

## HARASSMENT AND ABUSE POLICY AND PROCEDURES ONTARIO TABLE TENNIS ASSOCIATION

The OTTA has adopted the Table Tennis Canada - National Sport Organization – harassment and abuse policy.

**NOTE:** *For convenience, this policy uses the term “complainant” to refer to the person who experiences harassment and/or abuse, even though not all persons who experience harassment and/or abuse will make a formal complaint. The term “respondent” refers to the person against whom a complaint is made.*

### POLICY STATEMENT

1. The OTTA is committed to providing a sport and work 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 or abusive practices.
  - a. Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada.
  - b. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada’s Criminal Code.
  - c. Whether the harasser and/or abuser is a director, supervisor, employee, coach, official, volunteer, parent or athlete, harassment and/or abuse is an attempt by one person to assert unwarranted power over another.
  - d. The OTTA is committed to providing a sport environment free of harassment and abuse.
2. This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials and members of the OTTA. The OTTA encourages the reporting of all incidents of harassment and/or abuse regardless of who the offender may be.
3. This policy applies to harassment and/or abuse, which may occur during the course of all OTTA business, activities and events. It also applies to harassment and/or abuse between individuals associated with the OTTA but outside the OTTA business, activities and events when such harassment and/or abuse adversely affects relationships within the OTTA work and sport environment.
4. The OTTA expects every parent, volunteer and staff member to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment.
5. Notwithstanding this policy, every person who experiences harassment and/or abuse continues to have the right to seek assistance from authorities including their provincial or territorial human rights commission even when steps are being taken under this policy.

### DEFINITIONS OF HARASSMENT

6. Harassment takes many forms but can generally be defined as comment, conduct, or gesture toward and individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive.
7. For the purpose 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:

- a. Submitting to or rejecting this conduct is used as the basis for making decisions which affect an individual; or
  - b. Such conduct has the purpose or effect of interfering with an individual's performance; or
  - c. Such conduct creates an intimidating, hostile, or offensive environment.
8. Types of behaviour which 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;
  - d. Leering or other suggestive or obscene gestures;
  - e. Condescending, paternalistic or patronizing behaviour, which undermines self-esteem, diminishes performance, or adversely affects working conditions;
  - f. Practical jokes, which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - g. Unwanted physical contact including touching, petting, pinching or kissing;
  - h. Unwelcome sexual flirtations, advances, requests or invitations
9. Sexual harassment most commonly occurs in the form of behaviour by males towards females; however, sexual harassment can also occur between males, between females, or as behaviour by females towards males.
10. For the purposes of this policy, retaliation against an individual
- a. For having filed a complaint under this policy; or
  - b. For having participated in any procedure under this policy; or
  - c. For having been associated with a person who filed a complaint or participated in any procedure under this policy, will be viewed even more seriously than harassment alone, and will not be tolerated.
  - d. False accusation will be viewed very seriously and disciplinary action will be recommended against individuals who bring such false charges.

#### **DEFINITIONS OF ABUSE**

11. Abuse is any form of physical, emotional and/or sexual mistreatment or lack of care, which causes physical injury or emotional damage. Abuse may be perpetrated by an adult or child and the victim of abuse may be an adult or child

12. Child abuse raises distinct issues and triggers unique legal obligations. A common characteristic in all forms of child abuse is an abuse of power or authority and/or breach of trust by an adult over a child.

Every province and territory in Canada, except the Yukon has mandatory reporting laws regarding the abuse and neglect of children and youth. In Ontario a person is considered a child up to the age of 18.

13. Emotional abuse is a chronic attack on a person's self-esteem. It is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the person's needs.

14. Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure another person. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

15. Neglect is chronic inattention to basic necessities of life such as clothing, shelter, nutritious diets, education, good

hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air.

16. Sexual abuse is when a person uses another person for his or her own sexual stimulation or gratification without consent. There are two categories of sexual abuse:

- a. Contact which includes but is not limited to:
  - i. Touched or fondled in sexual areas
  - ii. Forced to touch another person's sexual areas
  - iii. Kissed or held in a sexual manner
  - iv. Forced to perform oral sex
  - v. Vaginal or anal intercourse
  - vi. Vaginal or anal penetration with an object or finger
  - vii. Sexual oriented hazing
- b. Non-Contact which includes but is not limited to:
  - i. Obscene remarks on phone, computer or in notes
  - ii. Voyeurism
  - iii. Shown pornography
  - iv. Forced to watch sexual acts
  - v. Sexually intrusive questions or comments
  - vi. Forced to pose for sexual photographs or videos
  - vii. Forced to self-masturbate or forced to watch others masturbate

**NOTE:** Abuse and neglect may be inflicted directly or indirectly, and through any means of communication, including through electronic communications.

