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TENT PEGGING FEDERATION IN CANADA HARASSMENT POLICY



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INTRODUCTION

STATEMENT ON HARASSMENT

TPF is committed to promoting an environment in sport in which the terms and conditions of participation are equitable and non-discriminatory. Each participant has the right to be treated with dignity and respect and to work in a milieu conducive to productivity, self-development and performance advancement based upon individual ability. It is the TPF's intention to foster a sport environment free of harassment on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence for which a pardon has been granted.

SUMMARY

The objective of TPF's Harassment Policy is to create a sport environment which is tolerant and accepting of differences. Diversity is a reality. Sport includes men and women of many races, of varied ethnic origins, who hold different values, observe many religious traditions and have a range of abilities. While we are all different, we must all work together.

Harassment is destructive. It is a barrier to equal opportunity. It not only affects individuals, its affects organized sport as a whole.

Harassment is against the law.

TPF does not tolerate harassment. Creating and maintaining a harassment-free sport environment is a responsibility shared by all members.

TPF's Harassment Policy is directed toward the protection of individuals from harassment at all times while engaged in activities on behalf of TPF. This includes during the course of their work in sport and also during recreation or social activities in off hours where contact between such individuals might lead to repercussions adversely affecting working relationships.



The Board of Directors, Committees, coaches, team leaders, athletes, competition organizers, officials should lead through example and action. They must:

- Know what harassment is and be able to recognize inappropriate behavior.
- Act as a role model by treating all members fairly and equitably.
- Not engage in, allow, condone or ignore inappropriate behavior.
- Communicate the TPF's commitment to a harassment-free sport and work environment.
- respond appropriately to complaints of harassment.

I DEFINITION OF HARASSMENT

"HARASSMENT"

Harassment means any inappropriate behavior or communication by a person while that person is engaged in the performance of any capacity on behalf of TPF, that is offensive to any other person or group of persons and which the first person knew or ought reasonably to have known would be unwelcome. This applies to any location, environment or communication where the first person is identifiable as associated with TPF.

Harassment can take many forms but generally involves conduct, comment or display which is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise causes offense, discomfort, or personal humiliation or embarrassment to a person or group of persons. Harassment may include:

- Written or verbal abuse or threats
- Racial or ethnic slurs
- Unwelcome remarks, jokes, innuendo, or taunting about a person's body, attire, age, marital status, ethnic or racial origin and religion
- 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 or other obscene or offensive gestures
- Condescension, paternalism, or patronizing behavior which undermines self-respect or adversely affects performance or working conditions
- Physical conduct such as touching, kissing, patting and pinching
- Vandalism
- Physical assault.

Without in any way limiting the foregoing, harassment includes harassment on the basis of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status, or an offence for which a pardon has been granted.



SEXUAL HARASSMENT

There are generally three types of sexual harassment.

1) Unwelcome Sexual Behavior

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

- Inappropriate sexual comments about a person's body or appearance,
- Use of inappropriate or derogatory sexual terms,
- Enquiries or comments about an individual's sex life, sexual preferences etc.
- Sexual/sexist graffiti or any displaying of sexually offensive material or pictures,
- Spreading rumors about an individual's sex life, sexual preferences, etc.
- Unwanted touching, patting or leering.

2) Sexual Advance

This occurs when any person in a position of authority makes unwanted sexual advances or requests for sexual relations.

3) Reprisal

This occurs when any person in a position of authority threatens to use or uses that authority to retaliate against an individual who has rejected his or her sexual advance or unwelcome sexual behavior. This would include dropping an individual from a team because that individual refused a "proposition".

RACIAL HARASSMENT

Racial slurs, jokes or name calling based on race, ancestry, place of origin, color, ethnic origin and creed (or religion) are the most common form of racial harassment. Examples include:

- Use of terminology which reinforces stereotypes
- Racial, ethnic or religious jokes
- Use of racially derogatory nicknames
- Making "fun" of individuals or discounting their abilities because of their racial or ethnic origin
- Racial, ethnic or religious graffiti or the display of racist material.

Racial harassment also includes racially motivated behavior. For example: Individuals may be subjected to practical jokes because of their racial or ethnic background although the jokes themselves do not include a reference to race or ethnicity; as well individuals may be told to "go back where they came from" or that they are "not welcome in Canada". Such behavior constitutes racial harassment.

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



Racial slurs, jokes and name calling are inappropriate and illegal. Racial harassment can and does create stress, endangering an individual's health, morale and performance, arousing anger and frustration, creating an atmosphere which gives rise to other forms of discrimination, and undermines relations between individuals.

