

POLICIES AND PROCEDURES

Title: Bullying & Harassment

Policy Number: BH-2017

Effective Date: October 2017

Supercedes:

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Pillar: HR

POLICY STATEMENT

Tennis British Columbia (Tennis BC), in an effort to provide a safe, bullying free and harassment free environment within its activities and those of its members (individuals, clubs, districts, leagues and associations), has set out the following policy on bullying and harassment in order to clearly indicate its position on bullying and harassment of all types and initiatives to inform and educate its members. The policy provides for an informal, confidential and non threatening alternative to a formal registering of complaints as well as a formal process involving individuals designated by Tennis BC and possessing the training and appropriate background to investigate complaints. Bullying or harassment of any kind will not be tolerated by Tennis BC.

SECTION 1 - GENERAL

1. Members, employees and volunteers of Tennis BC are jointly responsible to free their sport/working environment of bullying and harassment by:

a. Providing an environment free of bullying and harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability.

b. Providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities, prohibits discriminatory practices and is free from bullying and harassment.

c. Taking assertive action should they feel that they are being subjected to bullying or/ and harassment.

d. Fostering an environment free of bullying and harassment by attempting to stop incidents of bullying or harassment whether there is a complaint or not. Failure to take appropriate corrective action may be interpreted as condoning the prohibited behavior.

2. Tennis BC is committed to:

- a. The education of all of its members in the area of bullying and harassment and to providing information to the parents/guardians of its youth members on the policies, procedures and education initiatives on bullying and harassment.
- b. Encouraging the reporting of all incidents of bullying or/ and harassment regardless of who the bully/ harasser may be and is committed to a process that is widely published in the tennis community, available to all participants and easy to follow and implement.
- c. Ensuring that all members are aware of the policy to a reasonable extent. This includes clear information on the steps which are taken when cases are reported.

3. Tennis BC is responsible to:

- a. Act in the best interests of its members.
- b. Intervene if they know of matters within its operation which are contrary to the country's laws and the organizations constitution, by-laws, rules, policies and codes.
- c. This is an extended responsibility which is subject to a legal test of reasonable conduct, meaning that the responsibility exists not just when the organization knows, but also ought reasonably to have known, of matters requiring action.
- d. Specifically with regard to matters of bullying and harassment, Tennis BC is aware that there are circumstances when cases are completely outside the Tennis BC's jurisdiction and within the purview of the justice system. These are cases which involve persons who are not of the age of legal majority, or any other age specified by law. Even when the persons are of the specified age, when the notion of consent is often an issue, we must all be aware that the concept of informed consent is a legal one which Tennis BC realizes is defined by Canadian Law.

4. Application

- a. This policy applies to all employees, directors, officers, volunteers, coaches, managers, associates, officials, and players of Tennis BC. Tennis BC encourages the prompt reporting of all incidents of bullying or harassment, regardless of who the offender may be.
- b. This policy applies to bullying and harassment, which may occur during the course of all Tennis BC business, activities and events. It also applies to harassment between individuals associated with the Tennis BC but outside Tennis BC business, activities and events when such harassment adversely affects relationships within Tennis BC's work and sport environment.
- c. For the purposes of this policy, tennis and/or workplace bullying and harassment can occur in the following places:

- i. At on court events (competitions, training sessions/practices, league matches, exhibitions matches, tournaments etc.);
- ii. At off court functions, such as meetings, conferences, training sessions, and workshops;
- iii. At the office;
- iv. At tennis related social functions;
- v. During tennis/work-related travel;
- vi. Through any form of communication device/system including but not limited to telephone, email, fax, postal service, SMS, Social Media (Twitter, Facebook, MSN etc.);
- vii. Elsewhere if the person harassed is there as a result of tennis/work-related responsibilities or a tennis/work-related relationship.

5. Pertinent Laws

- a. Bullying and harassment are forms of discrimination and are prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.
- b. Bullying/ Harassment is offensive, degrading and threatening. In its more extreme forms, harassment, in particular, sexual harassment can be an offence under Canada's Criminal Code.

SECTION 2 - DEFINITION OF BULLYING AND HARASSMENT

1. Bullying and harassment are defined as a written or verbal comment, conduct, or gesture directed by any person towards another, which a person knows or ought to know would be improper behaviour and unwelcome. This behavior includes comments, conduct or gestures which are insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals or which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group. Bullying and harassment excludes any reasonable action taken by the employer or supervisor relating to the management and direction of employees or the place of employment.
2. Bullying and harassment are attempts by one person to assert abusive, unwarranted power over another.

