

OKF HARASSMENT, DISCRIMINATION & ABUSE POLICY

Introduction

The Ontario Karate Federation shall be proactive in combating harassment, discrimination and abuse. The best way to combat these incidents is to have layered approach through education of Individuals as to what constitutes these types of behaviors; education of Individuals as to how to handle these situations, if they arise; education of Individuals as to what they can do to end these types of behavior; and a policy and procedure that will address these incidents.

The Ontario Karate Federation considers incidents of harassment, discrimination and abuse to be major infractions and shall be dealt with as major infractions under the Discipline and Complaints Policy. All allegations of the conduct described within this Policy are serious matters that the OKF will investigate thoroughly, taking into consideration the rights of the accuser and the accused. Further, while this Policy is aimed at handling these matters internally within the OKF, there may be incidents that rise to a level where the Criminal Code may be applicable and the OKF has an affirmative duty to report those incidents to the proper authorities.

1. Purpose

- 1.1 The purpose of a harassment policy is to provide a framework to understand and prevent harassment, communicate the rights and responsibilities of those involved in a harassment claim, and to alleviate effects in the event that harassment does occur.
- 1.4 The harassment policy will serve to promote the practice of Karate-Do in a safe, ethical and vibrant way, corresponding and in coordination with the intent and the letter of the Bylaws of the Ontario Karate Federation (OKF).

2. Principles:

- 2.1 Ontario Karate Federation 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 and work in a harassment-free environment.
- 2.3 Application of this policy is undertaken in a timely, consistent, equitable and confidential manner.
- 2.4 Those charged with the determination as to whether allegations are substantiated will do so in an objective manner.
- 2.5 Those charged with determining what corrective action is appropriate where a harassment allegation has been substantiated, will do so in an objective and accountable manner, and will make a determination regarding the appropriate level of confidentiality for all parties.

3. Definitions:

- 3.1 ,This policy uses the term “Complainant” to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term “Respondent” refers to the person against whom a complaint is made.

- 3.2 Harassment can generally be defined as comment or conduct, directed toward an individual or group of individuals that is insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment may occur through a single incident or event. Types of behaviour that constitute harassment include, but are not limited to:
- a) written or verbal abuse or threats;
 - b) the display of visual material which is offensive or which one ought to know is offensive;
 - c) unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation, marital status, family status, disability or pardoned conviction;
 - d) leering or other suggestive or obscene gestures;
 - e) condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
 - f) practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - g) any form of hazing;
 - h) unwanted physical contact including touching, petting, pinching or kissing;
 - i) unwelcome sexual flirtations, advances, requests or invitations;
 - j) physical or sexual assault;
 - k) behaviours such as those described above that are not directed towards individuals or groups but have the same effect of creating a negative or hostile environment; or
 - l) retaliation or threats of retaliation against an individual who reports harassment.

3.1 For the purposes of this policy, "Sexual Harassment" is engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, that is known or ought reasonably to be known to be unwelcome. Sexual Harassment is also making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual Harassment includes requests for sexual favors, or other verbal or physical conduct of a sexual nature or related to a person's sex.

Specific categories of Harassment include:

(a) Personal Harassment

Personal harassment is inappropriate behaviour directed toward an individual that the perpetrator knew or ought reasonably to have known would be unwelcome.

Examples of personal harassment include belittling jokes, insults, nicknaming, inappropriate teasing, taunting and condescension. This behaviour is not necessarily linked to the prohibited grounds of discrimination.

(b) Bullying

Bullying is unwanted verbal, physical or social behaviour directed to harming or inappropriately controlling another person. It often involves a real or perceived power imbalance.

Examples of bullying are such actions as threats, spreading rumours, attacking someone physically or verbally, or deliberately excluding someone from a group.

(c) Sexual Harassment

Sexual harassment is engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, that is known or ought reasonably to be known to be unwelcome. Sexual Harassment is also making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual Harassment includes requests for sexual favours, or other verbal or physical conduct of a sexual nature or related to a person's sex.

