



## SKI JUMPING CANADA HARASSMENT POLICY

**Date Approved: 2014**  
Amendment Dates:

Approved By: Ski Jumping Canada Board

---

### **PREAMBLE**

1. Ski Jumping Canada (SJC) is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Every individual has the right to participate in an environment that promotes equal opportunities and prohibits discriminatory practices.
2. All athletes, coaches, team managers, officials, board members, committee members, volunteers and staff/contractors have a shared responsibility to understand discrimination and harassment and their ramifications, and to ensure that all reasonable steps are taken to realize the goal of a harassment free sport environment.
3. This policy applies to discrimination and harassment that may occur during SJC business, activities and events, or when discrimination or harassment adversely affects relationships within the SJC work and sport environment.

### **DEFINITION OF HARASSMENT**

4. Harassment takes many forms but can generally be defined as behaviour, including comments and/or conduct, which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise causes offence or discomfort to an individual or groups of individuals. Harassment may include:
  - a. Written or verbal abuse or threats;
  - b. Racial or ethnic slurs;
  - c. Unwelcome remarks, jokes, innuendo, or taunting about a person's body, attire, age, marital status, ethnic or racial origin and religion;
  - d. Sexual, racial, ethnic or religious graffiti;
  - e. Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - f. Unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation;
  - g. Leering or other obscene or offensive gestures;
  - h. Any form of hazing;
  - i. Condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
  - j. Physical conduct such as touching, kissing, patting and pinching;
  - k. Vandalism;
  - l. Physical or sexual assault;
  - m. Behaviours such as those described above that are not directed towards individuals or groups but that have the same effect of creating a negative or hostile environment; or
  - n. Retaliation or threats of retaliation against an individual who reports harassment.



## SKI JUMPING CANADA HARASSMENT POLICY

5. Note: It is recognized that there may be a certain amount of physical contact inherent in coaching athletes. Such contact may be related to teaching a new skill, measuring for suits, spotting or other safety issues. This type of physical contact is not considered to be harassment, providing that it is authorized by the athlete. If the athlete indicates that the touching is unwelcome it must stop. Otherwise it will be considered harassment.

### **Sexual Harassment**

6. Sexual harassment is unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:
  - a. Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
  - b. Such conduct has the purpose or effect of interfering with an individual's performance; or
  - c. Such conduct creates an intimidating, hostile or poisoned environment.

### **Racial Harassment**

7. Racial slurs, jokes or name-calling based on race, ancestry, place of origin, colour, ethnic origin and creeds (or religion) are the most common form of racial harassment. Examples include:
  - a. Use of terminology which reinforces stereotypes;
  - b. Racial, ethnic or religious jokes;
  - c. Use of racially derogatory nicknames;
  - d. Making "fun" of individuals or discounting their abilities because of their racial or ethnic origin; or
  - e. Racist, ethnic or religious graffiti or the display of racist material.

## **PREVENTION**

### **Training and Discipline**

8. Persons in authority have the responsibility not to harass or discriminate against any individual. It must be recognized that disciplined training is an indispensable part of high performance sport. Such discipline should not be confused with harassment. However it is of vital importance that those in authority:
  - a. Communicate performance standards, rules and regulations to all participants;
  - b. Be fair and consistent in taking corrective action and in applying discipline;
  - c. Avoid favouritism; and
  - d. Use appropriate terminology; address individuals by name and avoid the use of derogatory slang or offensive terms.



## SKI JUMPING CANADA HARASSMENT POLICY

9. Prevention and intervention are key to achieving a harassment-free sport environment. Persons in authority must present appropriate role model. Therefore:
  - a. They must show that they take the issue seriously;
  - b. They must communicate SJC's objective to create and maintain a harassment-free sport environment;
  - c. If they observe behaviour 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;
  - d. They should investigate if harassment is suspected or rumoured. Sudden changes in performance or attitude may indicate a problem. Individual who experience harassment are often reluctant to report for fear of not being taken seriously or of being labelled a trouble maker or of reprisal; and
  - e. They should take all complaints of harassment seriously and respond appropriately in accordance with SJC's harassment complaint and investigation procedure.
  
