**LAKESHORE SWIM CLUB**

**COMPLAINT, DISCRIMINATION, HARASSMENT and ABUSE POLICY**

Lakeshore Swim Club, it's Board of Directors, parents, athletes, coaches, officials, volunteers, administrators, employees and contractors are all bound by Swim Ontario's Comprehensive Code of Conduct and Harassment Policy. [Swim Ontario Code of Conduct and Harassment Policy](https://swimontario.com/userfiles/file/Club%20Services/forms/2014-2015/Code%20of%20Conduct%20and%20Ethics.pdf)

This document explains the rules on how concerns, disputes, complaints and incidents involving discrimination, harassment or abuse will be addressed and resolved within Lakeshore Swim Club.

**POLICY STATEMENT**

Lakeshore Swim Club is committed to creating and maintaining an environment that is free from harassment and discrimination on prohibited grounds, including race, ancestry, place of origin, colour, ethnic origin, citizenship, political opinion, creed, sexual orientation, disability, age, marital/family status, language and any other discrimination or harassment prohibited by applicable law, including but not limited to;

Child Protection Legislation –Ontario Child and Family Services Act (CFSA)

<http://www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx>

Human Rights Legislation –the Canadian Human Rights Act or the Ontario Human Rights Code

<http://laws-lois.justice.gc.ca/eng/acts/h-6/>

<https://www.ontario.ca/laws/statute/90h19>

In keeping with these principles, Lakeshore Swim Club has the responsibility to ensure that all practices, processes, procedures and personnel within the Club contribute to the promotion of a positive sporting and work environment. To this end, Lakeshore Swim Club will treat any allegations of discrimination, harassment and abuse seriously.

**DISCRIMINATION, HARASSMENT & ABUSE**

Discriminatory, harassing and abusive behaviour results from actions directed at specific individuals or groups, which are unwelcome or unwanted; or, may be actions which are not directed at a particular individual, but have created a “Poisoned Environment” which is hostile, intimidating or offensive including, but not limited to:

* Written or verbal abuse or threats;
* Physical assault;
* Unwelcome remarks, jokes, innuendoes, or taunting about a person’s body, sexual orientation, attire, age, sex, disability, marital status, ethnic or racial origin, religion;
* Recording, distributing, displaying of sexually explicit, racist or other offensive or derogatory material, sexual, racial, ethnic, or religious graffiti;
* Practical jokes which cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance;
* Hazing or initiation rites;
* Leering or other suggestive or obscene gestures;
* Intimidation;
* Condescension, paternalism, or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
* Conduct, comments, gestures or contact of a sexual nature that is likely to cause offence or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for selection, training or advancement;
* False accusations of harassment motivated by malice or mischief, and meant to cause other harm, is considered harassment;

Examples of sexual harassing behaviours include, but are not limited to:

* Unwanted touching or patting
* Sexually suggestive or obscene remarks or gestures
* Leering (suggestive staring) at a person’s body
* Display of sexually offensive material
* Making sexual requests or suggestions
* Unwelcome sexual flirtations, advances, propositions
* Sexual assault
* Sexist jokes

This policy also applies to any other ground of harassment defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome or is prohibited by applicable law. It is not just the conduct itself that makes certain behaviour inappropriate, but the context or way in which it is delivered or its repetitive nature.

**PREVENTION - PRINCIPLES**

Education and communication are critical to achieving a Club environment free of harassment and discrimination. The Board of Directors, parents, athletes, coaches, officials, volunteers, administrators, employees and contractors should:

* Communicate the Club’s objective to create and maintain an environment free of harassment and discrimination;
* Model behavior in keeping with these principles; and
* Exercise good judgment and initiate appropriate action in consultation with the Board/Committee or Coaches if they become aware that discrimination or harassment may have occurred.

**INTERVENTION - PRINCIPLES**

It is important to remember that individuals who experience discrimination or harassment are often reluctant to report it. A Club member who is aware that this has happened should advocate for that individual and support their efforts to report the incident(s).

Remedies provided under this policy are intended:

* to resolve complaints fairly; and
* to recommend appropriate disciplinary measures

All persons who receive information with respect to a complaint are required to maintain this information in confidence. However, the Club reserves the right to disclose information as necessary to ensure the health, safety and security of members of the Club and in response to any legal obligation to disclose.

The complainant(s), accused, and witnesses are to be treated fairly and impartially. This includes, but is not limited to, the right to reasonable notice, protection of privacy (unless the offence is deemed criminal in nature), and the opportunity to be heard by impartial decision makers.

Wherever possible, allegations will be resolved by an informal complaint process. Formal proceedings under this policy will be initiated only after informal resolution has been declined as an option, or an informal resolution of the complaint has been attempted and has failed.

The Board reserves the right to seek independent counsel for any complaint or allegations that require involvement of child welfare, police services and/or Swim Ontario and will be referred to these organizations appropriately.

Coaches, Board, or Committee members are to never meet with a complainant or accused on a one to one behind closed doors situation.

**COMPLAINTS BY PARENTS**

Complaints by parents about incidents or behavior that contravene the Club Code of Conduct can be raised to any member of the Board of Directors. A decision will be made between both parties as to whether this requires discussion at a Board Meeting, and in what format. Formal complaints should be made in writing to the President and the Board of Directors.