## **RESPONSIBILITY**

17. The President and Manager of Programs and Operations are responsible for the implementation of this policy. In addition, the President and Manager of Programs and Operations are responsible for:

- a. Discouraging and preventing harassment and abuse within the OTTA
- b. Investigating formal complaints of harassment and/or abuse in a sensitive, responsible and timely manner;
- c. Imposing appropriate disciplinary or corrective measures when a complaint of harassment and/or abuse has been substantiated, regardless of the position or authority of the offender;
- d. Providing advice to persons who experience harassment and/or abuse;
- e. Doing all in their power to support and assist any employee or member of the OTTA who experiences harassment and/or abuse by someone who is not an employee or member of the OTTA;
- f. Making all members and employees of the OTTA aware of the problem of harassment and abuse and in particular, sexual harassment and abuse, and of the procedures contained in this policy.
- g. Informing both complainants and respondents of the procedures contained in this policy and of their rights under the law;
- h. Regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives;
- i. Appointing officers and providing the training and resources they need to fulfil their responsibilities under this policy; and

j. Appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfil their responsibilities under this policy.

18. Every member of the OTTA has a responsibility to play a part in ensuring that the sport environment is free from harassment and abuse. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy. In addition, any member of the OTTA who believes that a fellow member has experienced or is experiencing harassment and/or abuse is encouraged to notify an officer appointed under this policy.

19. In the event that either the President or Manager of Programs and Operations are involved in a complaint which is made under this policy, the Executive Committee shall appoint a suitable alternate for the purposes of dealing with the complaint.

### **COACH/ATHLETE SEXUAL RELATIONSHIPS**

20. The OTTA takes the view that intimate sexual relationships between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the OTTA's public image. The OTTA takes the position that such relationships are unacceptable for coaches coaching at the following levels: **national**. Should a sexual relationship develop between an athlete and a coach, the OTTA will investigate and take action, which could include reassignment, or if this is not feasible, a request for resignation, or dismissal from employment.

### **DISCIPLINARY ACTION**

21. Employees or members of the OTTA against whom a complaint of harassment and/or abuse is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership.

22. Retaliation and false accusation will be viewed just as seriously and appropriate disciplinary action will be recommended

### **CONFIDENTIALITY**

23. The OTTA understands that it can be extremely difficult to come forward with a complaint of harassment and/or abuse and that it can be devastating to be wrongly convicted of harassment and/or abuse. The OTTA recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

24. The OTTA 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 by a disciplinary or other remedial process.

### **OFFICERS**

25. The OTTA shall appoint at least two persons, one male and one female, who are themselves members of employees of the sport organization, to serve as harassment and abuse officers under this policy and appoint two Athlete Representatives as Liaison Officers. If more than two officers are appointed, the OTTA shall ensure a gender balance.

26. The role of harassment and abuse officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to the President and Manager of Programs and Operations.

27. The OTTA shall ensure that harassment and abuse officers receive appropriate training and support for carrying out their responsibilities under this policy.

## COMPLAINT PROCEDURE

28. A person who experiences harassment and/or abuse is encouraged to make it known to the perpetrator that the behaviour is unwelcome, offensive and contrary to this policy.
29. If confronting the perpetrator is not possible, or if after confronting the perpetrator, the harassment and/or abuse continues, the complainant should seek the advice of a harassment and abuse officer.
30. The harassment and abuse 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 when an informal resolution is inappropriate or not feasible;
  - The availability of counselling and other support provided by the OTTA;
  - The confidentiality provisions under this policy;
  - The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
  - The external mediation/arbitration mechanisms that may be available;
  - The right to withdraw from any further action in connection with the complaint at any stage (even though the OTTA 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.
31. There are four possible outcomes to this initial meeting of complainant and harassment and abuse officer.
- The complainant and officer agree that the conduct does not constitute harassment and/or abuse
    - If this occurs, the officer will take no further action and will make no written record.
  - The complainant brings evidence of harassment and/or abuse and chooses to pursue an informal resolution of the complaint
    - If this occurs, the officer will assist the two parties to negotiate a solution acceptable to the complaint. If desired by the parties and if appropriate, the officer may also seek the assistance of a neutral mediator.
    - If informal resolution yields a result which is acceptable to both parties, the officer will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
    - If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
  - The complainant brings evidence of harassment and/or abuse and decides to lay a formal written complaint
    - If this occurs, the harassment and abuse officer will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.
    - The respondent will be given an opportunity to provide a written response to the complaint. The officer may assist the respondent in preparing this response.
  - The complainant brings evidence of harassment and/or abuse but does not wish to lay a formal complaint.
    - If this occurs, the harassment and abuse officer must decide if the alleged harassment and/or abuse is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.

ii. When the officer decides that evidence and surrounding circumstances require a formal written complaint, the officer will issue a formal written complaint, and without delay, provide copies of the complaint to both the complainant and the respondent.

32. As soon as possible after receiving the written complaint, but within 21 days, the harassment and abuse officer shall submit a report to the President and Manager of Programs and Operations, containing the documentation filed by both parties along with a recommendation that:

- a. No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within the policy's definition of harassment and/or abuse; or
- b. The complaint should be investigated further.

