

MUAYTHAI ONTARIO

Muay Thai Ontario

Harassment Policy

Revised: July 15, 2019



HARASSMENT POLICY



INTRODUCTION

Muay Thai Ontario (MTO) is dedicated to providing an environment where all participants are treated equally with respect and dignity free from discrimination. MTO does not tolerate the harassment of any participants on grounds related to age, sex, race, religion, sexual orientation, gender, marital or family status, disability or any of the grounds articulated in the Ontario Human Rights code.

This Harassment Policy applies to all MTO directors, officers, employees and volunteers as well as athletes, coaches, parents and officials.

Further, this Harassment Policy applies to any form of harassment that may occur during the course of all MTO events, business, activities and events. It also applies to harassment between individuals associated with MTO but outside of MTO business, business and activities and events when such harassment adversely affects relationships within MTO's work and sport environments.

DEFINITION

"Harassment" means a course of action, gesture, written statement or oral comment that is known or ought reasonably be known to be unwelcome and which is offensive, embarrassing, humiliating, demeaning, insulting, intimidating or malicious.

"Sexual Harassment" means any sexual advance, discrimination based on sex or the engaging in a course of conduct or comment that is known or ought reasonably be known to be unwelcome. Sexual Harassment may include but is not limited to:

- (1) asking for sex in exchange for a benefit or favour;
- (2) making unnecessary physical contact including unwanted touching;
- (3) using rude or insulting language;
- (4) calling individuals sex-specific derogatory names;
- (5) making sex-related comments or jokes about an individual's physical characteristics or actions;
- (6) posting or sharing pornography or sexually explicit images;
- (7) leering, or making sexually suggestive or obscene gestures; and
- (8) physical or sexual assault.

APPLICATION OF THIS POLICY

1. MTO and its Board of Directors are responsible for the implementation of this policy.
2. MTO and its Board of Directors must:
 - (1) Discourage harassment within MTO;
 - (2) sensitize all MTO members about the issue of harassment and of the procedures contained in this policy, discourage and take all reasonable steps to prevent harassment within MTO;



- (3) inform both complainants and respondents about the procedures contained in this policy and of their rights under the law;
- (4) regularly review this policy to ensure conformity with the law;
- (5) Appoint and train harassment officers to investigate complaints of harassment;
- (6) investigate all formal complaints of harassment in a confidential, sensitive and timely manner;
- (7) impose appropriate disciplinary measures when a complaint of harassment has been substantiated regardless of the position or authority of the offender;
- (8) provide advice or counseling to individuals who experience harassment;
- (9) provide, advice, assistance and support to any member of MTO who experiences harassment by someone who is not a member of MTO; and
- (10) Appoint unbiased review panels and appeal bodies to review harassment complaints.

COMPLAINTS

- i. MTO encourages all individuals to report instances of harassment regardless of who the offender may be.
- ii. Any retaliation against a complainant for bringing a claim of harassment against any individual shall be treated as an act of harassment under the terms of this policy.
- iii. All complaints are to be treated in a confidential manner. MTO shall not disclose to the public the name of the complainant or the name of the respondent unless such disclosure is required by disciplinary process to ensure the safety of MTO participants.
- iv. Any individual who experiences harassment or perceived harassment is encouraged, where possible, to make it known to the harasser that the behavior complained of is unwelcome, offensive and contrary to this policy.
- v. If confronting the harasser is not possible or if the harassing behavior continues after the harasser has been warned, the complainant should seek the advice of a harassment officer.
- vi. The harassment officer shall inform the complainant of:
 - (1) the options for pursuing an informal resolution of the complaint;
 - (2) the right to lay a formal written complaint under this policy;
 - (3) the availability of counseling and other support provided by MTO;
 - (4) the confidentiality provisions of this policy;
 - (5) the right to be represented by a person of his or her choice, including legal counsel, at any stage of the complaints process;
 - (6) any external mediation procedures that may be available;
 - (7) the right to withdraw a harassment complaint at any stage of the proceedings; and
 - (8) other avenues of recourse, including the right to file a complaint with the Ontario Human Rights Commission, or to contact the police to lay a formal charge under the Criminal Code.

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- vii. If after meeting with the complainant, the harassment officer and the complainant agree that the conduct does not amount to harassment then no further action shall be taken.
- viii. if after meeting with the complainant, the harassment officer finds, on the basis of the evidence provided, that a preliminary case of harassment has been made out, and the complainant wishes to pursue an informal resolution of the complaint then the harassment officer may:
 - (1) assist the complainant and the respondent in mediating a resolution of the complaint or refer the matter to an independent mediator for resolution;
 - (2) if a resolution is reached at this stage then the harassment officer shall make a written record of the terms of the resolution indicating that the parties agreed to the terms of the resolution and no further action shall be taken;
 - (3) If a resolution is not reached the harassment officer shall inform the complainant of his or her right to lay an official complaint
- ix. All individuals reserve the right to make a formal complaint. All formal complaints shall:
 - (1) be filed with the harassment officer;
 - (2) be in writing, signed and dated by the complainant;
 - (3) contain the details of the alleged act or acts of harassment including dates and times;
 - (4) name any witnesses to be relied on;
 - (5) include any written or recorded evidence including images or voice recordings to be relied; and
 - (6) be delivered to the respondent by the harassment officer.
- x. A respondent has 20 days after service of a formal complaint to prepare and file a response with the harassment officer. Upon receiving the response the harassment officer shall serve a copy of this document on the Complainant. All responses shall:
 - (1) be in writing, signed and dated by the respondent;
 - (2) contain the respondent's response regarding the alleged act or acts of harassment;
 - (3) name any witnesses to be relied on;
 - (4) include any written or recorded evidence including images or voice recordings to be relied on;
- xi. If requested, the harassment officer shall advise both the complainant and respondent on how to file and prepare their complaints or response.
- xii. Upon receiving a formal complaint the Harassment officer shall within 21 days submit a report to the MTO Board of Directors containing all of the documentation provided by the parties that includes a recommendation that:
 - (1) 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; or
 - (2) the complaint should be investigated further.



