



Harassment Policy

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Policy 1.0 - GENERAL

1.1 The MYSC 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.

1.2 Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada and in its more extreme forms, harassment, in particular, sexual harassment, can be an offence under Canada's Criminal Code.

1.3 Whether the harasser is a director, supervisor, employee, coach, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.

1.4 Registrants of the MYSC against whom a complaint of harassment is substantiated may be severely disciplined, up to and including termination of membership or registration, or a lifetime suspension from all soccer activities where the harassment is deemed serious enough to support such an action.

1.5 This policy applies to all directors, officers, volunteers, team officials, referees, administrators, athletes, and registrants of the MYSC. This policy does not apply to workplace harassment employee to employee and/or employer to employee) situations. It does not apply to those who receive remuneration as defined by the Income Tax Act. The OSA can provide guidance to Clubs, Districts, and Leagues in matters regarding Workplace Harassment issues, but Clubs, Districts, and Leagues are responsible for the Employment Standards Act legislation, as well as the Ontario Human Rights Commission regulations with respect to a harassment free environment for their respective employees. Organizations that have employees must have their own Workplace Harassment Policy and Procedure.

1.6 This policy applies to harassment which may occur during the course of all MYSC business, activities and events. It also applies to harassment between individuals associated with the MYSC but outside MYSC business, activities and events when such harassment adversely affects relationships within the MYSC's work and sport environment.

1.7 In keeping with this policy, the MYSC encourages the reporting of all incidents of harassment regardless of who the harasser may be and is committed to a process that is widely published in the soccer community, available to all participants and easy to follow and implement.

1.8 For the purpose of this policy there may be some overlap with club Codes of Conduct. If Codes of Conduct exist then the clubs should first attempt to resolve the issues that violate their code of conduct in a manner that is specified by the club for Code of Conduct infractions. Codes of Conduct should not deal with more serious behaviour and the Club must direct these concerns to the Provincial Harassment Officers should they fit into the harassment definition provided.

1.9 Notwithstanding this policy, any person who experiences harassment continues to have the right to seek assistance from the provincial human rights commission, even when steps are being taken under this policy.

1.10 The General Harassment Policy shall be posted on the OSA website, along with the details as to How to File a Complaint with supporting contact numbers. The OSA Harassment Policy should be linked on each District/Club

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websites, and shall include the contact information for the District Harassment Prevention/Volunteer Screening Officer, as well as the process as to How to File a Complaint.

Policy 2.0 - UNDERSTANDING HARASSMENT

2.1 Harassment is defined as a comment, conduct or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive. This policy will deal with harassment that fits the definition "to disturb persistently; torment, bother continually; persecute; to trouble by repeated attacks or hostilities".

2.2 Harassment is generally the result of an ongoing pattern of unwanted or unacceptable behaviour however it can also result from a single isolated act such as:

- physical assault
- sexual touching or sexual assault
- unwanted comments about a persons race religion or sexual orientation.

Harassment is defined as any unwelcome advances, for sexual favours, or other verbal or physical conduct when:

1. submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual, or
2. such conduct has the purpose or effect of interfering with an individuals performance, or
3. such conduct creates an intimidating, hostile or offensive environment, or it ought to be reasonably known to be unwelcome.

2.3 Sexual harassment most commonly occurs in the form of behaviour by males towards females; however, sexual harassment can also occur between males, between females, or as a behaviour by females toward males.

2.4 For the purposes of this policy, harassment does not include types of misconduct identified in the Discipline Policies and Procedures section of the OSA Published Rules.

2.5 For the purpose of this policy, retaliation against an individual

1. for having filed a complaint under this policy; or
2. for having participated in any procedure under this policy; or
3. for having been associated with a person who filed a complaint or participated in any procedure under this policy, will be treated as harassment and will not be tolerated.

Policy 3.0 - COACH/ATHLETE SEXUAL RELATIONS

3.1 Coaches are often viewed by the Courts to be in a position of trust. Consequently relationships between coaches and athletes under 18 years of age should be avoided.

3.2 Should any registrant of the OSA become aware of a sexual relationship between a team official and an athlete under 18 years of age, the local police service or local child welfare agency shall be notified immediately.

