



## BOXING CANADA

### HARASSMENT POLICY AND PROCEDURES

#### 1. POLICY STATEMENT

- 1.1 Boxing Canada is committed to providing an 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 and prohibits discriminatory practices.
- 1.2 The Canadian Amateur Boxing Association strongly encourages each provincial boxing association to develop their own respective Harassment Policy and Procedures.
- 1.3 This policy applies to all employees of Boxing Canada and to harassment which is alleged to have occurred during the course of Boxing Canada business, activities and/or events. Boxing Canada may assume jurisdiction over any matter that *prima facie* meets the definition of harassment under this Policy and impacts on any relationship within the Boxing Canada High Performance Program.
- 1.4 Notwithstanding this Policy, every person who experiences harassment continues to have the right to seek assistance from their provincial or territorial human rights commission, even when steps are being taken under this Policy. This policy should not be construed as limiting any person's ability to seek recourse from, *inter alia*, their provincial or territorial human rights commission.
- 1.5 Harassment takes many forms but can generally be defined as comment(s), conduct or gesture(s) directed toward an individual or group of individuals, which are insulting, intimidating, humiliating, malicious, degrading and/or offensive.
- 1.6 For the purposes of this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:
  - Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
  - Such conduct has the purpose or effect of interfering with an individual's performance; or
  - Such conduct creates an intimidating, hostile or offensive environment.
- 1.7 Types of behavior which constitute harassment include, but are not limited to:
  - written or verbal abuse or threats;
  - the display of visual material which is offensive or which one ought to know is offensive;
  - unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
  - leering or other suggestive or obscene gestures;
  - condescending, paternalistic or patronizing behavior which undermines self-esteem, diminishes performance and/or adversely affects working conditions;
  - practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - unwanted physical contact including touching, petting, pinching or kissing;



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- unwelcome sexual flirtations, advances, requests or invitations; or
- physical or sexual assault.

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

1.9 For the purposes of this Policy, retaliation against an individual:

- for having filed a complaint under this Policy; or
- for having participated in any procedure under this Policy; or
- 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.

## **2 RESPONSIBILITY**

2.1 Boxing Canada (the director responsible for this Policy) and senior staff members are responsible for the implementation of this Policy. In addition, Boxing Canada is responsible for:

- discouraging and preventing harassment, to the extent reasonably possible, within the Boxing Canada High Performance Program;
- receiving complaints, through the Harassment Officers noted below;
- imposing disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- providing guidance and support to persons who experience harassment;
- providing training on this Policy to all employees of Boxing Canada and all members of the High Performance Program;
- regularly reviewing the terms of this Policy to ensure that they adequately meet the organization's legal obligations and public policy objectives; and
- appointing harassment officers and providing the training and resources they need to fulfill their responsibilities under this Policy;

2.2 Every member of the Boxing Canada High Performance Program has a responsibility to play a part in ensuring that the Boxing Canada High Performance sport environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behavior contrary to this Policy. In addition, any member of the Boxing Canada High Performance Program who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this Policy.

## **3 COACH / ATHLETE SEXUAL RELATIONS**

3.1 Boxing Canada takes the view that intimate sexual relationships between coaches and adult athletes who are members of the High Performance Program can have harmful effects on the individual athlete involved, on other athletes and coaches and on the Boxing Canada High



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Performance Program's public image. Boxing Canada therefore takes the position that such relationships are unacceptable for Boxing Canada coaches, and no coach will be assigned to a High Performance event or activity if in breach of this Policy. Should a sexual relationship develop between an athlete and a coach of the High Performance Program, Boxing Canada will investigate and take action it deems appropriate.

#### **4 DISCIPLINARY ACTION**

- 4.1 Employees or members of the Boxing Canada High Performance Program against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership. Such conduct may also constitute a criminal offence under the *Criminal Code of Canada*.

#### **5 CONFIDENTIALITY**

- 5.1 Boxing Canada understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. Boxing Canada recognizes the interests of both the complainant and the Respondent in keeping the matter confidential.
- 5.2 Boxing Canada 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 to investigate the complaint, take corrective action with respect to the complaint, or where required by law.

#### **6 HARASSMENT**

- 6.1 Boxing Canada shall appoint at least two persons, one male and one female, who are themselves members or employees of the sport organization, to serve as officers under this Policy. If more than two officers are appointed, Boxing Canada will ensure a gender balance.
- 6.2 The role of harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and assist in formalizing a complaint for independent investigation and determination, as set out below. Harassment officers shall be directly responsible to Boxing Canada (the director responsible for this Policy).
- 6.3 Boxing Canada shall ensure that officers receive appropriate training and support for carrying out their responsibilities under this Policy.