- 3.4 Harassment is not: disagreement, dispute, discussion or otherwise actions related to the appropriate or normal activities involved in sports practice, competition, coaching or teaching, or those related to organizational governance of the same. Specifically, Harassment does not include the following:
- legitimate functions of management, direction, or organizational decision-making and their expected impacts;
 - appropriate exercise and delegation of role authority;
 - operational directives;
 - a disagreement, misunderstanding or conflict;
 - less than optimal management;
 - a single comment or action unless it is serious and has a lasting harmful effect (expected remedy includes apology, acknowledgement of responsibility, making amendment);
 - rudeness unless it is extreme and repetitive.
- 3.5 “Discrimination” means any action, behaviour or attitude whether intentional or not, which negatively affects or could negatively affect the employment, performance or volunteer activities of an individual, where such actions, behaviour or attitude is based on a prohibited ground for discrimination under applicable human rights law, such as, age (except for athletes, age has the same definition as under the applicable human rights legislation); ancestry; citizenship; colour; creed; disability; ethnic origin; language (but not where a language is a qualification for employment or office); marital/family status (defined to include common law relationships, and to not preclude anti-nepotism policies); place of origin; political opinion; race; sex (defined to include pregnancy); record of offences (has the same definition as under the applicable human rights legislation); gender identity and gender expression; and sexual orientation. This Policy also applies to any other ground of discrimination prohibited by applicable law.
- 3.6 “Other Principles of Law and Public Policy” means the relevant parts of law, procedure or expectation that correspond to and govern Agencies, Boards and Commissions as defined by the Provincial Government of Ontario, and the Public.
- 3.7 The OKF is committed to the prevention of abuse/violence and to providing a safe and respectful working environment for OKF Members and Individuals. The OKF will take whatever steps are reasonable to protect OKF Members and Individuals from abuse and violence from all sources in order to eliminate and/or minimize these risks. Violent behaviour and abuse in the work or sport environment is unacceptable from anyone. The OKF will not tolerate any type of abuse or violence within the OKF offices or at OKF Activities or Activities that are not associated with the OKF. For the purpose of this Policy, “Abuse” and “Violence” is any actual, attempted or

threatened conduct of a person that causes or is likely to cause physical and/or psychological harm/injury/illness or that gives a person reason to believe that he or she or another person is at risk of physical and/or psychological harm/injury/illness, including but not limited to, any actual or attempted assault (including sexual assault and physical attacks), threat, verbal, psychological or sexual abuse and harassment.

- 3.8 “Reprisals” or “Threats of Reprisal” are an aggravating factor in any situation involving discrimination, harassment, or violence, particularly where the reprisal or threat of reprisal is by a Person in Authority or a Person in Leadership.

Examples of reprisal include:

- (a) Acts of retaliation designed to punish an individual who has reported discrimination, harassment or violence;
- (b) Threats of retaliation designed to dissuade an individual from reporting discrimination, harassment or violence; and
- (c) threats of retaliation designed to dissuade other individuals from assisting with the process, such as serving as a witness, or by providing information.

In sexual harassment situations, reprisals can also include:

- (a) Acts of retaliation to punish an individual who has rejected sexual advances; and/or
- (b) Threats of retaliation if sexual advances are rejected.

For the purpose of this Policy, knowingly making a groundless or false allegation, or knowingly providing false information shall also be deemed a reprisal and may be subject to sanctions under this Policy.

4. Scope of Policy

- 4.1 This policy applies to all categories of Members in Ontario Karate Federation (Black Belt member, kyu belt member, recreational member, Life member) as well as to all Individuals engaged in activities with or employed by Ontario Karate Federation, including, but not limited to, directors, officers, coaches, athletes, referees, volunteers, medical and paramedical personnel. It applies to harassment that may occur during the course of all Ontario Karate Federation business, activities and events as well during the course of business, activities and events outside of the Ontario Karate Federation.
- 4.2 Harassment or discrimination arising within the business, activities and events of clubs or other organizations affiliated with Ontario Karate Federation will be dealt with using the policies and mechanisms of such organizations.

