

The Canadian Ski Patrol System  
(Ontario Division)'s

Harassment Guidelines

## Table of Contents

Introduction	3
Purpose of the Guidelines	3
Policy Objectives	3
What is Harassment?	4
Definition	4
Reprisal	5
Sexual Harassment	6
Racial Harassment	7
Poisoned Sport Environment	7
Intentional/Unintentional Harassment	8
The Sport Environment	8
Responsibilities	8
Role of the Ontario Division Vice President of Operations	10
Complaint Handling	10
Reporting Incidents of Harassment	10
Responding to a Complaint of Harassment	12
STEP ONE: Receiving a Complaint	12
STEP TWO: Complaint Investigation	13
STEP THREE: Complaint Resolution	14
STEP FOUR: Follow-up	15
Discipline	16
Appeals	16
Five Scenarios	17
Rights and Responsibilities of the Complainant	20
Rights and Responsibilities of the Respondent	21
Documentation and Record Keeping	21
Complaint Documentation	21
Record Keeping	22
Reporting	23
CSPS Summary	23

## Introduction

The Canadian Ski Patrol System (Ontario Division) (CSPS ) is committed to the achievement of equal opportunity for all its members. Of vital importance to this is the creation and maintenance of a harassment-free sport environment in which all members share equally in the benefits of belonging to the CSPS and are allowed to contribute to their maximum potential.

The CSPS , like the community at large, is becoming increasingly diverse: men and women are entering the Patrol in which their new associates may never have worked with a member of the opposite sex; people from different races, cultures and backgrounds are coming together in the sport with different ideas of what is acceptable behaviour between members. We must all work together to eliminate the barrier to equality that is caused by harassment.

Harassment is a serious problem. It creates a hostile sport environment, undermines self-respect and contributes to low morale, poor performance and high turnover.

Harassment is against the law. The Ontario Human Rights Code prohibits harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, language or dialect spoken, citizenship, creed (religion), sex, sexual orientation, disability, age, marital/family status or record of offence.

The message is clear -- all Division Executive, Zone Presidents, Patrol Leaders, Instructors and Examiners, affiliated Zones and all of the general membership have a shared responsibility for understanding what harassment is, its ramifications, and ensuring Patrolling is harassment-free.

### **Purpose of the Guidelines**

The CSPS 's Harassment Policy clearly establishes the responsibility and resultant accountability of all board/committee members, staff, affiliated club executives, coaches, managers, and commissaries to prevent and discourage harassment and to respond appropriately to complaints of harassment brought to their attention.

The purpose of these guidelines is to provide you, as a member of the Canadian Ski Patrol System (Ontario Division) with authority, with the information you require to carry out your duty and responsibility to uphold and implement the provisions of the CSPS 's Harassment Policy.

### **Policy Objectives**

The overriding objective of the CSPS 's Harassment Policy is to create and maintain a harassment-free sport environment. This objective can be achieved through:

- education and awareness;
- prevention;
- intervention; and
- effective complaint handling.

The Executive members of Ontario Division of the CSPS have the responsibility to take a leadership role in preventing harassment through positive role modelling and communication, not allowing, condoning or

ignoring behaviour which could constitute harassment and through responding appropriately to complaints of harassment.

The Canadian Ski Patrol System (Ontario Division) is committed to creating and maintaining a supportive sports environment free of all forms of harassment.

The Canadian Ski Patrol System (Ontario Division) is committed to the achievement of equal opportunity including the establishment of an environment in which all members have the opportunity to contribute to the sport to their maximum potential.

In keeping with the spirit of this commitment, the Canadian Ski Patrol System (Ontario Division) does not tolerate any form of harassment and undertakes to protect all members regardless of their race, ancestry, place of origin, colour, ethnic origin, language or dialect spoken, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status or record of offence, from harassment by other members, officers of the association, officials, organisers, coaches, clubmates, and any other member of the Canadian Ski Patrol System (Ontario Division) with whom they may have contact.

This policy is directed towards the protection of members from harassment which may occur:

- during the course of Canadian Ski Patrol System (Ontario Division) business and events, or within a Zone affiliated with the Canadian Ski Patrol System (Ontario Division) ; or
- outside of such events or clubs where there may be repercussions in the work or club environment adversely affecting members' Patrolling relationships.

Any person who has authority to prevent or discourage harassment will be held responsible for failing to exercise this authority.

### **Definition of Harassment**

Harassment takes many forms but can generally be defined as behaviour including comments and/or conduct which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or groups of individuals or which creates an uncomfortable environment. While this applies to all members of the Canadian Ski Patrol System (Ontario Division) and any form of harassment, the Ontario Human Rights Code specifically prohibits harassment on the following grounds: race, ancestry, place of origin, colour, ethnic origin, language or dialect spoken, citizenship, creed (religion), sex, sexual orientation, disability, age, marital/family status or record of offence.

