

# Karate Kawartha Lakes

## Harassment Policy



**KARATE  
KAWARTHA LAKES**

October 2014

## ***Karate Kawartha Lakes***

### ***Harassment Policy & Procedures***

#### ***Section 1: Philosophy***

Karate Kawartha Lakes believes in providing a positive working environment where all individuals are treated with respect and dignity. Each individual has the right to participate in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Harassment, whether verbal, physical or environmental is unacceptable and will not be tolerated.

#### ***Section 2: Individuals Covered Under The Policy***

This policy covers all management of Karate Kawartha Lakes. The organization will not tolerate, condone or allow harassment whether engaged in by fellow participants, members, management, board of directors, or by outside business associates, customers or others who conduct business with this organization. The organization encourages reporting of all incidents of harassment, regardless of who the offender may be.

#### ***Section 3: Confidentiality***

The need for confidentiality to protect the reputation of the complainant, the respondent, and the organization is of utmost importance. Any and all discussions will be limited to those who must take part to fulfill the organization's legal duty to investigate, and undertaken on a "need to know" basis. The allegation will be promptly investigated in a confidential manner so as to protect the privacy of all persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Confidentiality applies to everyone. All persons involved in the handling of sexual harassment complaints shall hold all such information in the strictest confidence. The organization will discipline anyone who is responsible for breaking confidentiality or spreading gossip and rumours which hinder an effective investigation. Any person who is reported for spreading gossip and/or getting in the way of an effective investigation will be disciplined accordingly.

#### ***Section 4: Exception to Confidentiality***

As stated above, all reports of sexual harassment shall be kept in confidence, except as is necessary to investigate the complaint and to respond to any legal and/or administrative proceedings arising out of, or relating to, the harassment.

#### ***Section 5a: Definition of Harassment***

For purposes of this policy, harassment is defined as unwelcome or unwanted conduct (verbal, visual or physical) including but not entirely restricted to behaviours that;

- create an intimidating or detrimental participant environment; or
- leads to task-related consequences

#### ***Section 5b: Definition of Sexual Harassment***

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal, visual or physical) including but not entirely restricted to behaviours that;

- create an intimidating or detrimental participant environment; or
- leads to task-related consequences

**Examples of sexual harassment include, but not limited to:**

- unwanted sexual advances,
- fondling, hugging, kissing, patting, etc.,
- demands for sexual favors in exchange for favorable treatment or continued participation/advancement,
- repeated sexual jokes, flirtations, advances or propositions,
- uninvited letters, phone calls, or messages sent by electronic mail,
- verbal abuse of a sexual nature,
- graphic, verbal commentary about an individual's body,
- repeatedly asking someone out who is not interested,
- leering, whistling, touching, pinching, assault, coerced sexual acts,
- suggestive, insulting, obscene comments or gestures,
- condescension or paternalism which undermines self respect,
- telling lies or spreading rumors about a person's sex life,
- display in the workplace of sexually suggestive objects or pictures.

Sexual Harassment is unacceptable in the dojo itself and in other participant-related settings, such as karate related travel and karate-related social events. **Note:** *In the case of a physical assault the police should also be immediately contacted.*

***Section 6: Professionalism and Fraternalization***

Organizational romance is virtually a guaranteed prescription for disaster. Consenting romantic relationships between participants are in most situations unwise, and therefore Karate Kawartha Lakes strongly discourages this practice in order to maintain an appropriate level of professionalism and productivity within the organization.

However, if any mutually consenting relationships occur between the following;

- superior/subordinate
- direct reporting situations
- mentor/protégé
- where there is an obvious conflict of interest
- husband/wife

Each party shall in a prompt and confidential manner give notice in writing to the appropriate members of Karate Kawartha Lakes. Karate Kawartha Lakes shall in a fair and non-judgmental manner separate the issue of power and assign a new supervisor to the person of lesser power.

A participant who enters into a personal relationship where there exists a difference of power between the persons involved, should be informed that if a complaint of sexual harassment is subsequently made it will be exceedingly difficult to prove immunity on grounds of mutual consent.

### **Section 7: Individual Action/Proactive Personal Response**

Karate Kawartha Lakes encourages individuals who believe they are being harassed to firmly and promptly notify the offender either verbally or in writing that his or her behaviour is unwelcome. The alleged harasser is to be informed that the behaviour is found to be offensive and uncomfortable. It is most important to be specific as many offenders do not realize that their actions are considered offensive. This action is to be reported, risk free, within 24 to 48 hours to an appropriate dojo administration or Karate Kawartha Lakes representative, either verbally or in writing. A report is to be written recording the events as they occurred and how it was handled. The organization also strongly encourages the practice of carefully collecting written records of events, dates and feelings that will assist management to determine the severity of the discipline. **Note:** *Though the time frame for Proactive Personal Response reporting is highly recommended it will not exclude different timeliness for extenuating circumstances.*

### **Section 8: Reporting Complaints**

Karate Kawartha Lakes recognizes there are valid reasons that may make a direct confrontation impossible, such as power and status disparities, therefore we encourage individuals who believe they are being harassed to report all incidents to one of the members of the Report Committee listed below.