3. Types of behaviour which constitute bullying and harassment include but are not limited to:

a. Written or verbal abuse or threats;

b. Physical assault;

c. Unwelcome remarks, jokes, comments, innuendoes, or taunting about a person's looks, body, sex, or sexual orientation, attire, age, marital status, ethnic or racial origin, religion, etc.;

d. Displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic or religious graffiti;

e. Practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;

f. Hazing or initiation rites;

g. Leering or other suggestive or obscene gestures;

h. Intimidation;

i. Condescension, paternalism, or patronizing behavior which undermines self-respect, self-esteem or adversely affects performance or working conditions;

j. Conduct, comments, gestures or contact of a sexual nature that is likely to cause offense or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;

k. False accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;

l. Sexual harassment, as further described in section 3.0.

4. For the purpose of this policy, retaliation is defined as written or verbal threats, abuse or physical assault by one person against another:

a. For having filed a complaint under this policy; or

b. For having participated in any procedure under this policy; or

c. 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.

SECTION 3 - DEFINITION OF SEXUAL HARASSMENT

1. Sexual Harassment is defined as unwelcome sexual advances, written or verbal requests for sexual favours, or other verbal or physical conduct of a sexual nature when it ought to be reasonably known to be improper and unwelcome.

2. Sexual Harassment is further defined as one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal conduct of a sexual nature, and:

a. When such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offense, or humiliation to another person or group;

b. When submission to such conduct is made either implicitly or explicitly a condition of employment/sport related activity;

c. When submission to or rejection of such conduct is used as a basis for any employment/sport decision (including, but not limited to, matters of promotion, raise in salary, job security, benefits affecting the employee, team selection and sport playing time);

d. When such conduct has the purpose or the effect of interfering with a person's work/sport performance or creating an intimidating, hostile or offensive work/sport environment.

3. Sexual harassment may occur in the form of such conduct by males towards females, between males, between females, or by females towards males.

4. Some examples of types of behaviour which are defined as sexual harassment include:

a. Sexually degrading words used to describe a person;

b. Criminal conduct such as stalking, and physical or sexual assault or abuse;

c. Promises or threat contingent on the performance of sexual favours;

d. The displaying of visual material which is offensive or which one ought to know is offensive, for example pornographic pictures, sexual/sexist graffiti or any display of sexually explicit material or pictures;

e. Leering or other suggestive or obscene gestures;

f. Unwanted physical contact including touching, petting, pinching, or kissing or unwanted sexual attention by a person who knows or ought reasonably to know that such attention is unwanted;

g. Unwelcome sexual flirtations, sexual remarks, advances, requests or invitations whether indirect or explicit; or

- h. Unwanted inquiries or comments about an individual's sex life, or sexual preferences;
- i. Threats of, or acts of retaliation to punish an individual who has rejected sexual advance;

5. For the purpose of this policy, retaliation is defined as written or verbal threats, abuse or physical assault by one person against another:

- a. For having invoked this policy (whether on behalf of oneself or another);
- b. For having participated in any investigation under this policy; or
- c. For having been associated with a person who has invoked this policy or participated in these procedures will be considered a form of sexual harassment.

SECTION 4 - COACH/ PLAYER SEXUAL RELATIONS

1. Under no circumstances is it acceptable for a coach to have a sexual relationship with a minor player.
2. Tennis BC takes the view that intimate sexual relations between coaches and adult players, while not against the law, can have harmful effects on the individual player involved, on other players and coaches and on Tennis BC's public image.
3. Tennis BC, therefore, takes the position that such relationships are unacceptable for coaches who are coaching or assisting in any way with a British Columbia provincial team or provincial team program.
4. Should a sexual relationship develop between an adult player and a coach, Tennis BC will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

SECTION 5 - RESPONSIBILITY FOR BULLYING AND HARASSMENT POLICY

1. The Tennis BC Board of Directors and the Executive Director are responsible for the implementation of this policy. In addition, they are responsible for:
 - a. Discouraging and preventing bullying and harassment within Tennis BC;
 - b. Investigating formal complaints submitted to Tennis BC of bullying or harassment in a sensitive, responsible and timely manner;
 - c. Imposing appropriate disciplinary or corrective measures when a complaint of bullying or harassment has been substantiated, regardless of the position or authority of the offender;

- d. Providing advice to persons who experience bullying or/ and harassment;
 - e. Making all members and employees of Tennis BC aware of the problem of bullying and harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
 - f. Informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
 - g. Regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
 - h. Appointing a Harassment Officer, and providing the training and resources he/she need to fulfill their responsibilities under this policy; and
 - i. Appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy.
2. Every member and registrant of Tennis BC has a responsibility to play a part in ensuring that Tennis BC sport environment is free from bullying and harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, any member or registrant of Tennis BC who believes that a fellow member or registrant has experienced or is experiencing bullying or/ and harassment is encouraged to notify the harassment officer appointed under this policy.