Harassment may include:

- written or verbal abuse or threats;
- sexually oriented comments;
- racial or ethnic slurs;
- unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire, age, marital status, ethnic or racial origin, religion, etc.;
- displaying of sexually explicit, racist or other offensive or derogatory material;
- sexual, racial, ethnic or religious graffiti;
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;

- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation;
- leering (suggestive staring), or other obscene or offensive gestures;
- condescension, paternalism or patronising behaviour which undermines self-respect or adversely affects performance or working conditions;
- physical conduct such as touching, kissing, patting, pinching, etc.;
- vandalism;
- physical assault.

### **Reprisal**

As part of their right to freedom from harassment, Canadian Ski Patrol System (Ontario Division) members are protected from reprisal or the threat of reprisal.

Reprisal may include situations in which a member is:

- denied or threatened with denial of promotional, advancement, training, or other related opportunities or benefits;
  - disciplined or threatened with disciplinary action;
  - dismissed or threatened with dismissal;
- in circumstances where the member has:
- rejected the sexual advancement of a person in authority who could or who could be perceived to have influence over Patrolling-related decisions affecting the member;
  - made a complaint of harassment.

Reprisal may also include situations involving co-member(s) who, because the member has made a complaint of harassment, engage in harassment of the member; ostracise or isolate the member; and/or engage in any behaviour with the intent to intimidate, threaten, humiliate, hurt or adversely affect the performance or working conditions of the member.

## **Sexual Harassment**

The Ontario Human Rights Code specifically prohibits Sexual Harassment. It guarantees every person freedom from harassment because of sex. Specifically, it states that:

Every person has a right to freedom from,

a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

b) a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Ontario Human Rights Code, 1981 (July 1988)

There are three types of sexual harassment.

### **Unwelcome Behaviour**

This is the most prevalent form of sexual harassment. It includes:

- inappropriate comments about a person's body or appearance;
- use of inappropriate or derogatory terms;
- enquiries or comments about an individual's sex life, sexual preferences, etc.;
- sexual/sexist remarks, insults or jokes;
- sexual/sexist graffiti;
- spreading rumours about an individual's sex life, sexual preferences, etc.;
- unwanted touching, patting or leering.

### **Sexual Advance**

The second type of sexual harassment takes on the added dimension of a power relationship or coercion. It occurs when an Executive member, Zone President, Instructor, or other person who has power or authority over a member makes unwanted sexual advances or requests for sexual relations.

### **Reprisal**

The third type of sexual harassment occurs when a Zone President or other person in a position of authority threatens to use or uses that authority to retaliate against a member who has rejected his or her sexual advance. This would include dropping a member from a team because that member refused a "proposition."

Any member can be the target of sexual harassment. The vast majority of victims are, however, women. SEXUAL ASSAULT is a criminal code offence. It can be defined as any unwanted act of a sexual nature imposed by one person upon another. This would include unwanted touching, kissing and holding as well

as forced sexual relations. There are three levels or degrees of sexual assault: (1) sexual assault; (2) sexual assault causing bodily harm; and (3) aggravated sexual assault.

## **Racial Harassment**

Racial slurs, jokes and name-calling are the most common form of racial harassment. Racial harassment includes harassment on all of the race related grounds cited in the Ontario Human Rights Code, i.e., race, ancestry, place of origin, colour, ethnic origin and creed (or religion). Examples of racial harassment include:

- use of terminology which reinforces stereotypes;
- racial, ethnic or religious jokes;
- use of racially derogatory nicknames;
- making "fun" of members or discounting their abilities because of their racial or ethnic origin;
- racist, ethnic or religious graffiti or the display of racist material.

Racial harassment also includes racially motivated behaviour. For example: a member may be subject to practical jokes because of his or her racial or ethnic background although the jokes themselves did not include a reference to race or ethnicity; as well, a member may be told to "go back where you came from" or that they are "not welcome in Canada." Such behaviour is racially motivated and constitutes racial harassment.

Racial harassment can be both direct and indirect. The behaviour, including comments and/or conduct, can be acted out in the presence of the member against whom it is targeted. Racial harassment can also occur when the targeted member or members are not present.

Racial slurs, jokes and name calling are inappropriate and illegal. This type of behaviour is destructive and it affects everyone. Even when it is unintentional or meant as a "joke", it is not the intent but the result that counts. Racial harassment can and does: create stress endangering member health, morale and performance; arouse anger and frustration; create an atmosphere which gives rise to other forms of discrimination; and undermine relations between members.

## **Poisoned Sport Environment**

Often when we think about harassment, we think of a situation where one member is harassing another. In many cases, however, the presence of annoying and distressing elements in the sport environment can also constitute harassment.

A "poisoned sport environment" includes:

- work or sport sites where material that denigrates a person or group by virtue of gender, race, ethnic origin, disability or sexual orientation is openly displayed. (Sexually explicit posters and racial/racist cartoons are examples of elements that contributes to a poisoned sport environment.)
- work or sport groups where name calling that denigrates a person/group by virtue of gender, race, ethnic origin, disability or sexual orientation is part of the normal course of activities.

