



Canadian Luge Association

Harassment Policy

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POLICY STATEMENT ON DISCRIMINATION AND HARASSMENT

The CLA is committed to creating and maintaining a sport environment which is free from discrimination and harassment on prohibited grounds, including race, ancestry, place of origin, colour, ethnic origin, citizenship, political opinion, creed, sex, sexual orientation, disability, age, marital/family status, language and any other discrimination or harassment prohibited by applicable law.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“CLA PARTICIPANTS”

These guidelines apply to all CLA participants, which include all persons engaged in any paid or volunteer capacity with the CLA or otherwise under the jurisdiction of the CLA. Without limiting the reach of the guidelines, CLA participants include:

- a) all athletes eligible for nomination to, or forming part of, any team participating in sport competitions over which CLA has jurisdiction;
- b) all persons working with those teams or athletes, including coaches, medical and paramedical personnel, and other support persons;
- c) CLA employees and persons under contract with CLA; and
- d) CLA directors, members and volunteers.

The CLA Policy and these guidelines apply to CLA participants at all times, during the course of their work in sport and also during other activities where their conduct may affect the sport environment.

”PERSON IN AUTHORITY”

A person in authority is any CLA participant in a position of authority over, or trusted by, a person who may be experiencing discrimination or harassment, and can include such persons as team leaders, coaches, trainers, medical or paramedical personnel, parents or other volunteers and supervisors.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“DISCRIMINATION”

Discrimination is any distinction, whether intentional or not but based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.

The prohibited grounds of discrimination under the CLA Policy are as follows:

- a) age (*except for athletes, an age that is eighteen years or more and less than sixty-five*)
- b) ancestry
- c) citizenship
- d) colour
- e) creed
- f) disability
- g) ethnic origin
- h) language (*but not where a language is a qualification for employment or office*)
- i) marital/family status (*defined to include common law relationships, and to not preclude anti-nepotism policies*)
- j) place of origin
- k) political opinion
- l) race
- m) sex (*defined to include pregnancy*)
- n) sexual orientation

The CLA Policy also applies to any other ground of discrimination prohibited by applicable law.

Nothing in the CLA Policy or these guidelines affects the rules of any member's sport, the selection of teams based on performance or the regulations of the IOC.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“HARASSMENT”

Harassment is a form of discrimination, and refers to conduct associated with a prohibited ground that affects the sport environment or leads to adverse consequences within that environment for the person(s) experiencing the harassment, which the perpetrator knew or ought reasonably to have known would be unwelcome.

Harassment can take many forms but generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. Examples of harassment include:

- a) unwelcome remarks, jokes, nicknames, innuendo, or taunting linked to a prohibited ground, such as a person's age, sexual orientation, race, ancestry, political opinions, etc.
- b) written or verbal abuse or threats linked to a prohibited ground.
- c) racial or ethnic slurs.
- d) displays which may cause offence and are related to prohibited grounds, such as sexual, racial, ethnic or religious posters or graffiti.
- e) use of terminology that reinforces stereotypes based on prohibited grounds.
- f) vandalism or physical assaults motivated by prohibited grounds.
- g) condescension, paternalism, or patronising behaviour linked to prohibited grounds which undermines self-respect or adversely affects performance or working conditions.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

Discipline in training is an indispensable part of high performance sport and should not be confused with discrimination or harassment. However, it is of vital importance that those in authority:

- a) set and communicate non-discriminatory performance standards, selection criteria, rules and regulations to all participants.
- b) ensure that training involving touching or other physical contact occur in an appropriate setting, and only after informed consent has been sought and received.
- c) be consistent in taking any corrective or punitive action without discrimination or harassment based on prohibited grounds.
- d) use non-discriminatory terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“SEXUAL HARASSMENT”

Sexual harassment is unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature or related to a person's sex when:

- a) submitting to or rejecting this conduct can affect decisions about the individual;
- b) the conduct has the purpose or effect of interfering with the individual's performance; or
- c) the conduct detrimentally affects the environment.

Specific examples can include:

- a) criminal conduct such as stalking, and physical or sexual assault or abuse.
- b) inappropriate comments about a person's body or appearance.
- c) inquiries or comments about an individual's sex life, sexual preferences, etc.
- d) leering or other obscene or suggestive gestures.
- e) promises or threats contingent on the performance of sexual favours.
- f) sexual/sexist graffiti or any displaying of sexually explicit material or pictures.
- g) unwanted physical contact including touching, kissing, patting and pinching.
- h) unwelcome flirtation, sexual remarks, invitations or requests whether indirect or explicit.
- i) use of inappropriate or derogatory sexual terms.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“REPRISAL”

Reprisals or threats of reprisal are an aggravating factor in any situation involving discrimination or harassment, particularly where the reprisal or threat of reprisal is by a person in authority. Examples of reprisal include:

- a) acts of retaliation designed to punish an individual who has reported discrimination or harassment.
- b) threats of retaliation designed to dissuade an individual from reporting discrimination or harassment.

