



HARASSMENT POLICY (Excerpt from Rugby Ontario Operations Manual)

3.13 Harassment

(please also refer to Sections 7.8, 8.6 and 9.2 of the Rugby Ontario Operations Manual)

Risk Statement:

Further to the definition of Harassment in Policy 1.3:

- (i) In its more extreme forms, and in particular sexual harassment, harassment can be an offence under Canada's Criminal Code;
- (ii) Any person who experiences harassment continues to have the right to seek assistance from the Ontario Human Rights Commission (OHRC) even when steps are being taken under Rugby Ontario's policy;
- (iii) Every Member and registrant has a responsibility to play a part in ensuring that Rugby Ontario's sport environment is free from harassment;
- (iv) There are many types of harassment including:
 - ✓ comments, actions or gestures which are insulting, intimidating, humiliating, malicious, degrading or offensive;
 - ✓ actions that disturb persistently, torment, bother continually, persecute or trouble by repeated attacks and hostilities;
 - ✓ unwelcome advances (e.g. for sexual favours) or other physical conduct (e.g. sexual touching) when submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
 - ✓ when such conduct has the purpose or effect of interfering with an individual's performance; creates an intimidating, hostile or offensive environment; or ought to be reasonably known to be unwelcome.

Policy:

3.13.1 Rugby Ontario is committed to providing an environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability.

Application

3.13.2 All Members of Rugby Ontario shall formally adopt this Harassment policy.



3.13.3 Any registrant who has encountered any form of harassment may file a formal written complaint to the RO office.

3.13.4 This policy applies to incidents which occur between individuals associated with Rugby Ontario during the course of Rugby Ontario activities.

3.13.5 This policy does not apply to:

- (i) Incidents in the workplace, which are covered in Rugby Ontario's Human Resources Policy and Procedures;
- (ii) Incidents involving individuals in clubs, Branch Unions and rugby facilities who receive remuneration as defined by the Income Tax Act. The organizations which hire them are responsible for maintaining a harassment-free environment in accordance with the Employment Standards Act and OHRC regulations;
- (iii) Incidents on and off the field of play which are covered in sections 7.4-7.6.

3.13.6 Retaliation against an individual or associate of an individual who filed a complaint or participated in any procedure under this policy will be treated as harassment and eligible for the filing of a further complaint.

3.13.7 A minimum of two (2) Provincial Harassment Officers (PHOs), one male and one female, will be appointed by the Rugby Ontario CEO to investigate harassment incidents and complaints involving Rugby Ontario registrants. They are to be provided with the necessary resources and support.

3.13.8 Information related to the complaint will not be disclosed by any party, unless such disclosure is required by a disciplinary or other remedial process.

Procedures:

3.13.9 Any individual who experiences harassment should, if possible, make it known to the harasser that the behavior is unwelcome, offensive and contrary to Rugby Ontario's policy. If this is not possible or, after confronting the harasser, the harassment continues, the individual should seek the confidential advice of a PHO through the Rugby Ontario CEO.

3.13.10 The [Rugby Ontario Unruly Individual Procedure](#) may be used in a situation by an individual or their Member is a situation where an individual is experiencing harassment.

3.13.11 If the individual or Member decides to file a harassment complaint, it must be lodged with Rugby Ontario using the [Rugby Ontario Harassment Complaint Initiation Form](#) within 30 days of the incident unless there are exceptional circumstances. The RO Office will forward the complaint to the appropriate PHO for investigation and follow-up as appropriate.



3.13.12 For a complaint to be handled impartially after it has been filed, the parties involved must respect and adhere to the confidential nature of the proceedings. All written and verbal communications must be restricted to those directly involved in the complaint. Failure to do so may result in further action being taken by Rugby Ontario.

3.13.13 After receiving a complaint, the PHO will as soon as practicable contact both the complainant and the harasser to indicate who will be handling the complaint and that follow-up action is underway.

3.13.14 The steps in handling a complaint are detailed in Section 7.8.

3.13.15 During the investigation of a complaint, if the PHO determines that the Police should be notified or becomes aware that it has already been reported to the Police, the investigation will cease until such time that it does not interfere with any investigation by the Police.

3.13.16 Rugby Ontario has the right to suspend from all rugby-related activities any registrant who has been charged with a criminal offence.

3.13.17 If the CEO is unable to find suitably qualified candidates, the issue is to be brought to the Board for priority attention.

7.8 Handling Harassment Complaints

(Please also refer to Sections 3.13, 8.6 and 9.2 of the Rugby Ontario Operations Manual)

Policy:

7.8.1 After receiving a complaint, the Provincial Harassment Officer (PHO) will, as soon as practicable, contact both the complainant and the alleged harasser to indicate who will be handling the complaint and that follow-up action is underway.

Application

7.8.2 Members are responsible for the actions of their registrants, officials, administrators and spectators in relation to all matters that occur under the jurisdiction of Rugby Ontario. If, at a match, an alleged harasser cannot be readily identified as being affiliated with a Member, then the Member which is the home team shall be responsible for that individual.