POISONED SPORT ENVIRONMENT

The presence of annoying and distressing elements in the sport environment can also constitute harassment. A poisoned sport environment includes:

- Sites where material that denigrates a person or group by virtue of race, ancestry, place of origin, color, ethnic origin, citizenship, religion, sex, sexual orientation, disability, age, marital/family status or an offence for which a pardon has been granted is openly displayed. (Sexually explicit posters and racial/racist cartoons for example).
- Groups where name calling that denigrates a person/group is part of the normal course of activities.
- Harassing behavior that causes embarrassment, awkwardness, endangers person's safety or negatively affects performance.

A poisoned sport environment constitutes harassment, whether or not individuals complain.

ABUSE OF AUTHORITY

Harassment also includes abuse of authority which means a person's improper use of power and authority inherent in a position to endanger or undermine another's position, or membership or participation on or within a team, or in any way interfere with or influence the performance or advancement of any person engaged in any such function. This type of harassment includes such acts or misuses of power as intimidation, threats, blackmail or coercion.

II TRAINING AND DISCIPLINE

Persons in authority have the responsibility not to harass any individual. However, it must be recognized that disciplined training is an indispensable part of high-performance sport. Such discipline should not be confused

- communicate performance standards, selection criteria, rules and regulations to all participants
- be fair and consistent in taking corrective action and in applying discipline
- avoid favoritism
- use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.



III PREVENTION AND INTERVENTION

Prevention and intervention are key to achieving a harassment-free sport environment. Persons in authority must present a positive role model. Therefore:

- They must show that they take the issue seriously. They must communicate the TPF's objective to create and maintain a harassment-free sport environment
- If they observe behavior such as racial name calling, sexual or racist jokes, the display of sexually explicit, racist or other offensive or derogatory material, they must advise the offending individual(s) of its inappropriateness and take corrective action immediately without waiting for a complaint.
- They should investigate if harassment is suspected or rumored. Sudden changes in performance or attitude may indicate a problem. Individuals who experience harassment are often reluctant to report it for fear of not being taken seriously, of being labeled a troublemaker or of reprisal.
- They should take all complaints of harassment seriously and respond appropriately in accordance with the TPF's harassment complaint and investigation procedures.

Persons in authority have a responsibility not to allow, condone or ignore harassment. If they know, or it can be shown that they should reasonably have known that harassment was occurring, and they failed to take corrective action they may be considered party to the harassment and subject to the same complaint and disciplinary processes and procedures as the harasser.

IV COMPLAINT HANDLING

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

REPORTING INCIDENTS OF HARASSMENT

Harassment rarely ceases on its own. Silence and inaction are too often interpreted as acceptance or consent resulting in continued harassment. Those who are victimized by or aware of harassment have a responsibility to report it.

In some cases, harassment is "unintentional" and can be stopped by informing the harasser(s) that the behavior is offensive.

However, for many individuals, confronting the harasser(s) on their own is not an option. They would feel uncomfortable or might place themselves in a threatening or dangerous situation. They must be reassured of the existence of an effective procedure.

Prior to proceeding to a formal complaint procedure, an attempt will be made to solve the problem through discussion or other means that might be appropriate under the circumstances. Only if a situation remains irresolvable should the following procedures be used.



COMPLAINT PROCEDURE

If confronting the alleged harasser(s) is not possible or after doing so, the harassment continues, the harassed individual should immediately report the incident(s) to the Chief Executive Officer, Chief Operating Officer, the President (or designate) or the Chair of the Risk Management and Ethics Committee.

RESPONDING TO A COMPLAINT OF HARASSMENT

STEP ONE: RECEIVING A COMPLAINT

Once a complaint is reported, immediate action will be taken as follows:

- The person receiving the complaint must:
- Be knowledgeable of the TPF's Harassment Policy and the procedures for receiving a complaint
- Understand and be sensitive to the impact of harassment on the victim. The experience can be an often is intimidating, demoralizing and threatening.
- Reassure the complainant, advising the TPF does not tolerate harassment and will do everything within its power to ensure a harassment-free sport and work environment.
- Ask the individual to provide details of the incident or incidents, including dates, time, locations, description of action, account of dialogue, the name of the harasser(s) and any witnesses or names of other individuals who may also have been harassed. Has any action been taken? Has the harasser been confronted or has the harassment been previously reported?
- Carefully document the complaint and review the details with the complainant to ensure accuracy. Attach any documentation or other supporting material.
- Immediately forward all documentation to the Chief Executive Officer.
- The CEO shall immediately report the complaint of harassment to the President (or designate)

If the President (or designate), is satisfied that this policy applies, then, within 14 days of having received the original notice of complaint the President (or designate) shall establish a Hearing Panel (the "Panel") and select the members of the Panel as follows:

- a) The Panel shall be comprised of either one or three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the complaint or the dispute, and shall be free from any other actual or perceived bias or conflict. The decision regarding the size of the Panel shall be in the sole discretion of the President who must, in coming to his decision, ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties.
- b) If the Panel consists of three persons, the Panel's members shall select from themselves a Chairperson.