3.3 The OSA takes the view that intimate sexual relations between team officials and athletes over 18 years of age, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the OSA's public image. The OSA, therefore, takes the position that such relationships are inadvisable.

3.4 Should a sexual relationship develop between an athlete over 18 years of age and a team official, the OSA will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal.

Policy 4.0 - RESPONSIBILITY FOR HARASSMENT POLICY

4.1 The Executive Committee of the OSA and the Chief Executive Officer are responsible for the implementation of this policy. In addition, they are responsible for:

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1. discouraging and preventing harassment within the OSA;
2. investigating formal complaints of harassment in a sensitive, responsible and timely manner;
3. imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
4. providing advice to persons who experience harassment;
5. doing all in their power to support and assist any employee or registrant of the OSA who experiences harassment by someone who is not an employee or registrant of the OSA;
6. making all registrants and employees of the OSA aware of the problem of harassment, and of the procedures contained in this policy;
7. informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
8. regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
9. Recommending that Districts appoint Harassment Prevention and Volunteer Screening Officers who will be responsible for conducting education workshops on Harassment issues, and assist Clubs within their jurisdiction in the area of Volunteer Screening and Harassment prevention. The Harassment Prevention and Volunteer Screening Officers will not investigate harassment complaints but, if required, will assist the Provincial Harassment Officer in charge of the complaint investigation. The OSA will ensure that all District Harassment Prevention and Volunteer Screening Officers receive bi-annual training sessions;
10. appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy.

4.2 Every member organization and registrant of the OSA has a responsibility to play a part in ensuring that the OSA sport environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member organization or registrant of the OSA who believes that a fellow registrant has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

4.3 This policy shall be reviewed by the OSA Executive Committee and the Chief Executive Officer on an annual basis.

Policy 5.0 - CONFIDENTIALITY

5.1 The OSA understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused or convicted of harassment. The OSA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

5.2 The OSA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

5.3 Once a complaint has been filed, and in order than an impartial investigation and assessment process be conducted, the complainant, the respondent, and all other parties involved must respect and adhere to the confidentiality of this policy. All correspondence or email communication must be restricted only to those directly involved in the complaint. Failure to do so can result in further action being taken by the OSA.

5.4 The OSA and its Provincial Harassment Officers and District Harassment Prevention and Volunteer Screening Officers have a duty to report all incidents which may fall within the scope of the Child and Family Services Act to all appropriate authorities.

5.5 The Provincial Harassment Officer will collect and accept only the personal information needed for and relevant to the investigation of a complaint.

5.6 The OSA will take all reasonable steps to protect the confidentiality of the information.

Policy 6.0 - PROVINCIAL HARASSMENT OFFICERS AND DISTRICT HARASSMENT

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PREVENTION/VOLUNTEER SCREENING OFFICERS

6.1 Upon the recommendation of the Chair of the Harassment Prevention/Volunteer Screening Committee, the OSA Executive Committee shall appoint Provincial Harassment Officers who will be responsible for the investigation of all harassment complaints. The OSA will take the necessary steps to ensure there is gender representation and that the number of Provincial Harassment Officers (PHO's) are sufficient to meet the needs of the Association.

6.2 In addition, the OSA shall confirm the appointment of District Harassment Prevention/Volunteer Screening Officers presented annually by the District Associations. The Districts are encouraged to include their District Harassment Prevention/Volunteer Screening Officers as, at a minimum, ex-officio members of their respective Board of Directors so as to ensure the District Board is kept apprised of trends and issues that could impact the risk to the Directors of the District Association.

6.3 The role of the Harassment Prevention/Volunteer Screening Officers is to serve as the resource to educate and provide support on harassment issues/behaviours. In carrying out these duties, the officers will be provided bi-annual training workshops conducted by the OSA.

6.4 All Harassment Officers will be required to undertake a CPIC check to ensure that their suitability for this role has not been compromised by a finding of guilty in offences concerning children.

6.5 All harassment complaints shall be forwarded to the OSA Provincial Harassment Officers to investigate. The District Harassment Prevention/Volunteer Screening Officers may be requested to assist the Provincial Harassment Officers during the investigation of the complaint.

Policy 7.0 - COMPLAINT PROCEDURE

7.1 A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to OSA policy. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of a Provincial Harassment Officer.