33. In the event that the harassment and abuse officer's recommendation is to proceed with an investigation, the President and Manager of Programs and Operations shall within 14 days appoint three members of the OTTA to serve as a case review panel. The panel shall consist of at least one woman and one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or respondent.

34. Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:

- a. The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.
- b. Members of the panel shall select a chairperson from among themselves.
- c. A quorum shall be all three panel members.
- d. Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
- e. The hearing shall be held in camera.
- f. Both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint, but the officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed.
- g. A representative or adviser may accompany the complainant and respondent.
- h. The harassment and abuse officer may attend the hearing at the request of the panel.

35. Within 14 days of the hearing, the case review panel shall present its findings in a report to the President and Manager of Programs and Operations, which shall contain:

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

36. If the panel determines that the allegations of harassment and/or abuse are false, vexatious, retaliatory or unfounded, their report shall recommend disciplinary action against the complainant.

37. A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the

respondent.

38. When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

- a. The nature of the harassment and/or abuse;
- b. Whether the harassment and/or abuse involved any physical contact;
- c. Whether the harassment and/or abuse was an isolated incident or part of an ongoing pattern;
- d. The nature of the relationship between complainant and respondent;
- e. The age of the complainant;
- f. Whether the perpetrator had been involved in previous harassment and/or abusive incidents
- g. Whether the perpetrator admitted responsibility and expressed a willingness to change; and
- h. Whether the perpetrator retaliated against the complainant

39. In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment and/or abuse:

- a. A verbal apology;
- b. A written apology;
- c. A letter of reprimand from the sport organization;
- d. A fine or levy;
- e. Referral to counselling;
- f. Removal of certain privileges of membership or employment;
- g. Demotion or a pay cut;
- h. Temporary suspension without pay;
- i. Termination of employment or contract; or
- j. Expulsion of membership

40. Where the investigation does not result in a finding of harassment and/or abuse, a copy of the report of the case review panel shall be placed in the harassment and abuse officer's files. These files shall be kept confidential and access to them shall be restricted to the President, Manager of Programs and Operations and officers.

41. Where the investigation results in a finding of harassment and/or abuse, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of 10 years, unless new circumstances dictate that the report should be kept for a longer period of time.

#### **PRINCIPLES FOR ADDRESSING SUSPECTED CHILD ABUSE**

42. The child protection authorities and/or police have prime responsibility for the investigation of allegations of child abuse and/or neglect. The OTTA will work cooperatively with authorities and will share any information relevant to the investigation, to the extent permitted by law.

43. Where an employee or member of the OTTA has reasonable grounds to suspect that a child as suffered or is at risk or likely suffering from abuse, he or she must report those suspicions and the information on which they are based directly to provincial or territorial child protection authorities.

44. The President and Manager of Programs and Operations must immediately inform the child's parents or guardians, unless it would be inappropriate to do so.

45. The person reporting the incident must document in writing all the details of the report and provide a copy to the President and Manager of Programs and Operations; The President and Manager of Programs and Operations will then consult with the child protection authority as to the best way to address the issue.

46. The OTTA will ensure that an appropriate support system will be available to children who disclose alleged abuse.

#### **PRINCIPLES FOR ADDRESSING ABUSE OTHER THAN CHILD ABUSE**

47. Incidents of abuse other than child abuse will be looked at on a basis of seriousness. In determining the seriousness of an incident, the following will be considered:

- a. The nature of the conduct perpetrated;
- b. Whether the conduct would amount to a criminal offense;
- c. The impact, including physical and emotional harm upon the victim and the table tennis community;
- d. Motivation to cause such an action;
- e. Age of the alleged abuser and victim;
- f. Whether there is a pattern of misconduct; and
- g. Whether the abuser acted alone or with others.

48. All serious incidents of violence shall be reported to the police and to the President and Manager of Programs and Operations. In the course of investigation, The OTTA will cooperate with the appropriate authorities.

49. Where a less serious incident of abuse is alleged, the allegations must be reported to the most senior employee of the OTTA present at the site of the incident. The employee must then determine whether the incident should be reported in accordance with Section 30 or whether the employee can deal it with on the spot.

50. Regardless of seriousness, the OTTA will provide a support system for those who come forth with an alleged incident of abuse.

#### **PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED AND/OR ABUSED**

51. Where a person believes that a colleague has experienced or is experiencing harassment and/or abuse and reports this belief to an officer, the officer shall meet with the person and shall then proceed in accordance with Section 30.

#### **APPEALS**

52. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panel's report.

53. Permissible grounds for appeal are:

- a. The panel did not follow the procedures laid out in this policy;
- b. Members of the panel were influenced by bias; or
- c. The panel reached a decision, which was grossly unfair or reasonable.

54. In the event that a notice of appeal is filed, the President and Manager of Programs and Operations shall together appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman



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and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.

55. The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment and abuse officer and the case review panel, and the notice of appeal.

56. Within ten days of its appointment, the appeal body shall present its findings in a report to the President and Manager of Programs and Operations. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.