A poisoned sport environment constitutes harassment, whether or not members complain about the display of offensive materials, joking, or name calling.

## **Intentional/Unintentional Harassment**

Behaviour which constitutes harassment can be intentional or it can be unintentional. Intentional behaviour usually stems from hatred or fear. Unintentional behaviour often stems from ignorance. The fact that behaviour may be unintentional does not mean that it is not harassment. It is not intent that counts, it is the result. Unintentional behaviour can be changed through education -- simply informing the individual that the behaviour is offensive. Intentional behaviour is more difficult to deal with.

## **The Sport Environment**

The CSPS 's Harassment Policy is directed toward the protection of members from harassment by Division Executive, Zone Presidents, Instructors, Examiners or other members which may occur:

1. during the course of their Patrolling; or
2. outside of their work in the Patrol where there may be repercussions in the Patrol environment adversely affecting Patrolling relationships.

This includes social or recreational activities involving CSPS members as well as off hours contact between members which leads to repercussions in the sport environment adversely affecting Patrolling relationships.

## **Responsibilities**

All members of the Canadian Ski Patrol System (Ontario Division) have a responsibility not to harass any other member(s).

Executive members, Zone Presidents of affiliated Zones, Instructors, Examiners and members of the CSPS have a positive responsibility to create and maintain a Patrolling environment free of all forms of harassment. They must demonstrate leadership through action and example by preventing and discouraging harassment. They must:

- understand and uphold the principles of the CSPS 's Harassment Policy and the Human Rights Code;
- not engage in behaviour contrary to CSPS policy and ensure that all members with whom they patrol are treated fairly and equitably;
- communicate the Divisions objective to create and maintain a harassment-free System;
- not allow, condone, or ignore behaviour contrary to this policy;
- respond appropriately to complaints of harassment.



Persons in authority have the responsibility not to harass any member with whom they Patrol or any other member of the Canadian Ski Patrol System . This does not mean that such persons cannot or should not take corrective action to improve performance, counsel or discipline for poor performance or reward achievement. These are critical aspects of the sport as are setting, communicating and maintaining consistent, fair and equitable standards for performance and behaviour.

- communicate performance standards, rules and regulations to all members;
- be fair and consistent in taking corrective action and in applying discipline;
- avoid favouritism;
- use appropriate terminology -- address members by name and refer to groups of members in a generic sense as members, Patrollers, women, men, etc. Avoid the use of "slang" or offensive terms.

If a person in authority such as a Zone President, Patrol Leader, Instructor or Examiner has reason to believe that he or she has offended a member or group of members and that such comments or actions could be perceived to be harassment, he or she should immediately acknowledge the error and offer an apology. Most people understand that we can all make mistakes. Prevention and intervention are key to achieving a harassment-free System. Persons in authority must present a positive role model.

- Show that you take the issue seriously. Communicate the Patrol's objective to create and maintain a harassment-free sport. Post the policy (where applicable) and make information brochures available. Discuss the issue of harassment and the fact that inappropriate behaviour will not be tolerated;
- If you observe behaviour such as racial name calling, sexual or racist jokes, the display of sexually explicit, racist or other offensive or derogatory material, advise members of its inappropriateness and take corrective action immediately. Don't wait for a complaint;
- Approach members if you suspect something. Sudden changes in performance or attitude may indicate a problem which should be investigated. Members who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labelled a troublemaker or fear of reprisal. The associated stress can lead to changes in behaviour or attitude which impact on performance;
- Don't ignore rumours of inappropriate behaviour. Check them out. Don't wait for a complaint;
- Take all complaints of harassment seriously and respond appropriately in accordance with the CSPS's harassment complaint and investigation procedures.

You have a responsibility not to allow, condone or ignore harassment. If you know, or it can be shown that you should reasonably have known that harassment was occurring and you failed to take corrective action you may be considered party to the harassment. CSPS policy clearly states "Any person who has authority to prevent or discourage harassment will be held responsible for failing to exercise this authority."

**TAKE NOTE, TAKE ACTION. IF YOU WITNESS OR BECOME AWARE OF INAPPROPRIATE BEHAVIOUR IN THE SYSTEM, TAKE IMMEDIATE CORRECTIVE ACTION. FOR YOUR OWN RECORDS, DOCUMENT WHAT HAPPENED AND YOUR RESPONSE. IF THERE IS A RECURRENCE OF THE BEHAVIOUR, YOU SHOULD TAKE APPROPRIATE DISCIPLINARY MEASURES. DON'T WAIT FOR A COMPLAINT!**

## **Role of the Ontario Division Vice President of Operations**

The Vice President of Operations is responsible for advancing, supporting and ensuring the achievement of equal opportunity in the CSPS .