10. 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.

### **HARASSMENT PROCEDURES**

#### **Policy Application**

11. These procedures and policies apply at the national level of SJC and extend to the Chair and Board of SJC and Board Committees, athletes, coaches and support staff who are part of the National Ski Jumping Team, including those on temporary status for trips and training and all other individuals engaged in activities with or employed by SJC. All provincial ski jumping associations and clubs shall have in place policies and procedures to deal with harassment arising within the activities of those organizations.

#### **Minors**

12. SJC recognizes that minors (individuals under the age of majority) may be involved as either the complainant, harasser or as a witness. In all cases involving minors, one of the parents/guardian of that minor or an adult designated by the parent/guardian will be present for all discussions with the minor.

#### **Confidentiality**

13. SJC recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. SJC recognizes the interest of both the complainant and the respondent to keep the matter confidential, except where such disclosure is required by law. This shall not preclude publication of the final outcome of any matter.



## SKI JUMPING CANADA HARASSMENT POLICY

### Representation

14. Any party to a complaint has the right to be represented at all times by a person of his/her choice, including legal counsel (at the party's own expense).

### Complaint Procedure

15. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to SJC policy.
16. If confronting the harasser is not desirable, or if after confronting the harasser the harassment continues, the complainant should request a meeting with the Chair, SJC. The role of the Chair is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the Chair considers that he/she is unable to act in this capacity, the complainant shall be referred to another SJC Board member. The Chair or his/her delegate shall hereinafter be referred to as the "Official".
17. All SJC officials, staff and coaches who witness behaviour that may constitute harassment or who otherwise becomes aware that harassment may be taking place are required to report it in accordance with the prescribed complaint procedure.

### Complaint Evaluation Procedure

18. The Official who meets with the complainant will inform the complainant of the procedures under this policy. The initial meeting will have one of three possible outcomes:
  - a. The complainant and the Official agree that the behaviour in question does not constitute harassment and the matter will be closed;
  - b. The complainant brings evidence indicating that harassment may have occurred and chooses to pursue an informal resolution of the complaint. The Official will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties, and if appropriate, the Official may also seek the assistance of a neutral mediator. If negotiation fails to satisfy the complainant, the complainant may then proceed to lay a formal written complaint; or
  - c. The complainant brings evidence indicating that harassment may have occurred and decides to lay a formal written complaint.

### Formal Complaint Process

19. Once the decision to pursue a formal complaint has been made, the Officer will assist the complainant to draft a formal written complaint. The complaint will set out the details of the incident(s) and the names of any witnesses and will be signed by the complainant and dated.



## SKI JUMPING CANADA HARASSMENT POLICY

20. Upon receipt of the complaint (within 24 hours), the Official will deliver a copy of the signed complaint to the respondent and inform the respondent of the procedures under this policy. The Officer may assist the respondent in preparing a written or verbal response.

### Hearing Panel

21. Upon receipt of the complaint, the Officer (if not the Chair) shall forward the complaint to the Chair, SJC. The Chair shall within two (2) days appoint three (3) individuals to a Hearing Panel. Those individuals will have no significant relationship with the affected parties. Will have no involvement with the decision being appealed and will be free from any other actual or perceived bias. The Panel's members will select from themselves a Chairperson.

### Preliminary Matters

22. The Panel shall meet within five (5) days of appointment (conference may be conducted by phone) to determine various preliminary matters depending on the circumstances of the complaint. The issues that may be considered include:
  - a. The format of the hearing, as the hearing may proceed by a review of documentary evidence, an in-person hearing, an oral hearing by telephone or a combination of these methods. The Panel, in coming to its decision regarding the format of the hearing, must ensure that the hearing process complies with the principles of natural justice and provides procedural fairness to all parties;
  - b. Clarification of issues in dispute and of evidence to be provided;
  - c. The date and location (if in-person) of the hearing, the order and procedure of the hearing and identification of witnesses; and
  - d. Any other procedural matter which may assist in expediting the hearing.