SECTION 6 - DISCIPLINARY ACTION

1. Employees, members or registrants of Tennis BC against whom a complaint of bullying or/ and harassment is substantiated may be severely disciplined, up to and including employment dismissal, termination of membership or registration, or a lifetime suspension from all tennis activities where the bullying or/ and the harassment takes the form of assault, sexual assault or a related sexual offence.

SECTION 7 – CONFIDENTIALITY

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

2. Tennis BC 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 a disciplinary or other remedial process requires such disclosure.

SECTION 8 - HARASSMENT OFFICER

1. Tennis BC shall appoint a Provincial Harassment Officer and the Provincial Harassment Officer may at his/her discretion designate an organization or person(s) to investigate and document bullying or/ and harassment complaints on their behalf. The Provincial Harassment Officer will be responsible for reviewing, assessing and processing all bullying and harassment complaints coming to Tennis BC.

2. Tennis BC may contract with a company to provide the same professional services as appointed Harassment Officer would provide.

3. The role of Harassment Officer is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out her/his duties under this policy, officers shall be directly responsible to Tennis BC Board of Directors.

4. The Harassment Officer will be required to undertake a Criminal Record Check to ensure that a finding of guilty in offences concerning children has not compromised their suitability for this role.

5. Provincial Harassment Officer shall deal with complaints affecting provincial teams and provincial team programs.

SECTION 9 - COMPLAINT PROCEDURE

1. A person who experiences bullying or/ and harassment is encouraged to make it known to the bully/ harasser that the behaviour is unwelcome, offensive and contrary to Tennis BC policy. If confronting the bully/ harasser.

Is not possible, or if after confronting the bully/ harasser the bullying/ harassment continues, the complainant should seek the advice of the Member Organization Harassment Officer.

2. The Harassment Officer shall inform the complainant of:

a. The options for pursuing an informal resolution of his or her complaint;

b. The right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;

c. The availability of a network of referrals and other support provided by Tennis BC;

d. The confidentiality provisions of this policy;

e. The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;

f. The external mediation/arbitration mechanisms that may be available;

g. The right to withdraw from any further action in connection with the complaint at any stage (even though Tennis BC might continue to investigate the complaints); and

h. 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.

3. There are four possible outcomes to this initial meeting of complainant and the Harassment Officer.

a. The complainant and Officer agree that the conduct does not constitute bullying or harassment.

i. If this occurs the Harassment Officer will take no further action and will make no written record other than reporting to Member Organization Board of Directors on a monthly basis the number of such incidents the officer dealt with.

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

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

ii. If informal resolution yields a result, which is acceptable to both parties, the 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.

iii. If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.

c. The complainant brings evidence of bullying or harassment and decides to lay a formal written complaint.

i. If this occurs the 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.

ii. The written complaint should set out the details of the incident(s), names of any witnesses to the incident(s) and should be dated and signed.

iii. The respondent will be given an opportunity to provide a written response to the complaint. The Harassment Officer may assist the respondent in preparing this response.

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

i. If this occurs, the Harassment Officer must decide if the alleged bullying or harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.

ii. When the Harassment Officer decides that the evidence and surrounding circumstances require a formal written complaint, the Harassment Officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

SECTION 10 - FORMAL COMPLAINT INVESTIGATION

1. As soon as possible after receiving the written complaint, but within 21 days, the Harassment Officer shall submit a report to the Executive Director containing the documentation filed by both parties along with a recommendation that:

a. 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 bullying and harassment; or

b. The complaint should be investigated further. (*Where the Executive Director is involved in the complaint, the report shall be submitted to the President of Tennis BC)

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

3. In the event that the Harassment Officer's recommendation is to proceed with an investigation, the Executive Director (or Officer of the Association to whom the report was submitted) shall review with the Board of Directors who shall within 14 days appoint three members or registrants of Tennis BC to serve as a case review panel.

4. 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. Also there should be no real or perceived conflict of interest – as per Tennis BC Conflict of Interest Policy.

5. Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:

a. The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.

b. Members of the panel shall select a chairperson from among themselves.

c. A quorum shall be all three panel members.

d. Decisions shall be by majority vote. If a majority vote decision is not possible (i.e. one member of the panel abstains from voting), the decision of the chairperson will be the decision of the panel.

e. The hearing shall be held in camera.

f. Both parties shall be present, together, at the hearing to give evidence and to answer questions of the other party and of the panel. 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.

g. The complainant and respondent may be accompanied by a representative or advisor and, where necessary, by a translator.

h. The Harassment Officer may attend the hearing at the request of the panel.

