|  |  |  |  |
| --- | --- | --- | --- |
| **CATEGORY: 1.0 GOVERNANCE & STRATEGIC DIRECTION POLICIES**  **SECTION: 1.9 General Policies** | | | |
| **POLICY: 1.9.3 Discrimination or Harassment Policy** | **APPROVED:**  **June ‘95** | **REVISED:**  **June ’97, Sept ‘97**  **June ’00, Nov ‘03**  **(B.03.29S)**  **July’19** | **PAGES: 4** |

**Policy Statement**

1. THE CANADIAN PARALYMPIC COMMITTEE (CPC) is committed to providing a sport and work environment that promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in Canada.
3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offence under Canada’s Criminal Code.

**Application**

1. This policy applies to all categories of members in the CPC, as well as to all individuals engaged in activities with the CPC, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, medical and paramedical personnel, administrators
2. This policy applies to discrimination or harassment, which may occur during the course of any CPC business, activities and events, including but not limited to: all competitions, exhibitions, meetings and travel associated with these activities. It also applies to discrimination or harassment between individuals associated with the CPC but outside of the CPC’s business and events when such discrimination or harassment adversely affects relationships within the CPC’s work and sport environment.
3. Discrimination or harassment arising within the business, activities and events of individuals of the CPC shall be dealt with using the policies and mechanisms of such organizations.
4. This Policy **does not** apply to CPC employees.

**Definitions**

1. Discrimination can be defined as differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more than one of the prohibited grounds of discrimination.
2. Prohibited grounds of discrimination under the CPC policy include:
3. age;
4. ancestry;
5. citizenship;
6. colour;
7. creed;
8. physical disability;
9. mental or cognitive disability;
10. ethnic origin;
11. language;
12. gender expression;
13. gender identity;
14. marital/family status;
15. offences for which a pardon has been granted or in respect of which a record suspension has been ordered;
16. place of origin;
17. political opinion;
18. race;
19. receipt of public assistance;
20. sex; and
21. sexual orientation.
22. The CPC policy also applies to any other grounds of discrimination prohibited by applicable law.
23. *Harassment* can generally be defined as comment or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive.
24. For the purposes 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 submitting to, or rejecting, this conduct is used as the basis for making decisions which affect the individual; or such conduct has the purpose or effect of interfering with an individual’s performance; or such conduct creates an intimidating, hostile or offensive environment.
25. Types of behaviour which constitute harassment include, but are not limited to:
26. written or verbal abuse or threats;
27. the display of visual material which is offensive or which one ought to know is offensive;
28. unwelcome remarks, jokes, comments, innuendo or taunting about a person’s looks, body, disability, attire, age, race, religion, sex or sexual orientation;
29. leering or other suggestive or obscene gestures;
30. condescending, paternalistic, maternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
31. practical jokes which cause awkwardness or embarrassment, endanger a person’s safety or negatively affect performance;
32. unwanted physical contact including touching, petting, pinching or kissing;
33. unwanted sexual flirtations, advances, requests; or
34. unwanted invitations to physical intimacy or sexual activity.

**Complaint Procedure**

1. A person who experiences discrimination or harassment is encouraged to make it known to the Respondent that the behaviour is unwelcome and offensive.
2. If confronting the Respondent is not possible, or if after confronting the Respondent the discrimination or harassment continues, the Complainant should submit a complaint under the terms of the CPC’s Discipline Policy.
3. Pursuant to the *Discipline Policy*, the Case Manager will determine whether the complaint contains an element of discrimination or harassment (as defined in this Policy). If so, the Case Manager may appoint an Investigator.

**Investigation**

1. Ideally, the Investigator should be a person experienced in discrimination or harassment matters and investigation techniques and may be an outside professional. The Investigator shall be independent from CPC and from the Parties. The Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written Investigator’s Report to the Case Manager.
2. The Investigator’s Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that could be considered discrimination or harassment.
3. The Investigator’s Report will be provided to the parties and the names and identifying details of any witnesses may be redacted at the discretion of the Investigator. The provision of the Investigator’s Report is conditional on the parties not distributing the Report to any third party without the written permission of the CPC.
4. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant to refer the matter to police. The Investigator will further inform the CPC that the matter should be directed to the police.
5. The Investigator must also inform the CPC of any findings of potential criminal activity. The CPC may decide whether to report such findings to police but is *required* to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against the CPC, or other offences where the lack of reporting would bring the CPC into disrepute.
6. The decision-maker (a person in authority for minor infractions, or a Discipline Panel for major infractions) pursuant to the *Discipline Policy*, shall consider the Investigator’s Report, in addition to submissions from the parties, prior to deciding on the Complaint.
7. Discrimination or harassment complaints occurring within competitions may be dealt with immediately, if necessary, by a CPC representative in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.