The Ontario Division Vice President of Operations:

- provides information and confidential advice to members who are concerned about harassment including information on the complaints procedure and other options;
- provides information and advice to the Division Executive members and other CSPS persons of authority on human rights related matters;
- receives, reviews and maintains a central record of all complaints of harassment;
- monitors complaint investigations;
- conducts independent investigations as required;
- acts as the official contact for and represents the Canadian Ski Patrol System (Ontario Division) on all Ontario Human Rights Commission complaints;
- provides consultation and advice to the Division Executive members regarding appropriate action to resolve complaints including follow-up activities.

## **Complaint Handling**

The overall objective of the CSPS 's Harassment Policy is to create and maintain a harassment-free sport environment. To achieve this, members who experience harassment must be encouraged to take action. Members must have confidence that the Division Executive will support them by taking complaints seriously and responding in a sensitive, effective and timely manner.

The following sections outline complaint handling procedures. It is recommended that individuals involved in handling complaints maintain contact with the Vice President of Operations throughout the complaint handling process.

## **Reporting Incidents of Harassment**

Members who experience harassment must be encouraged to take action. Harassment rarely ceases on its own. Silence and inaction are too often interpreted as acceptance or consent resulting in continued harassment.

In some cases harassment is "unintentional" and can be stopped by informing the harasser that the behaviour is offensive.

However, for many members, confronting the harasser on their own is not an option. They would feel uncomfortable or would possibly place themselves in a threatening or dangerous situation. Therefore the Canadian Ski Patrol System (Ontario Division) has established complaint procedures which should be communicated to all members along with other options.

## **Complaint Procedure**

Members who experience harassment should first attempt to make it known to the individual(s) responsible that the behaviour is offensive, contrary to Canadian Ski Patrol System (Ontario Division) policy, and ask that it stop. If confronting the individual(s) directly is not possible or if after doing so, the harassment continues, members should take immediate action by reporting the incident to the Vice President of Operations of Ontario Division.

If this avenue is either unavailable or inappropriate, complaints may be made directly to:

- any member of the Canadian Ski Patrol System (Ontario Division) executive committee
- any Zone President of the Canadian Ski Patrol System (Ontario Division).
- any Canadian Ski Patrol System (Ontario Division) Instructor or Examiner
- any Patrol Leader within the Province of Ontario.

#### Other Options

Members who experience harassment are encouraged to use the complaint procedure established by the Harassment Policy. However, there are other options which include:

#### Complaint to the Ontario Human Rights Commission

Members who experience harassment on any of the grounds covered by the Ontario Human Rights Code may make a complaint to the Ontario Human Rights Commission. Ontario Human Rights Code complaints must normally be filed within six months from the time the harassment occurred. Complaints are investigated by the Ontario Human Rights Commission. A member may choose to go to the Ontario Human Rights Commission rather than using the internal complaints mechanism or if after filing an internal complaint they are unsatisfied with the resolution. Members may obtain more information by calling the general enquiry number of the Ontario Human Rights Commission -- (416) 326-9511.

#### -Complaints under the Criminal Code

Sexual and other forms of assault are covered under the Criminal Code of Canada. Sexual assault is a serious criminal offence and should be reported to the police. In such instances the police can be asked to lay criminal charges or the individual can proceed independently with a Justice of the Peace.

#### Civil Litigation

Members may choose to contact a lawyer to discuss legal rights and/or civil action. Members who retain the services of a lawyer are responsible for their legal expenses.

## **Complaint Investigation and Resolution**

The above complaints procedure sets out a number of avenues for reporting incidents of harassment. Once a complaint is reported immediate action must be taken as follows:

- the complaint must be documented and immediately forwarded to the Vice President of Operations, who must inform the Executive of Ontario Division of the complaint as quickly as possible;
- the Executive of the CSPS Ontario Division must immediately appoint a person of competency to investigate the incident(s);
- the complaint must be documented and immediately forwarded to the person of competency.
- a person of competency is defined as an individual within the affected Zone who is in a position of trust, responsibility and authority. In the event of a conflict, it may be a member of the Ontario Division Executive or any other appointee.
- the Vice President of Operations must ensure that an investigation is initiated.

All complaints of harassment must be investigated by the appointed person of competency to determine the nature and circumstances of the incident(s) and to determine appropriate resolution.

## **Responding to a Complaint of Harassment**

Persons in authority within the CSPS (like Zone Presidents, Patrol Leaders, Instructors and Examiners) have a responsibility to respond appropriately to all complaints of harassment. The purpose of the following procedures are to: determine the nature and circumstances of the incident(s); determine the validity of the complaint; and, to take appropriate action to resolve the complaint.

### **STEP ONE: Receiving a Complaint**

In reporting a complaint, a member can go directly to a person with whom they will feel most comfortable in discussing the details of the harassment -- their Patrol Leader or Zone President, for instance, to any CSPS executive member, including the Vice President of Operations. It is necessary that all persons in authority understand the procedures for receiving a complaint:

- Understand and be sensitive to the impact of harassment on the victim. The experience can be and often is intimidating, demoralising and threatening.
- Reassure the complainant, advising that the CSPS does not tolerate harassment and will do everything within its power to ensure a harassment-free sport environment.
- Ask the member to provide details of the incident or incidents, in a statement format, including dates, times, locations, what was said or done, the name of the harasser(s) and any witnesses or names of other members who have also been harassed. Has the member taken any action? For example, have they confronted the harasser or previously reported the harassment to another member?
- Ask the complainant for their suggestions with respect to how best to resolve the complaint.
- Carefully document the complaint and review your understanding with the member to ensure accuracy. Attach any documentation or other supporting material provided by the member.