6. Within 14 days of the hearing, the case review panel shall present its findings in a report to the Executive Director, which shall contain:

a. A summary of the relevant facts;

b. A determination as to whether the acts complained of constitute bullying or/ and harassment as defined in this policy;

c. Recommended disciplinary action against the respondent, if the acts constitute bullying or harassment; and

d. Recommended measures to remedy or mitigate the harm of loss suffered by the complainant, if the acts constitute bullying or harassment.

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

copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent.

SECTION 11 - HARASSMENT DISCIPLINARY SANCTIONS

1. When recommending appropriate disciplinary action and corrective measures, the Case Review Panel shall consider factors such as:

- a. The nature of the bullying/ harassment;
- b. Whether the bullying/ harassment involved any physical contact;
- c. Whether the bullying/ harassment was an isolated incident or part of an ongoing pattern;
- d. The nature of the relationship between complainant and harasser;
- e. The age of the complainant;
- f. Whether the bully/ harasser had been involved in previous bullying/ harassment incidents;
- g. Whether the bully/ harasser admitted responsibility and expressed a willingness to change; and
- h. Whether the bully/ harasser retaliated against the complainant.

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

- a. A verbal apology;
- b. A written apology;
- c. A letter of reprimand from Tennis BC;
- d. Removal of certain privileges of membership or employment;
- e. Temporary suspension with or without pay;
- f. Termination of employment or contract;
- g. Expulsion from membership; or
- h. Any other remedy as may be appropriate.

3. Where no appeal is made as provided for in the following section; then the recommendations of the case review panel will be implemented by Tennis BC.

4. Where the investigation does not result in a finding of bullying/ harassment, a copy of the report of the case review panel shall be placed in the harassment officer's files.

a. These files shall be kept confidential and access to them shall be restricted to the

b. Board of Directors, the Executive Director and other harassment officers.

5. Where the investigation results in a finding of bullying/ harassment, a copy of the report of the case review panel shall be placed in the personnel or 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.

SECTION 12 – APPEALS

1. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A written notice of intention to appeal, along with grounds for the appeal, must be provided to Tennis BC Board of Directors within ten (10) working days of the complainant or respondent receiving the panel's report.

2. The Board of Directors may, at its own discretion, accept an appeal that was not lodged within the required ten (10) working days.

3. Permissible grounds for an appeal are:

a. The panel did not follow the procedures laid out in this policy;

b. Members of the panel were influenced by bias; or

c. The panel reached a decision, which was grossly unfair or unreasonable.

4. In the event that a written notice of appeal is filed, the Board of Directors 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 dispute between them. Also there should be no real or perceived conflict of interest – as per Tennis BC Conflict of Interest Policy.

5. The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal.

6. Within ten days of its appointment, the appeal body shall present its findings in a report to Tennis BC Board of Directors. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

7. The Board of Directors shall accept, reject or vary the recommendations of the appeal body and issue a report, which shall be the final decision of the Association.

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

SECTION 13 - REVIEW AND APPROVAL

1. Tennis BC Board of Directors and the Executive Director on an annual basis shall review this policy.

SECTION 14 – COMMUNICATION

1. The General Harassment Policy as stated in Section 1 shall be posted on the Tennis BC website and at the Tennis BC office and be available at all tournaments run by Tennis BC and a notation that the full Harassment Policy is available on request.

APPENDIX A - TIMEFRAME FOR RESOLVING BULLYING/ HARASSMENT ISSUES

Step 1: Meet with parties individually and together to try to resolve the issue of bullying/ harassment.

Step 2: If issue is not resolved via Step 1, then the Harassment Officer begins the investigation by collecting information from the complainant and the respondent, and from any witnesses. If the Harassment Officer decides the alleged harassment is serious enough to warrant laying a formal written complaint, then the following time frame will be followed:

Steps Timeframe Action

1	Immediate	Harassment Officer issues a formal written complaint and provides copies of the letter to the complainant and the respondent
2	21 days	Harassment Officer will submit a report to the Executive Director and copies provided to the complainant and the respondent
3	14 days	The Executive Director and the Board of Directors must appoint a three member committee to serve as a Case Review Panel
4	21 days	The Case Review Panel will convene a hearing
5	14 days	The notice in writing that the Case Review Panel will give the complainant and respondent of date, time and place of hearing.
6	14 days	The Case Review Panel presents a report of its findings from the hearing to the Executive Director and copy sent to the complainant and the respondent.
7	14 days	On receipt of the report, the complainant and the respondent can submit a notice to appeal the decision of the panel
8	14 days	The Executive Director shall appoint an appeal body to review all the documentation surrounding the complaint.
9	10 days	The appeal body must submit a report of its findings to the Executive Director and copies provided to the complainant and the respondent
10	Immediate	The Executive Director will accept, reject or vary the recommendations of the appeal body and issue a report, which will be the final decision of Tennis BC.