The documented complaint must be forwarded to the hearing panel within 7 days. In the event that the complaint is directed against the President, the CEO will appoint a designate as Chair. Likewise, in the event that the complaint is directed against the CEO, the President will appoint a designate as Chair. These actions will remove the perception of conflict of interest.



The hearing panel shall investigate the complaint and determine whether or not harassment took place, and if so, the nature and particulars of the harassment. The hearing panel shall also report whether disciplinary measures are warranted having regard to all the circumstances of the case

STEP TWO: COMPLAINT INVESTIGATION

ALL COMPLAINTS OF HARASSMENT MUST BE INVESTIGATED IN AN EXPEDITED, 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.

The hearing panel should first review the facts with the complainant to verify accuracy. Additional information will be documented. During this interview, any questions the complainant may have regarding the investigation process will be answered.

If the complainant has named an alleged harasser or harassers, the next step in the investigation process is to inform the alleged harasser(s) (or respondent) of the complaint. If more than one individual has been named, separate interviews will be conducted. The hearing panel will:

- Advise the alleged harasser(s) of the complaint.
- Explain that TPF is committed to providing a harassment-free sport environment and does not tolerate inappropriate behavior.
- Advise the respondent of the investigation procedure and what steps will be taken next.
- Document the response to the complaint. Review the details of the statement in order to ensure accuracy and ask the respondent to sign the response.

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

- Advise the witness that a complaint has been received and that he or she was named as a witness.
- Inform the witnesses of the TPF Harassment Policy and assure the individual that TPF will use its best efforts to ensure that they will be protected from any reprisal which could result from participation in the investigation.
- Document the statements of the witnesses and review them to ensure accuracy.

If there are not witnesses named, it may be necessary for the hearing panel to interview other individuals involved to determine if they witnessed this or similar incidents or if they have experienced harassment. Again, individuals will be advised of the TPF's Policy on Harassment and assured of freedom from reprisal. The interview(s) will be documented.

Before concluding the investigation, the hearing panel will consider the following:

- Did the harassment occur? If it didn't, is there reason to proceed against the claimant? In either event was there one incident or a series of incidents?



- What was the nature of the harassment? Did it constitute an infraction of the Canadian Human Rights Act? Do not consider factors unrelated to the complaint.
- Did the alleged harasser(s) admit to or deny the behavior?
- If the alleged harasser(s) admitted to the behavior was there an indication of a willingness to change.
- Has anyone else experienced similar harassment?
- Is this the first complaint against the alleged harasser(s) or have there been previous complaints?

Describe the nature of previous complaints.

The hearing panel will advise the President (or designate) of its findings and if requested by the President (or designate) may be required to further investigate or consider the matter to clarify its findings.

A copy of the hearing report shall be provided to the complainant and the person against whom the harassment complaint was made within 14 days of concluding the hearing.

STEP THREE: COMPLAINT RESOLUTION

The intent of the TPF's Harassment Policy is to provide all individuals to whom the Harassment Policy applies with a harassment-free environment. This can be accomplished through prevention and effective complaint resolution. In resolving the complaint, the first step is to determine whether or not harassment occurred and if it did then the goal is to eliminate the harassment.

In many cases the first incident of harassment is unintentional, and the harasser(s) is unaware that the behavior is inappropriate and offensive. Resolution in these cases can be accomplished through education. Therefore, in cases where the hearing panel is of the opinion that this would be an appropriate way of resolving the matter within 14 days of concluding its investigation, it shall:

- Inform the harasser(s) that the behavior is inappropriate, in contravention of the TPF Policy and the Canadian Human Rights Act and must cease.
- Ask for an apology from the harasser(s) and, if agreeable to the claimant, arrange a face to face meeting between the parties to affect the resolution. If a face to face meeting is not possible a written apology will be obtained.
- Advise both the complainant and the respondent(s) that a recurrence of the behavior 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.

The hearing panel shall then immediately submit its report to the President (or designate) advising that the matter has been resolved and how it was resolved. If the person who committed the harassment refuses to co-operate in the resolution of the harassment as just described above, the hearing panel shall include this fact in its report to the President (or designate).



The President (or designate) as appropriate, may in his discretion, subject to the By-laws of TPF, discipline the person who committed the harassment. Disciplinary action may include termination of the offender's employment, membership on a Team, or other association, involvement or membership with TPF.

The President (or designate) shall advise the hearing panel of his disposition with respect to discipline. Should any disciplinary action that the President (or designate) believes is appropriate require a resolution to be passed by Board of Directors, the President (or designate) shall take such action as is appropriate to have the matter placed before the Board of Directors for its consideration.