- Let the member know that the complaint will be reported to the Vice President of Operations Ontario Division and that an investigation will be conducted. Answer any questions the member may have and provide him or her with a copy of the CSPS 's Harassment Policy Guidelines.

Immediately forward all documentation to the Vice President of Operations.

It is the responsibility of the Vice President of Operations to ensure that an investigation is undertaken. The Vice President of Operations must refer the matter at once to the Ontario Division Executive, who is responsible for appointing a person of competency to investigate.

All complaints of harassment must be documented and reported to the Ontario Division Vice President of Operations.

The Ontario Division Vice President of Operations monitors the investigation process, may provide advice or direction, and may recommend appropriate action to resolve the complaint.

### **STEP TWO: Complaint Investigation**

**ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN A THOROUGH AND UNBIASED MANNER. IN DEALING WITH BOTH THE COMPLAINANT AND THE RESPONDENT IT IS IMPORTANT TO BE OBJECTIVE. COLLECT ALL OF THE FACTS BEFORE DRAWING CONCLUSIONS.**

If you did not originally receive the complaint (i.e., it was referred to you for investigation by the Ontario Division Executive ), you should first review the complaint with the member to verify its accuracy. Document any additional information. Document this interview and forward to the Ontario Division Vice President of Operations. During this interview you should answer any questions the complainant may have regarding the investigation process.

If the complainant has named a harasser or harassers, the first step in the investigation process is to inform the alleged harasser (or respondent) of the complaint. If more than one member has been named, conduct separate interviews.

- advise the alleged harasser of the complaint;
- explain that the CSPS is committed to providing a harassment-free sport environment for all members and as such, does not tolerate inappropriate behaviour;
- document the member's response to the complaint. Review the details of the statement with the member to ensure accuracy and ask the member to sign the response;
- advise the member of the investigation procedure and what steps will be taken next;
- document the interview(s) and forward documentation to the Ontario Division Vice President of Operations.

In order to determine whether or not the incident(s) took place and who was involved, it may be necessary to interview any witnesses named by either the complainant or the respondent. If there is more than one witness they should be interviewed individually.

- advise the member that you have received a complaint and that they were named as a witness;
- inform the member of the CSPS 's Harassment Policy and assure them that they will be protected from any reprisal which could result from participation in the investigation;
- document the member's statement, and review it to ensure accuracy;

- document the interview(s) and forward documentation to the Ontario Division Vice President of Operations.

If there are no witnesses named, it may be necessary to interview other members involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, advise members of the CSPS 's Policy on Harassment, assure them freedom from reprisal, document the interview(s) and forward documentation to the Ontario Division Vice President of Operations.

Document the results and conclusions of your investigation.

- did the harassment occur? Was it one incident or a series of incidents?
- what was the nature of the harassment? Did it constitute an infraction of the Ontario Human Rights Code (i.e., did it involve sexual or racial harassment or harassment on other grounds covered by the Ontario Human Rights Code). Do not consider factors unrelated to the complaint;
- did the harasser(s) admit to or deny the behaviour?
- if the harasser(s) admitted to the behaviour was there an indication of a willingness to change?
- have any other members experienced similar harassment?
- is this the first complaint against the harasser or have there been previous complaints? Describe the nature of previous complaints.

Contact the Ontario Division Vice President of Operations to review the investigation results and your conclusions, and to determine whether further investigation is required.

### **STEP THREE: Complaint Resolution**

The intent of the CSPS 's (Ontario Division) Harassment Policy is to provide all members with a harassment-free environment. This can be accomplished through prevention, as discussed earlier, and through effective complaint resolution. In resolving the complaint -- the goal is to eliminate the harassment.

In many cases the first incident of harassment is unintentional -- the harasser is unaware that the behaviour is inappropriate and offensive. Resolution in these cases can be accomplished through education.

- Inform the harasser that the behaviour is inappropriate, in contravention of CSPS Policy/the Ontario Human Rights Code and must cease.
  - Ask for an apology from the harasser and arrange a face-to-face meeting between the two parties to effect the resolution. If a face-to-face meeting is not possible it will be necessary to obtain a written apology.
- Advise both the complainant and the respondent(s) that a recurrence of the behaviour will result in the need for corrective action.
- Document the resolution.

These last two points are critical as they lay the necessary groundwork for progressive discipline should the harassment continue.

All disciplinary action is left to the discretion of the investigative person. Action may include withdrawal of the offender's membership in the Canadian Ski Patrol System .

Prior to effecting any resolution, the Ontario Division Vice President of Operations must be contacted to assist in determining (a) whether the respondent has been named in previous complaints; and (b) the severity of the incident.