Procedures:

7.8.3 The PHO will inform the complainant of:

- (i) the options for pursuing an informal resolution of the complaint;

- (ii) the right to lay a formal written complaint under Rugby Ontario's Harassment Policy (refer to section 3.13) when an informal resolution is inappropriate or not feasible;
- (iii) the availability of a network of referrals and other support provided by Rugby Ontario;
- (iv) the confidentiality provisions of the Harassment Policy;
- (v) the right to be represented by a person of choice (including legal counsel) at any stage in the complaint handling process;
- (vi) the external mediation/arbitration mechanisms that may be available;
- (vii) the right to withdraw from any further action in connection with the complaint at any stage (even though Rugby Ontario may continue to investigate);
- (viii) other avenues of recourse, including the right to file a complaint with a Human Rights Commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code; and
- (ix) the responsibility of the PHO, having reasonable grounds to suspect that a child is in need of protection, to report the suspicion and the information on which it is based to a Child Welfare agency.

7.8.4 There are four possible outcomes to this initial contact between the complainant and PHO:

- a) They agree that the conduct does not constitute harassment. If this occurs, the PHO will take no further action and make no written record other than providing the CEO with a record of such complaint.
- b) The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint. If this occurs:
 - The PHO will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and, if appropriate, the PHO may also seek the assistance of a neutral mediator.
 - If informal resolution yields a result which is acceptable to both parties, the PHO will make a written record that a complaint was made and resolved informally to the satisfaction of both parties; and will take no further action.
 - If informal resolution fails to satisfy the complaint, the complainant may reserve the option of laying a formal written complaint.
- c) The complainant brings evidence of harassment and decides to lay a formal written complaint. If this occurs:
 - The PHO will assist the complainant in drafting a formal written complaint, to be signed by the complainant and a copy given to the respondent without delay.

- The written complaint must set out the details of the incident and the names of any witnesses to the incident; and be dated and signed.
- The respondent will be given an opportunity to provide a written response to the complaint. The PHO may assist in preparing this response which must be received within 15 days.

d) The complainant brings evidence of harassment but does not wish to lay a formal complaint. If this occurs:

- The PHO will decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
- When the PHO decides that the evidence and surrounding circumstances require a formal written complaint, it will be issued without delay to the complainant and respondent.

7.8.5 As soon as possible after receiving the written complaint, but within 30 days, the PHO will submit a report to the CEO containing the documentation filed by both parties along with a recommendation that:

- (i) No further action be taken because the complaint is unfounded, or the conduct cannot reasonably be said to fall within Rugby Ontario's definition of harassment; or
- (ii) The complaint should proceed because the alleged conduct reasonably fits within the definition of harassment;
- (iii) The report be provided without delay to the complainant and respondent.

If the CEO is involved in the complaint, the PHO's report must be submitted to the Secretary of Rugby Ontario or any other Officer not involved in the complaint.

7.8.6 If the PHO's recommendation is to proceed, the CEO (or Officer of Rugby Ontario to whom the report was submitted) will within 15 days appoint three (3) registrants of Rugby Ontario to serve as a Case Review Panel. Panel membership must include both genders and, to ensure freedom from bias, they must have no significant personal or professional relationship with either the complainant or respondent.

7.8.7 Where the PHO requires any further written documentation or evidence from either party this must be submitted within 7 days. If the complainant fails to provide this information, the PHO may dismiss the complaint. If the alleged harasser fails to provide this information, the PHO may proceed.

9.2 Harassment Case Review Panel Decisions

(Please also refer to Sections 3.13, 7.8 and 8.6 of the Rugby Ontario Operations Manual)

Policy

9.2.1 Both the complainant and offender have the right to appeal the decision and recommendations of a Case Review Panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the CEO within the prescribed time period of the complainant or offender receiving the Panel's report.

9.2.2 The CEO will have the discretion to accept an appeal that was not lodged within the prescribed time period.

9.2.3 Permissible grounds for an appeal are:

- (i) The Panel did not follow the procedures laid out in the Harassment policy;
- (ii) One or more Panel members were influenced by bias; or
- (iii) The Panel reached a decision which was grossly unfair or unreasonable.

Procedures

9.2.4 The CEO, or their designate, immediately upon receipt of the Appeal, will establish an Appeals Committee consisting of three (3) persons, one of whom will be appointed to the Chair. Committee membership will include both genders. If possible, the members should be current or former Directors of Rugby Ontario, or current or former Presidents and Vice-Presidents of Branch Unions but must have no significant personal or professional involvement with either the complainant or offender and no prior involvement in the Harassment complaint.

9.2.5 The Appeals Committee will base its decision solely on a review of the following:

- (i) Complainant's and Offender's statements;
- (ii) PHO and Case Review Panel Report;
- (iii) Notice of Appeal

In its deliberations, the standard of proof on all evidence heard by the Appeals Committee will be the balance of probabilities.

9.2.6 Within 10 days of its appointment, the Chair of the Appeals Committee will present its findings in a report to the CEO, or their designate.

9.2.7 The Appeals Committee has the authority to:

- (i) Uphold the decision of the Case Review Panel;
- (ii) Reverse the decision of the Case Review Panel; or
- (iii) Modify any of the Case Review Panel's recommendations for disciplinary action or remedial measures.



9.2.8 A copy of Appeals Committee report will be provided by the CEO or their designate, within 15 days to the complainant and offender.

9.2.9 The decision of the Appeals Committee will be final.

9.2.10 The prescribed time period referred to in 9.2.1 is 30 days.

Please submit this report to the Chief Executive Officer at mspencer@rugbyontario.com

Approved by the Rugby Ontario Board of Directors February 9, 2020