In sexual harassment situations, reprisals can also include:

- a) acts of retaliation to punish an individual who has rejected sexual advances.
- b) threats of retaliation if sexual advances are rejected.

For the purpose of these guidelines, the making of a groundless complaint shall also be deemed a reprisal.

GUIDELINES on Discrimination and Harassment

DEFINITIONS

“CONDONATION”

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions under these guidelines.

GUIDELINES on Discrimination and Harassment PREVENTION AND INTERVENTION

Prevention and intervention are key to achieving a sport environment free of discrimination and harassment. The CLA must present a positive role model. CLA participants should:

- a) communicate the CLA's objective to create and maintain a sport environment free of harassment and discrimination.
- b) exercise good judgment and initiate appropriate action in consultation with a CLA resource person, if they become aware that discrimination or harassment may have occurred.
- c) follow-up in consultation with a CLA resource person if discrimination or harassment is suspected or rumoured, appreciating that individuals who experience discrimination or harassment are often reluctant to report it.

GUIDELINES on Discrimination and Harassment COMPLAINT PROCEDURE

Receiving Reports

All CLA participants are encouraged to report suspected discrimination or harassment. Such reports may be made to the President of the CLA, or to any other person in authority.

All such reports shall be brought promptly to the attention of the President, by whoever receives the report.

Assistance to Complainants

A complainant may request the assistance of a CLA resource person in understanding these guidelines, in pursuing resolution short of lodging a complaint if appropriate, and in formulating the written complaint. The CLA resource person shall refer the complainant to counselling upon request, and may explore the possibility of alternative forms of dispute resolution with the complainant following the complaint, if appropriate.

Should a complainant choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the complainant's own expense.

GUIDELINES on Discrimination and Harassment COMPLAINT PROCEDURE

The Complaint

Although anyone may report discrimination or harassment, a complaint may be made only by persons affected by the alleged discrimination or harassment, or by the Program Coordinator on behalf of the CLA.

A complaint shall be in writing, and signed by the complainant or by the Program Coordinator if the complaint is brought on behalf of the CLA. The complaint shall be submitted to the President of the CLA.

The complaint should include particulars of the discrimination or harassment, including details of the incident or incidents, including dates, times, locations, description of action, account of dialogue, the name of the perpetrator(s) and any witnesses or names of other individuals who may also have experienced discrimination or harassment. The complaint should detail any corrective action taken to date.

The parties to a complaint are the CLA, the respondent(s) and the complainant(s), if any. The complainant may withdraw the complaint at any time. However, such a complaint may be continued as a complaint by the Program Coordinator on behalf of the CLA, if the CLA does not consent to the withdrawal.

GUIDELINES on Discrimination and Harassment

COMPLAINT PROCEDURE

Processing the Complaint

The person responsible for processing the complaint (hereinafter the "CLA Official") may vary, as follows:

- a) where a complaint involves conduct by an employee of, or person under contract to, CLA other than the Program Coordinator the CLA Official shall be the Program Coordinator.
- b) In all other cases, the CLA Official shall be the President (or where a complaint involves conduct by the President, an alternate Vice-President of the CLA will perform the President's functions under these guidelines). However, the President (or alternate) may delegate part or all of the President's (or alternate's) responsibilities under these guidelines to the Program Coordinator, except where a complaint is by or against the Program Coordinator.

GUIDELINES on Discrimination and Harassment

COMPLAINT PROCEDURE

Complaint Investigation

The CLA Official may decide not to deal with a complaint:

- a) if in the opinion of the CLA Official, the facts alleged in the complaint would be insufficient, if proven, to establish discrimination or harassment under the CLA Policy; or
- b) if in the opinion of the CLA Official, the investigation of the complaint would not advance the purpose of the CLA Policy in the circumstances, because of a significant delay between the alleged events and the time of the complaint.

In all other cases, the CLA Official shall investigate the complaint or appoint and provide terms of reference to an investigator who shall investigate the complaint and make findings of fact.

Before the investigation begins, the CLA Official shall advise each respondent of the complaint and shall provide each complainant and respondent a copy of the written complaint, of the CLA Policy and these guidelines, and of the investigator's terms of reference, if any.

Before the investigation report is issued, each respondent shall have a reasonable opportunity to respond to the allegations. If a respondent declines to do so, or does not respond within the time-frame provided, the investigator's report may nonetheless be issued.