Where resolution requires disciplinary action, the Ontario Division Vice President of Operations communicates the investigator's decision to the Ontario Division Executive .

#### **STEP FOUR: Follow-up**

Follow-up is a critical component of effective complaint resolution. The purpose of following-up with the complainant is to 1) ensure that the harassment has stopped; 2) to ensure that there are no incidents of reprisal (i.e. working relationships have not been adversely affected); and 3) to assure the member of your ongoing support.

In resolving a complaint, set the stage for follow-up:

- inform the complainant that you have taken action to correct the situation;
- advise the complainant to immediately report a further incident and any incident of reprisal;
- determine a follow-up plan with the complainant; carry out the follow-up and document your follow-up interviews.

Initially, you may want to follow-up on a frequent (daily or weekly) basis extending that period over time. In most cases follow-up should occur periodically over a minimum six month period from the date of the resolution.

All follow-up interviews must be documented and the documentation forwarded to the Ontario Division Vice President of Operations.

## **Discipline**

Harassment is a serious offence. In some cases, resolution will require that appropriate disciplinary action be taken. When discipline is considered, there must be just cause, that is, the results of the investigation indicate that there is reason to believe that the alleged harasser committed harassment. The disciplinary action taken must also be appropriate in the circumstances and can range from a verbal warning to withdrawal of C.S.P.S. membership.

The investigative tribunal is responsible for deciding on what kind of discipline is appropriate in a particular case. When deciding on appropriate disciplinary action the following factors are considered:

- the nature of the harassment, i.e., was it verbal and/or physical;
- the degree of aggressiveness;
- the ongoing nature of the harassment, i.e., the number of incidents and/or the time period of the harassment;
- the frequency of the harassment;
- the nature of the relationship between the complainant and the harasser, i.e., coach/athlete, or co-member and whether or not coercion was involved;
- disciplinary action for previous similar incidents.

Note:

In particularly extreme cases where a member has been assaulted or threatened with physical assault, the complainant's safety must be of paramount importance. It may be appropriate to release the alleged harasser from duty pending the results of the investigation. As well, it may be necessary to contact the police.

## **Appeals**

Members who have been accused of harassment and are not satisfied with the resolution of the complaint have the right to appeal. To do so, they must write to the Ontario Division Executive Board stating clearly what decision(s) you disagree with and why you feel the decision(s) is incorrect. Such an appeal must be submitted in writing within 30 days of the date on which you are notified of the decision.



## **Five Scenarios**

This section presents five different scenarios of complaint investigations and resolutions. It is important to remember that no two situations are the same and that incidents of harassment are not often straightforward. Many complaints are quite complex, difficult to prove, and difficult to resolve. These scenarios are presented as guidelines to illustrate complaint investigation procedures, resolution options and opportunities.

### **Scenario One:**

In reporting the incident(s) of harassment the complainant has identified one or more members as respondents (alleged harassers).

When confronted with the complaint, the member accused of harassment admits to the behaviour and indicates a willingness to change.

#### Resolution

1. Ask the respondent to apologise to the complainant stating clearly that the behaviour will cease. (The apology should not be worded so as to place any blame on the complainant. For example, "I'm sorry I offended you" not "I'm sorry you were offended.") Impress upon the respondent that neither you nor the CSPS tolerate harassment and that any further complaints will result in the need for corrective action;
2. Review the results of the investigation with the complainant and advise of (a) the respondent's willingness to make a formal apology and cease the behaviour; and (b) that any recurrence of the behaviour or any incident of reprisal should be reported immediately and if proven, will result in corrective action;
3. Arrange a private interview with both parties in attendance to effect the apology. Advise both parties of the consequences of any recurrent behaviour and/or incidents of reprisal;
4. Document the results of these interviews, including an explanation of the resolution. Forward the documentation to the Ontario Division Vice President of Operations.
5. Maintain follow-up with the complainant to ensure that there has been no further harassment and/or incidents of reprisal.

### **Scenario Two:**

In reporting the incident(s) of harassment the complainant has identified one or more member as respondents (alleged harassers).

When confronted with the complaint, the harasser does not deny the behaviour but also does not indicate any willingness to change or to apologise.

#### Resolution

1. Inform the respondent that the CSPS does not tolerate harassment -- and that the inappropriate or offensive behaviour must cease, and that you will take action to correct the situation;
2. Contact the Vice President of Operations to discuss appropriate corrective action. The Vice President of Operations will review the matter with the Division Executive. In most cases, a first incident will result in a written warning to the effect that (a) the behaviour must cease and (b) that if it does not, further

disciplinary action up to and including revoking of membership may result; (Note: a serious incident may warrant immediate withdrawal of membership).

3. Interview the respondent(s) to advise of the corrective action being taken;
4. Interview the complainant to advise that you have taken corrective action and to advise you immediately if there are any further problems;
5. Document the results of these interviews, including an explanation of the corrective action, and forward the documentation to the Ontario Division Vice President of Operations;
6. Follow-up with the complainant. If there are any further problems (e.g., ongoing harassment or incidents of reprisal), take immediate action and contact the Ontario Division Vice President of Operations.