**COMPLAINTS BY COACHES**

Coaches who have a complaint about a swimmer not acting in accordance with the Club Code of Conduct, will have the right to suspend the swimmer for a specified period. The duration of which will be clearly stated.

If a swimmer is suspended, the swimmer, the swimmer’s parents or guardian(s) and the Board of Directors will be notified of the suspension and the incident.

If after the suspension, the behavior persists and/or there are further incidents, the Head Coach will undertake a formal meeting with the Swimmer and Parents or Guardians at which a formal Contract of Behavior will be agreed. A member of the Board of Directors will be requested to attend the meeting in writing. Any further problems which arise during the time defined in the Contract will be directed to the Board of Directors for further disciplinary action up to and including resignation and/or removal from membership in the club.

**COMPLAINT HANDLING PROCESS**

**Informal Process**

The following procedure should be followed if any swimmer, parent or guardian of the Club who feel they have or are experiencing behavior or action set out in this policy are encouraged, where appropriate, to attempt to resolve this matter with the person involved.

If this is not possible, and/or the individual is dissatisfied with the outcome or if the issue is still occurring, or if the person is not comfortable for any reason with confronting the accused, the complainant should raise the issue with the group Coach. If the complainant is not comfortable addressing the issue with the group Coach, they should approach the Head Coach. If the incident involves the Head Coach, they should then approach a member of the Board of Directors. Swimmers should be encouraged to voice their concerns informally to the Coach as soon as possible.

The coach will:

* Listen carefully and ask questions to understand the nature and extent of the problem and any safety concerns;
* Explain different options available to help resolve the problem;
* Take notes;
* Maintain confidentiality but not necessarily anonymity; and
* Detail the incident to the Head Coach (or the Board of Directors if the incident involves the Head Coach) within 24 hours

Once the complainant decides on their preferred option for resolution, the Head Coach and/or a member of the Board of Directors will assist, where appropriate and necessary with the resolution process to help the Coach with;

* If applicable, supporting the complainant in speaking with the person/people involved in the incident(s)
* Bringing those involved in the complaint together to talk objectively through the problem
* Gathering more information (e.g. from other people that may have seen the behaviour)
* Seeking advice from the Head Coach and Board of Directors
* Ensure a fair and transparent process is maintained
* Where applicable, ensure the complainant is not placed in an unsupervised situation with the accused person(s)
* Advise the involved parties of the formal resolution process
* Update the Head Coach of the incident and any attempts at resolution
* The Head Coach will update the Board of Directors with an incident report

A Formal Complaint process will be undertaken if the complainant is not satisfied with the outcome of the Informal Process.

**Formal Process**

The individual must provide a written complaint which will include particulars of the event(s), including dates, times, locations, description of action(s), account of dialogue, the name of the person(s) involved in the incident(s) and any witnesses.

The written complaint should be made as soon as possible after the alleged incident but must be made within ninety (90) days of the alleged incident. The complaint may be brought to the attention of any member of the Board of Directors, who will inform the Club President. The Club President will appoint a Committee Chair who will then appoint Committee members and inform Committee members of the complaint.

Upon receipt of the complaint, the Committee Chair will consult with the complainant. Following consultation, the complainant will indicate whether he/she elects to withdraw the complaint or proceed. If the complainant elects to resolve the complaint formally, the complainant will provide a written authorization for the Committee to proceed. The Committee will forward a copy of the complaint to the accused within five working days and request a response within ten working days if the incident is not criminal in nature.

The Committee will meet with the complainant and the accused individually or together in an attempt to achieve a fair and acceptable resolution. The complainant and accused may each be accompanied by an advisor of their choice, at their own cost, (family member, legal guardian, counsellor, lawyer, etc.) at any time during this process. The process may result in a mutually acceptable resolution, withdrawal of the complaint or failure to resolve. At this point, the Committee will provide a report to the Board setting out:

* the background of the case, including the allegations;
* the steps taken to resolve the complaint; and
* recommendations, which may include:
* that no further action be taken because a resolution has been achieved or the complaint has been withdrawn;
* reporting of the even to the Police and/or a Children’s Aid Society; or
* that no further action be taken because the complaint is frivolous, vexatious or without foundation.

Parties will be advised of the outcome of the event and any significant actions will be detailed in writing.

In the event of the withdrawal of the complaint, or a resolution, documents pertaining to the case will be kept by the Chair of the Committee, and in safekeeping in the office of the Club for a period of not less than seven years.

If the Committee finds that the accused’s conduct has fallen within the definition of personal or sexual harassment, discrimination or bullying, it will recommend to the Board of Directors that disciplinary and/or remedial action be taken. Disciplinary action may include a reprimand, suspension, demotion, dismissal, removal from membership in the club, or such actions as may be deemed appropriate. The Board will then detail the appropriate action.

In the event that a complainant or accused is not satisfied with the outcome of the Formal Process either party has the right to take the matter to Swim Ontario as a formal complaint.

**CONFIDENTIALITY**

To the extent possible, reports, complaints, witness statements and other documents produced under these guidelines shall be held in safekeeping in the Club.

Circumstances in which information will be shared include:

* when required by law;
* when required to protect others from harassment or discrimination;
* when required to ensure fairness in the procedures contemplated by these guidelines;