All CLA participants, including the respondent(s), must co-operate fully in any investigation under these guidelines.

The CLA Official may consult with the investigator during the course of the investigation, may review the investigation report in draft and may provide additional terms of reference to, or request clarification from, the investigator.

Assistance to Respondents

A respondent may request the assistance of a CLA resource person without previous involvement in the complaint in understanding these guidelines. The CLA resource person shall refer the respondent to counselling upon request, and may explore the possibility of alternative forms of dispute resolution with the respondent.

Should a respondent choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the respondent's own expense.

Determinations Following Investigation

The CLA Official shall determine whether discrimination or harassment has been established in light of the findings of fact

GUIDELINES on Discrimination and Harassment COMPLAINT PROCEDURE

contained in the investigation report, and if so, the nature and particulars of the discrimination or harassment.

Settlement

A complaint may be settled at any stage. A resolution agreement should be in writing and signed by all parties.

Mediation

The CLA may provide a mediator, if the CLA Official views mediation as appropriate and if the complainant and respondent are willing to enter a mediation agreement.

GUIDELINES on Discrimination and Harassment

SANCTIONS

The CLA Official shall have the authority to impose sanctions, if warranted, in light of the determinations.

The complainant(s) and the respondent(s) shall be given a reasonable opportunity to make submissions to the CLA Official prior to the imposition of sanctions.

Sanctions may include, but are not limited to:

- a) a recommendation that a person's membership be revoked in accordance with the by-laws of the CLA.
- b) temporary or permanent suspension from employment with CLA, or from participation in some or all of the activities over which the CLA has jurisdiction including the Olympic or Pan Am Games (hereinafter collectively referred to as "CLA activities").
- c) the imposition of such temporary or permanent conditions on continued employment with CLA, or participation in CLA activities as the CLA Official may view as appropriate in the circumstances.
- d) the issuance of a warning and/or reprimand.

The CLA Official shall provide the complainant(s) with such information about any sanctions imposed as is appropriate in the circumstances.

Should any sanction that the CLA Official views as appropriate require a resolution to be passed by either the CLA Executive Committee or Board of Directors, the CLA Official shall take such action as is appropriate to have the matter placed before the Executive Committee or Board for its consideration, but the matter will not be considered prior to any appeal under these guidelines.

GUIDELINES on Discrimination and Harassment

INTERIM MEASURES

The CLA Official may impose interim measures pending the investigation and disposition of a complaint, if the CLA Official is of the view that the imposition of such measures is in the best interest of the complainant(s), respondent(s) and/or CLA.

Interim measures are not sanctions, and they may take many forms, including but not limited to:

- a) the imposition of conditions upon the continued participation of the respondent(s) in the activities or work of the CLA.
- b) suspension of the respondent(s) from participation in the activities or work of the CLA, with or without pay, or under such other terms as are seen to be appropriate.
- c) security arrangements.

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GUIDELINES on Discrimination and Harassment

APPEALS

Grounds for Appeal by Respondents

A respondent may appeal to the CLA Executive Committee from the CLA Official's determination(s) on the following grounds only:

- a) that the investigation was conducted in an unfair or biased manner contrary to the rules of natural justice.
- b) that the findings of fact contained in the investigation report are insufficient to support a determination that discrimination or harassment has been established.

In an appeal by the respondent from the CLA Official's determination(s), the complainant shall be entitled to participate as a respondent in the appeal.

A respondent may also appeal to the CLA Executive Committee from the sanction(s) imposed or recommended following a complaint. In such an appeal, the complainant shall be advised by the CLA Official that an appeal has been filed, and shall be entitled to make written representations, but shall not be entitled to participate as a respondent in the appeal.

There shall be no appeal from any finding of fact contained in the investigation report.

GUIDELINES on Discrimination and Harassment

APPEALS

Grounds for Appeal by Complainants

A complainant may appeal to the CLA Executive Committee from the CLA Official's determination(s) on the following grounds only:

- a) that the investigation was conducted in an unfair or biased manner contrary to the rules of natural justice.
- b) that the findings of fact contained in the investigation report ought to have resulted in a determination that discrimination or harassment has been established.

In an appeal by the complainant from the CLA Official's determination(s), the respondent shall be entitled to participate as a respondent in the appeal.

A complainant may also appeal to the CLA Executive Committee from the CLA Official's decision not to deal with a complaint. In such a case, the respondent shall not be identified in the appeal and shall not be entitled to participate as a respondent in the appeal.

There shall be no appeal from any finding of fact contained in the investigation report.