- (3) In either event, a copy of this report shall be provided to both the complainant and the respondent after review by the MTO Board of Directors.
- xiii. In the event that the harassment officer recommends that the complaint should be investigated further, the MTO Board shall within 14 days of receipt of the report appoint 3 members of MTO to serve as a case review panel.
- xiv. The case review panel shall consist of at least one male and one female and remain unbiased and at arm's length with both the complainant and respondent.
- xv. A quorum of the case review panel shall be all three panel members.
- xvi. Case review panel decisions shall be made by majority.
- xvii. The case review panel shall within 21 days of its appointment convene a hearing of the dispute. The case review panel shall set its own rules for the purpose of efficiently conducting the hearing.
- xviii. All case review panel hearings are confidential and are to be heard in camera.
- xix. Both the complainant and respondent shall be present at the hearing to give evidence and answer questions of the other party and the case review panel. If the complainant fails to appear without reason the panel may dismiss the complaint. If the respondent fails to appear at the hearing the panel may proceed to hear the complaint in his or her absence.
- xx. The complainant and the respondent may both be accompanied by a representative or adviser throughout the course of the hearing.
- xxi. The harassment officer may attend the hearing at the request of the panel.
- xxii. The case review panel shall notify both the complainant and respondent of the date and location of the hearing at least 14 days prior to the date of hearing.

DECISION

Within 14 days of the hearing, the case review panel shall present its findings in a written decision to the MTO Board of Directors. The decision shall include:

- (1) the panel's findings of facts;
- (2) a determination as to whether the acts complained of constitute harassment as defined in this policy;
- (3) A recommendation regarding disciplinary action, if the acts complained of amount to harassment;
- (4) A recommendation regarding a remedy or measure to mitigate the harm or loss suffered by the complainant if the acts complained of amount to harassment;
- (5) A recommendation regarding disciplinary action against the complainant if the complaint is found to be false, vexatious, retaliatory or unfounded

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

In determining the appropriate disciplinary action or corrective measures the case review panel shall consider the following factors:

- (1) the nature and severity of the harassment;
- (2) whether the harassment involved any physical contact;
- (3) whether the harassment was an isolated incident or part of an ongoing pattern;

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- (4) the nature of the relationship between the complainant and harasser;
- (5) the age of the complainant;
- (6) whether the harasser admitted responsibility and expressed a willingness to change; and
- (7) whether the harasser retaliated against the complainant;

In recommending disciplinary actions the case review panel may consider whether one or more of the following options is appropriate:

- (1) a verbal apology;
- (2) a written apology;
- (3) a letter of reprimand from MTO;
- (4) a fine or levy;
- (5) referral to counseling;
- (6) the removal of certain privileges of membership;
- (7) suspension;

All files, notes, transcripts or records regarding any complaint shall be retained by the harassment officer and kept confidential. Where a finding of harassment has been made a copy of the case review panel's report shall also be placed on the respondent's file. Unless the findings of the panel are overturned on appeal, the report shall remain on the respondent's file for a period of ten year unless new circumstances dictate that the report should be kept for a longer period of time.

APPEALS

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

The permissible grounds of appeal are:

- (1) The panel did not follow the procedures laid out in this policy;
- (2) The members of the panel misapprehended the facts; or
- (3) The panel reached a decision which was grossly unfair or unreasonable

In the event that a notice of appeal is filed, MTO's Board of Directors shall appoint a separate 3 person panel to constitute the Appeal Board. This Board shall consist of at least one male and one female member.

- The Appeal Board shall consist of at least one male and one female and remain unbiased and at arm's length with both the complainant and respondent.
- The Appeal Board members must also not have had any involvement with the dispute in issue.

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The Appeal Board shall base its decision solely on a review of the documentation regarding the complaint, including the complainant's and respondent's statements before the case review panel, the reports of the harassment officer and case review panel and the notice of appeal.

The Appeal Board, within 10 days of its appointment shall present its findings in a report to MTO. The Appeal Board shall have the authority to uphold a decision of the case review panel, to reverse the panel's decision and/or modify any of the panel's recommendations for disciplinary action or remedial measures.

A copy of the Appeal Board's report shall be provided, without delay, to the complainant and the respondent the decision of the Appeal Board shall be final