

Canada Rugby League Association

Harassment Policy By-Law 2019-02

Adopted November 24, 2019

1. DEFINITIONS

The following terms have these meanings in this Policy:

- a) “Complainant” – The Party who experiences or alleges to have experienced harassment (note: this definition is different to the definition in the CRLA Discipline Policy as not all Parties who experience harassment raise complaints)
- b) “Respondent” – The alleged infracting Party
- c) “Parties” – The Complainant, Respondent, and any other Members or persons affected by the complaint
- d) “Member” - All categories of membership defined in Section 5 of the Constitution of the Canada Rugby League Association
- e) “Registered Constituent” – Any natural person accepted as a “member” or “constituent” of a CRLA Member
- f) “Unaffiliated Constituent” – Any natural person who is resident of a geographical area that is not governed by a Provincial Association as defined in section 8 of the Constitution of the Canada Rugby League Association
- g) “Harassment” - Comment or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive.
- h) “Sexual Harassment” - unwelcome sexual comments and sexual advances, requests for sexual favors, or conduct of a sexual nature.

2. PURPOSE OF HARASSMENT POLICY

The Canada Rugby League Association (CRLA) is committed to providing a sporting environment which is characterized by open and clear communication, honesty, fairness, and mutual respect. CRLA Members, Registered Constituents, and Unaffiliated Constituents are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with CRLA’s policies, rules and regulations, and Code of Conduct.

Harassment by Members can result in severe damage to the integrity of the CRLA. Conduct that violates these values may be subject to sanctions pursuant to this Policy. In its most extreme forms, harassment can be an offense under Canada’s Criminal Code.

3. APPLICATION OF THIS POLICY

This Policy applies to all Members, Registered Constituents, and Unaffiliated Constituents defined in the ‘Definitions’ section of this Policy. It applies to harassment which occurs during any CRLA sanctioned event including, but not limited to, training camps, competitions, social functions and business activities.

Canada Rugby League Association

Harassment Policy By-Law 2019-02

Adopted November 24, 2019

4. HARASSMENT BEHAVIOURS

Types of behaviour 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 behaviour which may undermine self-esteem, diminish performance or adversely affect 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, kissing or purposefully brushing up against another person
- Unwelcome sexual flirtations, advances, requests or invitations
- Physical or sexual assault
- Taking and/or disseminating of inappropriate photographs

5. CONFIDENTIALITY

The CRLA recognizes 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. The CRLA recognizes the interests of both the complainant and the respondent in keeping the matter confidential, except where such disclosure is required by law. As detailed in the CRLA Discipline Policy, the discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

6. COMPLAINT PROCEDURE

A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this policy.

If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should put his/her complaint in writing addressed to any member of the CRLA Board of Directors.

Canada Rugby League Association

Harassment Policy By-Law 2019-02

Adopted November 24, 2019

Once the CRLA Board of Directors has received the written complaint, it is their role to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its resolution. If the President considers that s/he is unable to act in this capacity, the complainant shall be referred to another CRLA official.

There are three possible outcomes to this meeting of complainant and official:

- It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;
- The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint; or
- The complainant may decide to lay a formal written complaint submitted to CRLA's President or, in the case of a complaint against the President, the Vice-President, in which case the President or Vice-President shall appoint an independent individual (Case Manager) to conduct an investigation of the complaint.

Ideally, the Case Manager should be a person experienced in harassment matters and investigation techniques. S/he shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the CRLA Board of Directors.

The Case Manager may determine that the alleged conduct is of such seriousness as to warrant suspension of the individual from the CRLA pending the hearing and decision of the Discipline Panel.

Within five (5) business days of receiving the written report of the Case Manager, the Board of Directors shall appoint three individuals to serve as a Disciplinary Panel.

The Disciplinary Panel shall hold the hearing as soon as possible, but not more than 10 business days after the incident report is first received by the President/Vice-President.

The Disciplinary Panel shall govern the hearing as it sees fit, provided that:

- a) Members of the Panel shall select from among themselves a Chairperson;
- b) A quorum shall be all 3 Panel members;
- c) Decisions shall be by majority vote; the Chair carries a vote;
- d) The Parties may be accompanied by a representative;
- e) The hearing shall be held in private;
- f) The Respondent shall be given 5 business days written notice (by courier, fax, or read-receipt e-mail) of the day, time and place of the hearing.
- g) The Respondent shall receive a copy of the formal complaint;
- h) The Complainant and Respondent shall each receive a copy of the Case Manager's report.
- i) Both the Complainant and Respondent should be present at the Hearing to respond to Case Manager's report, give evidence and to answer questions of the Panel. However, the Hearing may proceed in the absence of either or both parties.
- j) The Case Manager may attend the Hearing at the request of the Panel.

Canada Rugby League Association

Harassment Policy By-Law 2019-02

Adopted November 24, 2019

- k) The Panel may request that witnesses to the incident be present or submit written evidence;
- l) Once appointed, the Panel shall have the authority to abridge or extend time lines associated with all aspects of the Hearing.

NOTE: In order to keep costs to a reasonable level, the Panel may conduct the Hearing by means of a conference call or video conference.

Unless the Disciplinary Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.

As soon as possible, but in any event within five (5) business days of the Hearing, the Panel shall present its decision to the Board of Directors, with a copy provided to both the Complainant and Respondent. The decision shall contain:

- a) A summary of the relevant facts;
- b) A determination as to whether the acts complained of constitute harassment as defined in this policy;
- c) Recommended disciplinary action against the respondent, if the acts constitute harassment; and
- d) Recommended measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.

If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, its report may recommend disciplinary action against the Complainant.

7. DISCIPLINE

When recommending appropriate disciplinary action, the Panel shall consider factors such as:

- The nature and severity 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 of the relationship between the Complainant and harasser
- The age of the complainant
- Whether the harasser had been involved in previous harassment incidents
- Whether the harasser admitted responsibility and expressed a willingness to change
- Whether the harasser retaliated against the Complainant

Canada Rugby League Association

Harassment Policy By-Law 2019-02

Adopted November 24, 2019

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

- Verbal apology
- Written apology
- Letter of reprimand from the organization
- A fine or levy
- Referral to counselling
- Removal of certain privileges of membership or employment
- Temporary suspension
- Termination of employment or contract
- Expulsion from sanctioned events and activities
- Publication of the decision

Both the Complainant and Respondent shall have the right to appeal the decision and recommendations of the Panel, in accordance with CRLA's Appeal Policy.

Canada Rugby League Association Harassment Policy By-Law 2019-02

Adopted November 24, 2019

INCIDENT REPORT

Name: _____ Position: _____

Date of incident: _____

Location of Incident: _____

Case Manager's Name: _____

Case Manager's Contact Info: _____

This incident was categorized as a: _____ minor infraction _____ major infraction

Individual(s) involved in the incident:

Objective description of the incident (be concise, accurate and non-judgmental):

Names of witnesses (if applicable):

Disciplinary action and sanction (if applicable):

Your signature: _____ Date: _____