7.2 Complaints must be made within 60 days of the incident, except for assault and sexual offenses. Other matters will be investigated at the discretion of the Provincial Harassment Officers.

7.3 The OSA has the right to suspend from all soccer related activities any registrant who has been charged with a criminal offence. Notice of a suspension will be sent by registered mail.

7.4 If the Provincial Harassment Officers either during the investigation of a complaint determines that the Police should be notified or is aware that the complaint has already been reported to the Police, the Provincial Harassment Officer will not investigate the complaint until such time that it does not interfere with the investigation of the Police.

7.5 The Provincial Harassment Officer shall inform the complainant of:

1. the options for pursuing an informal resolution of his or her complaint;
2. the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
3. the availability of a network of referrals and other support provided by the OSA;
4. the confidentiality provisions of this policy;
5. the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
6. the external mediation/arbitration mechanisms that may be available;
7. the right to withdraw from any further action in connection with the complaint at any stage (even though the OSA may continue to investigate the complaints); and
8. 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



9. The responsibility of the Provincial Harassment Officer, 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.

7.6 There are four possible outcomes to this initial meeting of complainant and officer.

7.6.1 The complainant and officer agree that the conduct does not constitute harassment.

- If this occurs, the Provincial Harassment Officer will take no further action and will make no written record other than reporting to the OSA Executive on a monthly basis the number of such incidents the officer dealt with.

7.6.2 The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.

If this occurs, the Provincial Harassment Officer will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and if appropriate, the Provincial Harassment Officer may also seek the assistance of a neutral mediator.

1. If informal resolution yields a result which is acceptable to both parties, the Provincial Harassment Officer will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties and will take no further action.
2. If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.

7.6.3 The complainant brings evidence of harassment and decides to lay a formal written complaint.

1. If this occurs, the Provincial Harassment Officer 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.
2. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s) and should be dated and signed.
3. The respondent will be given an opportunity to provide a written response to the complaint. The Provincial Harassment Officer may assist the respondent in preparing this response. The response must be received within 10 working days.

7.6.4 The complainant brings evidence of harassment but does not wish to lay a formal complaint.

1. If this occurs, the Provincial Harassment Officer must 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.
2. When the Provincial Harassment Officer decides that the evidence and surrounding circumstances require a formal written complaint, the Provincial Harassment Officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

7.7 As soon as possible after receiving the written complaint, but within 20 response days (4 weeks), the Provincial Harassment Officer shall submit a report to the Chief Executive Officer* containing the documentation filed by both parties along with a recommendation that:

1. No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
2. The complaint should proceed because the alleged conduct reasonably fits within this policy's definition of harassment.

A copy of this report shall be provided without delay to both the complainant and the respondent.

(*Where the Chief Executive Officer is involved in the complaint, the report shall be submitted to the Secretary of the Association or any other Officer of the Association not involved in the complaint).

7.8 In the event that the Provincial Harassment Officer's recommendation is to proceed, the Chief Executive Officer (or Officer of the Association to whom the report was submitted) shall within 10 response days (2 weeks) appoint three registrants of the OSA to serve as a case review panel. This panel shall consist of at least one woman and one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.

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7.9 The panel will convene a hearing in a timely manner. The hearing shall be governed by such procedures as the panel may decide, provided that:

1. The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.
2. Members of the panel shall select a chairperson from among themselves.
3. A quorum shall be all three panel members.
4. Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
5. The hearing shall be held in camera.
6. Both parties shall be present at the hearing to give evidence and to answer questions of the panel. The questioning of witnesses by the respondent and the complainant will be at the discretion of the Panel.
7. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint but the officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed.
8. The complainant and respondent may be accompanied by a representative or advisor and, where necessary, by a translator.
9. The Provincial Harassment Officer may attend the hearing at the request of the panel.

7.10 Within 20 response days (4 weeks) of the hearing, the case review panel shall present its findings in a report to the Chief Executive Officer*, which shall contain:

1. a summary of the relevant facts;
2. a determination as to whether the acts complained of constitute harassment as defined in this policy;
3. recommended disciplinary action against the respondent, if the acts constitute harassment; and
4. recommended measures to remedy or mitigate the harm of loss suffered by the complainant, if the acts constitute harassment.