5. Key Items of Organizational Responsibility:

- 5.1 Educating Members and Individuals on what constitutes Harassment, Discrimination and Abuse/Violence and ensuring that all Members and Individuals know they can address these issues in a safe and legitimate manner without fear of Reprisals.

- 5.2 Fostering a harassment-free organizational environment and setting an example about appropriate workplace behaviour;
- 5.3 Communicating the process for investigating and resolving harassment complaints made by Members or Individuals;
- 5.4 Dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- 5.5 Taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- 5.6 Ensuring harassment situations are dealt with in a sensitive and confidential manner.

6. Key Items of Member Responsibility:

- 6.1 Treating all other Members, Officers, Directors, Employees and Volunteers with respect at all times;
- 6.2 Reporting harassment to the MD/ED;
- 6.3 Cooperating with a harassment investigation and respecting the confidentiality related to the investigation process.

7. Member Expectations

- 7.1 To be treated with respect at all times;
- 7.2 That reported harassment will be dealt with in a timely, confidential and effective manner;
- 7.3 To have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- 7.4 To be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

8. Duties Imposed on All Officers, Directors, Members and Individuals

- 8.1 All Officers, Directors, Members and Individuals have an affirmative duty to report incidents of Harassment, Discrimination and Abuse/Violence to the OKF pursuant to this Policy.

9. Procedures for addressing a Harassment Complaint

- 9.1 As a Preliminary matter, the OKF recognizes that it can be extremely difficult to come forward with a Complaint under this Policy. To that end, and in recognition of this fact, a Complaint shall be filed within one (1) year of the date of the alleged conduct. In the event the alleged conduct was a continuing pattern of behavior, the one (1) year period shall be measured by the date of the last alleged conduct. OKF likewise recognizes that it can be devastating to be wrongly accused of under this Policy. The OKF recognizes the interests of both the Complainant and the Respondent

in keeping the matter confidential, except where such disclosure is required by law. This shall not preclude publication of the final outcome of any matter.

- 9.2 A member 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 request a meeting with either the Membership Director (MD) or Executive Director (ED). The Membership Director or the Executive Director shall be referred to as the “Policy Officer” for the purposes of this Policy.
- 9.3 Upon being contacted by the Complainant, the Policy Officer shall first determine if they have any perceived or actual conflict of interest. If a conflict does exist, the Policy Officer shall refer the matter to the other Policy Officer. For example, if the Executive Director is contacted and the Executive Director has a conflict, actual or perceived, they shall refer the Complaint to the Membership Director. If both Policy Officers have a conflict, actual or perceived, they shall refer the Complaint to the Board of Directors who shall identify a Policy Officer to continue the procedures set for the herein.
- 9.4 The Policy Officer shall serve in a neutral, unbiased capacity during the entirety of this process and shall ensure that fairness and due process is adhered to at all times.
- 9.5 After the Policy Officer is identified and contacted, they shall meet with the Complainant and discuss informal resolution of the Complaint with the Complainant. The Policy Officer may determine, in their discretion and in consultation with the Complainant, that a Complaint rises to a level of seriousness where informal resolution is impossible or impracticable. The Policy Officer shall also consider whether the Complaint is of such a nature where the parents (in the case of a minor) or the proper authorities shall be contacted.
- 9.6 After the Policy Officer and the Complainant discuss the possibility of informal resolution, there are three possible outcomes.
 - (1) It may be determined that the conduct does not constitute harassment as defined in the Policy or that the Policy does not apply to the alleged Respondent, in which case the matter will be closed; or
 - (2) The Complainant may decide to pursue an informal resolution of the Complaint, in which case the Policy Official will assist the two parties to negotiate an acceptable resolution of the Complaint; or
 - (3) The Complainant may decide to file a formal, written, complaint to the OKF Executive Director, in which case the Executive Director shall advise the President of OKF, who shall appoint an independent individual to conduct an investigation of the Complaint.
- 9.7 In the event that it is determined by the Policy Officer that 8.6 (1) applies, the Complainant may file an Appeal in accordance with the OKF Appeals Policy. If the decision of the Policy Officer is upheld on appeal, the matter is closed. If the decision of the Policy Officer is not upheld on appeal, the matter shall be referred to the Investigator in accordance with this Policy.
- 9.8 In the event that the Complainant decides to pursue 8.6 (2), the Complainant shall submit to the Policy Officer, within ten (10) days of the meeting, an informal statement regarding the alleged