STEP FOUR: FOLLOW-UP

The purpose of following up with the complainant is

1) to ensure that the harassment has stopped, 2) to ensure that there are no instances of reprisal and 3) to ensure the complainant of ongoing support. In resolving a complaint, set the stage for follow-up. The hearing panel will:

- Inform the complainant that action has been taken to correct the situation. The complainant may request details, but the release of such information may not be appropriate. The intent of TPF's Policy on Harassment is to eliminate harassment. In other words - corrective not punitive.
- 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 the follow-up interviews.

Initially, the hearing panel may want to follow up on a frequent basis, extending that period over time. In most cases, follow-up should occur periodically over a minimum 6-month period from the date of the resolution.

V DISCIPLINE

Harassment is a serious offence, and it is also a serious offence to falsely accuse someone of harassment. In both cases, resolution may require that appropriate disciplinary action be taken. The hearing panel must have found that there was harassment. The disciplinary action taken must also be appropriate in the circumstance such as: a verbal reprimand, a withdrawal of privileges or a recommendation of therapy.

The President (or designate) when deciding what disciplinary action is appropriate shall consider the following factors:

- The nature of the harassment - verbal or physical.
- The degree of aggressiveness.
- The ongoing nature of the harassment. The number of incidents and/or the time period of the harassments.



- The nature of the relationship between the complainant and the harasser. Coach/athlete? Co-members of a committee? Co-members of a Team, etc?
- Disciplinary action for previous similar incidents.

The President (or designate) shall afford the complainant and the person against whom the harassment complaint was made an opportunity to be heard on the question of the appropriate disciplinary action before taking any disciplinary action.

NOTE: In particularly extreme cases where assault or threatened assault has occurred, the complainant's safety must be of paramount importance. It may be appropriate to suspend the alleged harasser(s) pending the results of the investigation. As well it may be necessary to contact the police.

The President (or designate) shall have the right to suspend from duty or membership in appropriate cases.

VI RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT

Individuals who report incidents of Harassment through TPF's complaint procedure have a right to:

- Freedom from reprisal or retaliation for having filed a complaint.
- Have their complaint taken seriously.
- Be informed of the investigation process and told who will conduct the investigation, who will be involved/or advised of their complaint and why.
- Be represented and accompanied by the individual 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 related to the complaint.
 - Ongoing contact and periodic updates through the investigation process.
 - Be informed of other avenues for complaint open to them.
 - Know that details of their complaint will be kept confidential.
 - Have their complaint resolved as quickly as possible.

Individuals who report incidents of harassment have the responsibility 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 harasser(s) and names of witnesses or potential witnesses.
 - Cooperate fully in the investigation of the complaint.



VII RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT

Individuals accused of harassment have a right to:

- Be informed as soon as reasonably possible that a complaint has been filed against them.
- Be informed of the allegations and be given an opportunity to respond to them.
- Be accompanied by a representative of their choice at meetings concerning the complaint which they are required or entitled to attend.
- Seek advice/information from the Chief Executive Officer, Chief Operating Officer, the President (or designate) or the Chair of the Risk Management and Ethics Committee regarding the TPF's Harassment Policy complaint procedure.
- Seek legal advice or assistance, recognizing that they are responsible for any cost incurred.
- Fair and equitable treatment.
- Be advised of the results of the investigation and the action taken to resolve the complaint.
- Lodge an appeal if dissatisfied with the action to resolve the complaint.

Individuals who are accused of harassment have the responsibility to:

- Fully cooperate in the investigation of the complaint.
- Change any behavior that violates TPF's Harassment Policy.

VIII DOCUMENTATION AND RECORD KEEPING

The following are the guidelines for documentation and record keeping.

COMPLAINT DOCUMENTATION

- The following documentation is required.
- Details of the complaint as described in this Policy.
- The response of the alleged harasser(s).
- Sworn statements of any witnesses or other individuals interviewed in connection with the complaint.
- Summary report of the investigation with results and conclusions.
- Actions taken to resolve the complaint, including any disciplinary documentation.
- Follow-up interviews with the complainant.

Upon completion of the investigation and resolution process all documentation will be forwarded to the Chief Executive Officer.

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



Copies should be strictly limited. Every effort must be made to ensure appropriate confidentiality. All documentation will be kept in a locked filing cabinet with restricted access.

The Chief Executive Officer will impress upon staff handling documentation that it is strictly confidential and make known the expectations of them.

All information and documentation pertaining to harassment complaint will remain confidential subject to the requirements to conduct the investigation and resolve the complaint or to discuss information or give evidence according to the law (e.g. Provincial or Canadian Human rights Commission proceedings, legal court action, Freedom of Information and Personal Privacy legislation).

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