(*Where the Chief Executive Officer is involved in the complaint, the report shall be submitted to the Secretary of the Association or any other Officer of the Association not involved in the complaint).

7.11 If the panel determines that the allegations of harassment are false, vexatious, retaliatory or unfounded, their report shall recommend disciplinary action against the complainant.

7.12 The Chief Executive Officer shall, without delay, send by registered mail to both the complainant and the respondent, a letter outlining the Case Review Panel's report and the decision of the OSA.

7.13 When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

1. the nature of the harassment
2. whether the harassment involved any physical contact
3. whether the harassment was an isolated incident or part of an ongoing pattern;
4. the nature of the relationship between complainant and harasser;
5. the age of the complainant;
6. whether the harasser had been involved in previous harassment incidents;
7. whether the harasser admitted responsibility and expressed a willingness to change; and
8. whether the harasser retaliated against the complainant.

7.14 In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

1. a verbal apology
2. a written apology
3. letter of reprimand from the OSA
4. a fine or levy
5. referral to counseling
6. removal of certain privileges of membership
7. expulsion from membership.

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7.15 Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be filed with the OSA. These files shall be kept confidential and access to them shall be restricted to the Executive Committee, the Chief Executive Officer and other Provincial Harassment Officers.

7.16 Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of ten years unless new circumstances dictate that the report should be kept for a longer period of time.

Policy 8.0 - APPEALS

8.1 Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the OSA Chief Executive Officer within 30 days of the complainant or respondent receiving the panel's report.

8.2 The Executive Committee may, at its own discretion, accept an appeal that was not lodged within the required 30 days.

8.3 Permissible grounds for an appeal are:

1. the panel did not follow the procedures laid out in this policy;
2. members of the panel were influenced by bias; or
3. the panel reached a decision which was grossly unfair or unreasonable.

8.4 In the event that a notice of appeal is filed, the Executive Committee shall appoint an appeal body consisting of a minimum of three persons of whom at least one shall be a woman and at least one shall be a man. These individuals must have no significant personal or professional involvement with either the complainant or respondent and no prior involvement in the harassment complaint which forms the basis of the appeal dispute between them.

8.5 The appeal body shall base its decision solely on a review of the documentation surrounding the complaint,

1. The complainant's statements
2. The respondent's statements
3. The reports of the Provincial Harassment Officer
4. The Case Review Panel Report
5. The Notice of Appeal

8.6 Within ten days of its appointment, the appeal body shall present its findings in a report to the OSA Executive Committee. The appeal body shall have the authority:

1. Uphold the decision of the Case Review Panel
2. To reverse the decision of the Case Review Panel and/or
3. To modify any of the Case Review Panel's recommendations for disciplinary action or remedial measures

8.7 A copy of the Association's final report shall be provided, within 15 days to the complainant and the respondent.

Policy 9.0 - PARDON REVIEW

9.1 On written request from an individual who has been subject to disciplinary action under this policy, and provided that at least one year has elapsed since receiving the Association's final decision, the Executive Committee may, at its own discretion, consider a review of the disciplinary measures imposed.

9.2 The Executive Committee shall appoint a review body consisting of a minimum of three persons of whom at least one shall be a woman and at least one shall be a man. These individuals must have no significant personal or professional involvement with either the complainant or respondent and no prior involvement in the dispute between them.

9.3 Within 15 days of its appointment, the review body shall present its findings in a report to the OSA Executive Committee. The review body shall have the authority to recommend changes to lessen the disciplinary measures currently in place.

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9.4 The Executive Committee shall accept, reject or vary the recommendations of the review body and issue a report which shall be the final decision of the Association.

9.5 A copy of the Association's final report shall be provided, without delay, to the complainant and respondent.

Policy 10.0 - POSITION AND RISK ASSESSMENT REQUIRED BY CLUB

10.1 CLUB SCREENING POLICY

10.1.1 The Soccer Club accepts its responsibility to children, young adults, parents, volunteers and staff involved in its programs and is committed to ensuring adherence to the following policy to support the provision of sound, safe, and healthy soccer experience in our community.