### **Scenario Three:**

In reporting the incident(s) of harassment the complainant has identified one or more member(s) as respondents (alleged harassers).

When confronted with the complaint, the respondent(s) denies the behaviour.

#### **A. Investigation**

Interview any witnesses named by the complainant. If their observations verify the complaint, document their statements. Review their statements with the witnesses to verify accuracy. Forward documentation to the Ontario Division Vice President of Operations.

Assure the witnesses that they will be protected from any reprisal for supporting the complainant and should any problems occur, to report them to you immediately.

#### **Resolution**

1. Contact the Ontario Division Vice President of Operations to discuss the situation and to determine further action;
2. Interview the respondent. Advise that your investigation concluded that he/she had in fact engaged in harassment -- that the complaint was supported by witnesses. Take appropriate corrective action;
3. Document the interview attaching any disciplinary documentation and forward to the Ontario Division Vice President of Operations;
4. Advise the complainant that corrective action has been taken and that you should be notified immediately of any further problems;
5. Follow-up with the complainant. If there are any further problems take action immediately and contact the Ontario Division Vice President of Operations;
6. Maintain follow-up with the respondent.

#### **B. Investigation**

If the complainant has not identified witnesses, or, if the witnesses named cannot substantiate the complaint, contact the Ontario Division Vice President of Operations to determine further action which

may include: expanding the investigation to include interviews with current or former members who may know the respondent, other coaches, officials, committee members, etc., to determine whether the respondent has harassed others or whether other members have witnessed incidents of harassment.

When it is necessary to expand the investigation, it is important to advise both the complainant and the respondent of your intention to do so.

### Resolution

When it is not possible to prove harassment -- that is, when the investigation results in one member's word against another:

1. Both members should be informed of the result of your investigation;
2. The respondent should be counselled to understand the CSPS policy on harassment and to refrain from any behaviour which may be perceived as harassment and/or retribution;
3. The complainant should be asked to document and report any further incidents;
4. In some situations, an investigation may prove that harassment did not occur. In such cases, it will be necessary to determine whether the complaint resulted from (1) a misunderstanding; or (2) whether it was malicious (i.e., fabricated to cause trouble for the alleged harasser). The Ontario Division Vice President of Operations should be contacted to determine appropriate resolution.

In the case of a misunderstanding, this may involve counselling the complainant to ensure understanding of the CSPS 's policy and what does and does not constitute harassment.

Where a complaint is clearly malicious, the complainant should be advised that the CSPS does not tolerate abuse of the policy. Resolution may involve: obtaining from the complainant a formal apology to the member(s) accused of harassment and/or disciplinary action.

### **Scenario Four:**

In reporting the incident(s) of harassment the complainant either refuses to identify the harasser, or, identifies the harasser but asks for complete confidentiality.

Members may ask for complete confidentiality -- that is, they do not want their identity revealed to the member(s) they have accused of harassment. Members who ask for "complete confidentiality" or "anonymity", or who refuse to reveal the identity of the harasser, often have a genuine fear of reprisal.

1. Counsel the member regarding the CSPS 's commitment to a harassment-free sport environment and to the CSPS's obligation to respond to the complaint;
2. Assure the complainant of your support and the fact that you will do everything within your power to make sure that their complaint is handled with confidentiality but that a guarantee of anonymity would severely limit your ability to effectively investigate and therefore resolve the complaint;
3. Ask the member to reconsider his/her request for anonymity or provide you with the name of the harasser;
4. If the member agrees to forego anonymity or to provide you with the name of the harasser proceed as in Scenarios One, Two or Three;
5. If the member continues to demand anonymity or refuses to reveal the name of the harasser(s) document the interview, forward documentation to the Ontario Division Vice President of Operations and contact the Ontario Division Executive Board regarding further action and resolution options which might

include: providing training on human rights and harassment to all members and ongoing follow-up with the complainant to encourage and support him/her in reporting further incidents.

### **Scenario Five:**

In reporting the incident(s) of harassment the complainant cannot identify the member(s) responsible.

Immediately document and report the complaint to the Ontario Division Vice President of Operations and contact the Ontario Division Executive Board to plan and implement an investigation which may include:

1. Individual interviews with other members to determine if they have any knowledge of the incidents and member(s) responsible;
2. An open meeting for members of the Patrol/Group to advise them of the harassment and the CSPS Policy, and to request that the harassment stop immediately and advise of the consequences if it does not;
3. Ongoing follow-up with the complainant.