#### **7 COMPLAINT PROCEDURE**

- 7.1 A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome, offensive and contrary to this Policy.
- 7.2 If confronting the harasser is not possible, or if the harassment continues after confronting the harasser, the complainant should seek the advice of a harassment officer.
- 7.3 The harassment officer shall inform the complainant of:
- the options for pursuing an informal resolution of his or her complaint;
  - the right to lay a formal written complaint under this Policy directly with Boxing Canada's independent third party provider (the "Provider");



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- available resources Boxing Canada can make available, or direct the complainant to;
- the confidentiality provisions of this Policy;
- the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- the right to withdraw from any further action in connection with the complaint at any stage (even though Boxing Canada might continue to investigate the complaint); and
- 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.

7.4 The harassment officer can receive concerns from anyone who alleges a breach of this Policy. The harassment officer will first offer the individual options for informal resolution.

- 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.
- If informal resolution yields a result which is acceptable to both parties, the harassment officer will document the settlement and have it executed by both parties. Once an executed settlement agreement has been entered into, Boxing Canada will take no further steps.
- If informal resolution does not result in a binding settlement, the complainant will reserve the right to lay a formal written complaint.

7.5 Complainants who wish to file a formal complaint under this Policy may file the complaint with the Boxing Canada Provider. The written complaint should be dated and executed, and should set out all relevant details of the allegations (names, dates, witnesses etc), sufficient to allow the Respondent(s) a fair chance to know all the allegations to which they have to respond.

7.6 Upon receipt of a written complaint, the Provider will, among other things:

- Review the complaint and determine (i) if the policy applies, in the sense that the allegations attract the jurisdiction of this Policy, and (ii) whether the allegations (assuming true) establish a prima facie violation of this Policy;
- Determine if the complainant(s) is/are safe and whether any interim action needs to be taken pending investigation and/or determination of the issues;
- Contact all identifiable Respondents and provide them with a meaningful chance to respond to the allegations against them, in writing. Respondents are expected to put their best foot forward and advance all important information needed to respond to the allegations;
- Review the written responses and determine if further investigation is needed, and to what extent it is needed;
- If an investigation is warranted, determine who best to conduct the investigation (depending on such things as the sensitivity and complexity of the issues);



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- Secure an estimate of costs for the conduct of any contemplated investigation, and obtain written approval from Boxing Canada prior to engaging any investigator(s);
- Oversee any independent investigation(s);
- Review any investigation report(s) and render final determinations on whether the Respondents, or any of them, have violated this Policy, the circumstances of such violation and any sanctions or discipline deemed appropriate;
- Communicate with Boxing Canada; and
- Assist Boxing Canada in communicating with all parties involved to bring the matter to a close.

7.7 If it is determined that the allegations of harassment are false, vexatious, or retaliatory, the complaint may be subject to disciplinary or corrective action.

7.8 When determining appropriate disciplinary action and corrective measures, the Provider shall consider factors such as:

- the nature of the harassment;
- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or part of an ongoing pattern;
- the nature and duration of the relationship between complainant and the harasser;
- the age of the individuals involved;
- the Respondent's voluntary admission of the offense(s), acceptance of responsibility and/or cooperation in the investigative process;
- any instances of retaliation by the Respondent against the complainant;
- real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
- circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this Policy; addiction; disability; illness);
- whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
- other mitigating and aggravating circumstances.

7.9 Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

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

- a verbal apology;
- a verbal or written warning;
- mandatory educational or similar remedial measures;



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- probation;
- a written apology;
- a letter of reprimand from the sport organization;
- a fine or levy;
- referral to counselling;
- removal of certain privileges of membership or employment;
- demotion or a pay cut;
- temporary suspension with or without pay; or termination of employment or contract; or expulsion from membership.
- other eligibility restrictions;
- permanent ineligibility; and/or
- other miscellaneous sanctions including, but not limited to:
  - loss of privileges;
  - no contact directives;
  - restitution; or
  - such other conditions as Boxing Canada deems appropriate.

7.11 Where the investigation does not result in a finding of harassment, a copy of the investigation report and any related records issued by the Provider shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to Boxing Canada (director responsible for this Policy), the senior staff member and harassment officers.

7.12 Where the investigation results in a finding of harassment, a copy of the report of the investigation report and any related records issued by the Provider shall be placed in the personnel or membership file of the Respondent. These records 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.

## **8 APPEALS**

8.1 The decisions of the Provider are final and binding and not subject to appeal.

## **9 REVIEW AND APPROVAL**

9.1 This policy was approved by the Boxing Canada Board of Directors on September 25th, 2020.

9.2 This policy shall be reviewed by Boxing Canada (director responsible for this Policy) and senior staff member on an annual basis.