conduct. It shall contain information to sufficiently put the alleged Respondent on notice of the nature of the claim, the specific conduct complained of as well as the time and place of the alleged conduct. This written statement shall be provided to the alleged Respondent prior to the informal resolution. If the alleged Respondent refuses to participate in the informal resolution meeting, or is non-responsive to the request for an informal resolution, the Complainant may file a formal Complaint.

- 9.9 In the event the Complainant pursues 8.6 (3) or 8.6 (2) is pursued and not resolved informally and the Complainant files a formal, written Complaint, the Investigator, after their appointment, shall provide a copy of the Complaint to the Respondent at least seven (7) days prior to contacting the Respondent and/or their witnesses in the course of their investigation.
- 9.10 The Investigator should be a person experienced in harassment matters and investigation techniques, or a person who is familiar with the concepts of Due Process and may be an outside professional. The Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Executive Director or the President if no Executive Director is employed by the OKF. For purposes of this policy, “Timely Manner” shall not have a specific timeline associated due to the fact that the Investigator needs to contact and interview the Complainant and Respondent as well as identify and interview witnesses that are discovered during the course and scope of the Investigation and the availability and schedule of the Complainant, Respondent and witnesses are variables beyond the control of the Investigator. However, the Investigator shall carry out their Investigation as expeditiously as possible while balancing the interests of justice and Due Process.
- 9.11 Upon receipt of the Investigator’s report, the Executive Director or the President shall appoint a Panel to hold a hearing based on the findings of the Investigator. The appointment of a Panel shall be completed within ten (10) days of the receipt of the Investigator’s report. For the purpose of this clause, the ten-day period begins to run on the day after the receipt of the Investigator’s report. The Panel may consist of between one (1) person or a panel of three (3) persons and is at the sole discretion of the Executive Director or President. This decision shall not be appealable. In the event a Panel of three (3) is appointed, one member of the Panel shall be a female, one member shall be a male and the third member of the panel can be either a male or a female.
- 9.12 The Investigator’s report shall set forth the facts discovered during the course and scope of the Investigation. The Investigator’s report shall not determine the innocence or guilt of the alleged Respondent. The Investigator’s report shall not make any judgments as to the innocence or guilt of the alleged Respondent. However, the Investigator may opine as to whether they believe, based on the facts gathered, that a Respondent should be suspended pending the outcome of the Hearing. The Executive Director or the President is not bound by this opinion and may impose a suspension pending the outcome of the Hearing. This suspension is not appealable by the Respondent. Nor is the suspension to be communicated nor considered by the Panel in their deliberations after the hearing.
- 9.13 Upon appointment, the Panel shall contact the Complainant and Respondent and schedule a preliminary meeting. Prior to the preliminary meeting, the Panel shall provide both the Complainant and the Respondent a copy of the Investigator’s report. During the meeting, the Panel shall set a date and time for the Hearing. As well, the Complainant and Respondent shall provide the Panel with the number of witnesses they intend to call. Not less than seven (7) days of the hearing, the Complainant and Respondent shall submit to the Panel a list of their witnesses as well as a brief statement as to the expected testimony of each witness. The Panel shall provide

each party a copy of the other party's witness list with statements within one (1) day of the receipt by the Panel.

- 9.14 Harassment complaints occurring at a competition or where there is otherwise a critical lack of time to resolve the complaint may be dealt with immediately, if necessary, by a OKF representative in a position of authority, provided this policy applies and provided the individual being disciplined is told the nature of the alleged infraction and has an opportunity to provide information and to respond concerning the incident prior to any discipline being imposed. In such situations, sanctions shall be for the duration of the competition only and a Complaint may be filed under this Policy by the Complainant.

10. Review

- 10.1 OKF will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all members.