### Procedure for an Oral Hearing

23. Where the Panel has determined that the hearing shall be held by way of oral hearing, whether in person or by telephone, the Panel shall govern the hearing by such procedures as it deems appropriate and fair, subject to the following provisions:
  - a. The hearing shall be held within 21 days of the Panel's appointment;
  - b. The parties involved shall be given ten (10) days written notice of the date, time, format and place of the hearing;
  - c. The parties shall receive copies of the complaint, response and any other available evidence;
  - d. If the decision of the Panel may affect another party to the extent that the other party would have recourse to a hearing in their own right, that party shall become a party to the hearing in question; and
  - e. Decisions shall be by a majority vote, where the Chairperson carries a vote. In the event that a Panel member is unable or unwilling to continue with the process once initiated, the matter will be concluded with the remaining Panel members. In the event of a split decision in a two member Panel, the Chairperson's vote shall be decisive.



## SKI JUMPING CANADA HARASSMENT POLICY

### Procedure for a Documentary Hearing

24. Where the Panel has determined that the hearing shall be held by way of documentary review, it shall govern the hearing by such procedures as it deems appropriate and fair, subject to the following provisions:
  - a. All parties must be given a reasonable opportunity to review any evidence, to provide written submissions to the Panel, to review written submissions of the other parties, to provide written rebuttal and to provide written arguments; and
  - b. The applicable principles and timelines set out in Section 19 must be respected.

### The Panel Decision

25. Within fourteen (14) days of concluding the hearing, the Panel shall present its written decision, with copies provided without delay to the Chair (SJC), the complainant and the respondent. The decision shall contain:
  - a. A summary of the relevant facts;
  - b. A determination whether the behaviour in question constitutes harassment as defined in this policy;
  - c. If the complaint is found to be valid, a determination of disciplinary action to be taken against the respondent; and
  - d. If appropriate, measures to remedy or mitigate any harm or loss suffered by the complainant.
26. If the Panel determines that the allegations of harassment are fabricated, frivolous or vexatious, it may be determined that disciplinary action shall be taken against the complainant. However, a finding of no harassment is not sufficient grounds of itself for such action against the complainant.

### Sanctions

27. In the event the Panel finds that harassment has occurred, the Panel shall, make the determination for disciplinary action, considering factors such as:
  - a. The nature of the harassment;
  - b. Whether the harassment involved any physical contact;
  - c. Whether the harassment was an isolated incident or part of an ongoing pattern;
  - d. The nature of the relationship between the complainant and the respondent;
  - e. The age of the complainant;
  - f. Whether the harasser has been involved in previous harassment incidents;
  - g. Whether the harasser admitted responsibility and expressed a willingness to change; and
  - h. Whether the harasser retaliated against the complainant.
28. In directing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment;



## SKI JUMPING CANADA HARASSMENT POLICY

- a. An oral or written apology;
  - b. A letter of reprimand from the SJC Board;
  - c. A fine or levy;
  - d. Referral to counselling;
  - e. suspension from training and/or competition for a specified period or, in an extreme case, permanently;
  - f. Temporary suspension with or without pay;
  - g. Termination of employment or contract; and
  - h. Expulsion from membership.
29. The Chair of SJC will be responsible for enforcing the disciplinary sanctions as determined by the Panel.

### **Record of Panel Decision**

30. Where the Panel finds that harassment has occurred, a copy of the Panel's decision shall be filed in the SJC National Office in the harassment file. Unless overturned on appeal, the decision shall be retained on file for a period of ten (10) years.

### **Need for Immediate Action**

31. Harassment complaints arising during training trips or competition trips may be dealt with immediately, if necessary, by a SJC representative in a position of authority, provided the individual being disciplined has been informed of the nature of the complaint and has been given an opportunity to respond to the allegation. If the representative concludes that the complaint is valid and immediate action is appropriate, sanctions may be imposed for the duration of the trip or competition only. Further sanctions may be applied but only after review of the matter in accordance with procedures set out in this policy. This review does not replace the appeal provisions of the policy.

### **Appeal Procedure**

32. Both the complainant and the respondent have the right to appeal the finding of the Hearing Panel according to the SJC Appeal Policy. An appeal may be heard only if there are sufficient grounds for the appeal as set out in that policy.