### **Rights and Responsibilities of the Complainant**

Members who report incidents of harassment through the CSPS 's complaint procedure have the right to:

- freedom from reprisal or retaliation for having filed a complaint;
- have their complaint taken seriously and reported to the Ontario Division Vice President of Operations;
- be informed of the investigation process -- who will conduct the investigation, who will be involved/or advised of their complaint and why;
- be represented and accompanied by the member to whom they reported the complaint or by a representative of their choice at any meeting concerning their complaint which they are required to attend;
- be interviewed in private;
- a fair and unbiased investigation of their complaint which does not take into consideration factors unrelated to the complaint (e.g., level of physical fitness, skiing skills, etc.);
- ongoing contact and periodic updates throughout the investigation process;
- be informed of other avenues for complaint open to them (e.g., Ontario Human Rights Commission, legal action);
- know their complaint will be kept confidential;
- have their complaint resolved as quickly as possible.

### **Members who report incidents of harassment also have the following responsibilities:**

- to provide clear and accurate details of the incident(s) being reported including exactly what was said or done, the date, time, location, name of the harasser(s) and names of witnesses or potential witnesses;
- to co-operate fully in the investigation of the complaint.

## **Rights and Responsibilities of the Respondent**

Members who are accused of harassment have the right:

- to be informed as soon as reasonably possible that a complaint has been filed against them;
- to be presented with the allegations and to be afforded an opportunity to respond to them;
- to be accompanied by a representative of their choice at meetings concerning the complaint which they are required or entitled to attend;
- to seek advice/information from the Ontario Division Vice President of Operations regarding the CSPS 's Harassment Policy complaint procedure;
- to seek legal advice or assistance recognising that they are responsible for any costs incurred;
- to fair and equitable treatment;
- to be advised of the results of the investigation and action to resolve the complaint;
- to lodge an appeal to the Ontario Division Executive Board if dissatisfied with action to resolve the complaint.

Members who are accused of harassment also have the following responsibilities:

- to fully co-operate in the investigation of the complaint;
- to change any behaviour that violates the CSPS 's Harassment Policy.

## **Documentation and Record Keeping**

All complaints of harassment must be properly documented. The following presents guidelines for documentation and record keeping.

### **Complaint Documentation**

The following documentation is required:

- details of the complaint including time and date of the incident(s), who was involved, witnesses, etc., as well as details of when and how the complaint was received;
- the response of the alleged harasser(s);
- statements of any witnesses or other members interviewed in connection with the complaint;
- summary report of the investigation (i.e., results and conclusions);
- action taken to resolve the complaint including any disciplinary documentation;
- follow-up interviews with the complainant.

All documentation must be forwarded immediately to the Ontario Division Vice President of Operations -- it need not be typed.

Documentation must be marked "STRICTLY CONFIDENTIAL". Envelopes should be sealed and marked "TO BE OPENED BY THE ADDRESSEE ONLY."

Copies should be strictly limited. The Ontario Division Vice President of Operations is responsible for advising the Division Executive as well as others, e.g. the police, as required.

Every effort must be made to ensure appropriate confidentiality. Keep all documentation secure in a locked filing cabinet with restricted access.

Impress upon clerical staff handling documentation that it is strictly confidential and make known your expectations of them.

All information and documentation pertaining to a harassment complaint remains confidential subject to the requirements to conduct the investigation and resolve the complaint or to disclose information or give evidence according to the law (e.g. Ontario Human Rights Commission proceedings, legal court action, Freedom of Information and Protection of Privacy legislation).

### **Record Keeping**

The CSPS maintains a central record of all harassment complaints and complaint documentation. Once a complaint has been concluded, all documentation must be forwarded to the Ontario Division Vice President of Operations.

## **Reporting**

The Ontario Division Vice President of Operations prepares semi-annual summary reports on harassment complaints for the information of the Ontario Division Executive.

## **CSPS Summary**

The overall objective of the CSPS 's Harassment Policy is to create a Patrolling and work environment which is tolerant and accepting of differences. Diversity is a reality. Our System includes men and women of many races, of varied ethnic origins, who hold different cultural values, observe many religious traditions and have a range of abilities. While we are all different -- we hold one thing in common -- the CSPS . We must all work together.

Harassment is destructive. It is a barrier to equal opportunity. It not only affects individual members, it affects the organisation as a whole.

Harassment is against the law.

The Canadian Ski Patrol System (Ontario Division) does not tolerate harassment. Creating and maintaining a harassment-free patrolling environment is a responsibility shared by all members.

The Executive member of Ontario Division, Zone Presidents, Instructors and Examiners lead through example and action.

- know what harassment is -- be able to recognise inappropriate behaviour;
- act as a role model by treating all members fairly and equitably;
- do not engage in, allow, condone or ignore inappropriate behaviour -- take action;
- communicate the CSPS 's commitment to a harassment-free Patrolling environment;
- respond appropriately to complaints of harassment.

Prevention and intervention are key to ensuring all members their right to Patrol and ski in an environment free of harassment.

1 The complainant may request details of corrective or disciplinary action taken against the harasser. The release of such information may not be appropriate. The intent of the CSPS's Policy on Harassment and of the Ontario Human Rights Code is to eliminate harassment. The Ontario Human Rights Code is not like the Criminal Code in that its intent is corrective not punitive.