Appeals from NSFs

If a National Sports Federation's own policy so provides, the CLA Executive Committee shall hear appeals from the determination(s) of and/or sanction(s) imposed by the NSF, provided that the NSF's policy on discrimination and harassment is consistent in all material respects with the CLA Policy.

GUIDELINES on Discrimination and Harassment APPEALS

Notice of Appeal

The notice of appeal must be made in writing to the CLA secretary, within fourteen days of the appellant receiving notice of the CLA Official's decision with respect to sanctions, and must state the specific grounds for the appeal.

GUIDELINES on Discrimination and Harassment APPEALS

The Hearing

The following persons may appear before the CLA Executive Committee at its in camera hearing and make representations in the appeal:

- a) the appellant(s);
- b) any person entitled to participate as a respondent in the appeal;
- c) the CLA Official who may make representations with respect to the investigation of the appeal, the determinations and any sanctions imposed and/or recommended;
- d) any other person invited by the CLA Executive Committee to make representations.

No member of the CLA Executive Committee having had any personal involvement in the complaint, or who is otherwise in conflict of interest, shall participate in the deliberations or decision in the appeal.

GUIDELINES on Discrimination and Harassment

APPEALS

Disposition of an Appeal

The CLA Executive Committee's deliberations shall take place in camera. The appellant(s), respondent(s) if any, and the CLA Official (or NSF representative) shall not be present during the deliberations.

The CLA Executive Committee, by a majority of votes cast, may:

- a) dismiss the appeal;
- b) substitute its own determination for the determination under appeal;
- c) substitute a sanction for the sanction under appeal; or
- d) remit the complaint for further investigation and/or for re-determination in accordance with its directions.

The CLA Executive Committee shall provide reasons for its disposition. Minority and dissenting reasons may also be provided.

Appeal Summaries

A summary of each appeal and the reasons for disposition shall be published annually in such a form as to protect the identities of individuals involved.

GUIDELINES on Discrimination and Harassment

RECORD KEEPING

The Program Coordinator shall keep a secure record of every report and complaint under these guidelines. The record shall contain all relevant documentation, including:

- a) details of the report(s) and/or a copy of the complaint(s);
- b) the response(s), if any;
- c) the terms of reference of the investigator, if any;
- d) the interim measures, if any;
- e) any witness statements;
- f) the investigation report, if any;
- g) the terms of any informal resolution or written resolution agreement;
- h) the CLA Official's determinations, if any;
- i) the sanctions imposed, if any;
- j) all other correspondence;
- k) any appeal(s) filed;
- l) any material filed in an appeal; and
- m) any minutes of the CLA Executive Committee or Board of Directors.

GUIDELINES on Discrimination and Harassment

CONFIDENTIALITY

To the extent possible, reports, complaints, witness statements and other documents produced under these guidelines shall be held in confidence by CLA.

However, no absolute guarantees of confidentiality may be made by CLA. Circumstances in which information may be shared include:

- a) when criminal conduct may be involved.
- b) when child abuse may have occurred.
- c) when it is felt to be necessary to protect others from harassment or discrimination.
- d) when required to ensure fairness or natural justice in the procedures contemplated by these guidelines.
- e) in the course of an investigation by a law enforcement agency.
- f) to protect the interests of the CLA.
- g) when required by law.

LIST OF
FOUNDATIONS OF DISCRIMINATION BY CANADIAN JURISDICTION

Age	<i>All</i>												
Colour	<i>All</i>												
Disability/Handicap	<i>All</i>												
Marital Status	<i>All except Charterⁱ</i>												
National, ethnic origin, ancestry, place of origin	<i>All</i>												
Race	<i>All</i>												
Religion	<i>All</i>												
Sex / Gender	<i>Tout</i>												
	<i>Fedⁱⁱ</i>	<i>AB</i>	<i>BC</i>	<i>MB</i>	<i>NB</i>	<i>NF</i>	<i>NT</i>	<i>NS</i>	<i>ON</i>	<i>PE</i>	<i>PQ</i>	<i>SK</i>	<i>YT</i>
Association with groups, individuals characterized by prohibited grounds								Y					Y
Attachment of wages						Y							
Criminal record	Y		Y					Y	Y				Y
Gender-determined characteristics (other than pregnancy)				Y									
Irrational fear of contracting disease								Y					
Language, linguistic background											Y		Y
Nationality/Citizenship				Y			Y		Y				Y
Political opinion			Y	Y		Y		Y		Y	Y		
Pregnancy (deemed discrimination on grounds of sex)	Y			Y					Y		Y		
Social condition or social origin						Y					Y		
Source of income, receipt of public assistance		Y						Y	Y	Y			Y

ⁱ Canadian Charter of Rights and Freedom

ⁱⁱ Human Rights Act