10.1.2 All Clubs are required to have a Club Screening Policy that has been approved by their Board.

10.1.3 Due to the positions of trust that are inherent in the provision of active, high quality sport activities, volunteers and employees shall be required to undergo a screening process based on the duties assigned by the Club. This screening process will be comprised of a variety of measures such as those listed in Policy 10.3. All volunteers/employees will be required to participate in an orientation that will introduce duty assignments as well as relevant Club policies and expectations. The Club Screening Program should be accessible to its Membership preferably via the Club web site. The Membership should be advised that if he/she believes they have had an experience that contravenes the Club policy, the Club's designated representative should be contacted.

10.1.4 It is important that Clubs prepare an organizational chart that illustrates to whom the volunteers and staff are accountable. The Club should also refer to matters like Harassment, Discipline, Zero Tolerance, and Boundaries/Limitations in their Club's Published Rules. The Chart will help members understand the reporting lines in the event an issue needs to be investigated.

10.2 CONFIDENTIALITY OF PERSONAL INFORMATION

10.2.1 Once organizations receive information about an applicant, whether from the applicant directly or from the police, the organization becomes responsible for that information and is then subject to many of the same legal requirements and regulations as other holders of personal information, in terms of confidentiality and access.

10.2.2 Clubs are required to safeguard the confidentiality of personal information gathered during the screening process.

10.2.3 Clubs should have policies that:

1. Identify who will review personal information including the police records check,
2. State that the information received through the screening process will only be used to determine if an applicant is suitable for a specific position,
3. Identify where confidential information will be stored, for example in a locked cabinet, and who will have access to the information,
4. State that the Club will take all reasonable steps to protect the confidentiality of personal information,
5. Identify how long the Club will keep confidential information, In what circumstances, and with whom, will the information be discussed and why.

10.2.4 The Club should consider if it will keep the applicant's Police Records Check or return it to the applicant once it has been reviewed.

10.2.5 It is also recommended that those involved in the screening process should sign an Oath of Confidentiality.

10.3 POSITIONS AND RISK ASSESSMENT

10.3.1 Definition of Risk:

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The first principle of screening is risk management, which simply means “What could go wrong here” and “How do we avoid it?” Risk management involves looking at the possibilities of loss or injury that might arise in programs, activities and services and taking steps to stop, minimize, prevent or eliminate them all together. This includes the Club’s obligation to take all reasonable measures to care for and protect their participants from harm. The need to screen an applicant is dictated by the nature of the position and its inherent level of risk. When determining risk consider such factors as the participant, the environment, the nature of the activity, the level of supervision and the nature of the relationship.

For example, a high risk position is defined as a position in which staff members, volunteers, or Board members are in direct contact with, or provide direct service to, vulnerable individuals, and in particular when the applicant will be in a position of trust, power or influence and whose contact is unsupervised and/or takes place off site.

10.3.2 Definition of Positions:

The various levels of play in the sport have been ranked according to the level of risk associated with that position and the appropriate screening measures have been assigned to each level of risk.

10.3.2.1 HIGH RISK POSITION

1. Competitive Team Officials
2. All-star Team Officials
3. Select Team Officials

10.3.2.2 MEDIUM RISK POSITION

1. Recreational Team Officials (Club League Officials U16-U19)

10.3.2.3 LOW RISK POSITION

1. Recreational Team Officials
2. (All other Club League Officials)
3. Mini Soccer Team Officials

10.3.3 BOUNDARIES/ LIMITATIONS:

1. Shall never be alone with a player
2. Shall not be responsible for transportation to/from practices/games/tournaments
3. Shall not be responsible for water or snacks
4. Shall be a role model - no drugs/alcohol/smoking or abusive language at practices/games/tournaments
5. Shall comply with the Dress Code as defined by the Club
6. Shall ADHERE to OSA and Club policies
7. Shall embrace Club values, principles, and policy as per Club Constitution
8. Shall demonstrate the ability to set and maintain standards for players (i.e. respect, self-discipline, fair play)

10.3.4 SCREENING MEASURES:

10.3.4.1 HIGH RISK

1. Application Form (with references)
2. Interview by Selection Committee
3. References Checked Out
4. Police Records Check
5. Evaluation by Club

10.3.4.2 MEDIUM RISK

1. Application Form (Reference Checks Optional)
2. Police Records Check

10.3.4.3 LOW RISK

1. Application Form (Reference Checks Optional)