affect others. For example, the child can:
4. Write a letter apologizing to the athlete who was targeted.
5. Do a good deed for the person who was targeted, for the Club, or for others in your community.
6. Clean up, repair, or pay for any property they damaged.
 - a. Avoid strategies that don't work or have negative consequences:
7. Zero tolerance or "three strikes, you're out" strategies don't work. Suspending or removing from the team swimmers who bully does not reduce bullying behavior. Swimmers may be less likely to report and address harassment if suspension or getting kicked off the team is the consequence.

8. Conflict resolution and peer mediation don't work for harassing behaviour. Bullying is not a conflict between people of equal power who share equal blame. Facing those who have bullied may further upset kids who have been bullied.
 - a. Follow-up. After the harassing behaviour issue is resolved, continue finding ways to help the child who instigated the behaviour to understand how what they do affects other people. For example, praise acts of kindness or talk about what it means to be a good teammate.
9. **Support bystanders who witness the harassment.** Every day, kids witness bullying. They want to help, but don't know how. Fortunately, there are a few simple, safe ways that athletes can help stop harassing behaviour when they see it happening.
 - a. Be a friend to the person being bullied;
 - b. Tell a trusted adult – your parent, coach, or club board member;
 - c. Help the kid being bullied get away from the situation. Create a distraction, focus the attention on something else, or offer a way for the target to get out of the situation. "Let's go, practice is about to start."
 - d. Set a good example by not bullying others.
 - e. Don't give the bully an audience. Bullies are encouraged by the attention they get from bystanders. If you do nothing else, just walk away.