Once any member of the dojo administration receives a report of sexual harassment, whether written or verbal, he/she is to contact one of the members of the Report Committee and provide any and all documentation that has been received.

#### **Report Committee Members:**

- 1. Kris Reynolds - President**
- 2. Craig McCleary - Treasurer**
- 3. Beverly Beuermann-King, Secretary**

An individual also may choose to report the complaint (if it is not considered severe in nature) to his/her Instructor. If the Instructor successfully resolves the complaint in an informal manner, this policy requires the Instructor is to file a confidential report to one of the names mentioned above about the complaint and the resolution so that the organization will be aware of any pattern of harassment by a particular individual.

An Instructor who has not had special training in dealing with harassment complaints is strongly encouraged to consult the Report Committee or the consultant, who is the firm's appointed harassment officer, prior to taking action. The consultant's role is to be neutral, unbiased and fair.

#### **Consultant Name and contact #:**

**Rodger King**

**R 'n' B Consulting**

**211 Fingerboard Road**

**Little Britain, ON K0M 2C0**

### ***Section 9: Protection Against Retaliation***

Retaliation against a complainant, witness, respondent or any other person involved in an investigation is another form of harassment. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for harassment offenders. If the person who commits an act of retaliation and the harasser are the same person, the disciplinary action will be more severe than that which would be imposed solely for the harassment.

### ***Section 10: Documenting Complaints***

An accurate record of objectionable behaviour or misconduct is needed to resolve a formal complaint of harassment. Verbal reports of harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct in order to effectively prepare and corroborate their allegations.

While Karate Kawartha Lakes encourages individuals to keep written notes in order to accurately record offensive conduct or behaviour, the organization hereby notifies all that in the event that a lawsuit develops from the reported incident, the complainant's written notes may not be considered privileged information and therefore may lose their confidentiality.

### ***Section 11: Forwarding Complaints***

If any written complaints are received by persons other than those named within this policy, those persons shall immediately forward any and all documentation to one of the individuals named on the Reporting Committee found in the "reporting complaints" section.

### ***Section 12: Time Frames For Reporting Complaints***

Karate Kawartha Lakes encourages immediate reporting of complaints so that rapid response and appropriate action may be taken. A complaint may not be pursued by the complainant unless the complaint is specified in writing in reasonable detail, signed, and lodged with the harassment committee named within this policy. Late reporting of complaints, however, will not in and of itself preclude the organization from taking remedial action.

### ***Section 13: Withdrawal of Complaints***

A decision to pursue a complaint rests with the complainant, and having made a complaint the complainant may withdraw it at any time.

### ***Section 14: Election of Organization to Continue***

If a complainant does withdraw the complaint, it is the organization's legal duty and therefore in its best interest to continue an investigation into the incident and the alleged harasser. The organization understands that under certain circumstances this investigation may have to continue without any assistance from the complainant.

### ***Section 15: Safeguarding Records***

If a complaint is not proceeded with, all records that may have been compiled shall be kept in confidence by Beverly Beuermann-King, KKL Secretary and no person shall have access to those records, other than the appointed officer(s), unless with the written consent of the officer(s).

### ***Section 16: Appointment of Investigators***

An outside consultant, named within this policy, will also be retained to serve as an Investigator to investigate the complainant, the respondent, and any key witnesses. (Note: The Review Committee may also see fit to assign an investigator from within its group members in order to ensure an unbiased, neutral investigation.)

### **Section 17: Notification of Complaint to Respondent**

A completed, written report and all pertinent documentation by the complainant is to be submitted, including notes, diary entries and any correspondence or material exchanged between the parties concerned. The investigator shall inform and explain the following to the respondent within 48 hours of such receipt:

1. A complaint has been received.
2. An investigation will ensue immediately.
3. A copy of the policy and procedures is available with instructions, if necessary.
4. To seek independent legal advice if desired.

### **Section 18: Initial Investigation Interview of Complainant**

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but thoroughly investigate the matter as she/he sees fit, keeping the complainant informed as to the status of the investigation.

### **Section 19: Conclusion of the Initial Investigation of Complainant**

A statement is to be prepared of the allegations for the complainant to sign. If the complainant is unwilling or objects to providing a written statement, that fact and the reasons should be recorded. The investigator must explain the organization's investigation will continue and they may need to interview the complainant again. It is to be explained that it is in the organization's best interest for the organization to take action to stop such behaviour, even if the complainant does not wish to proceed. The procedures to follow will be explained, and the complainant will be advised of the conclusions of the investigation.

### **Section 20: Initial Interview of the Respondent**

The respondent will be thoroughly investigated in a non-judgmental manner in order to conduct a fair investigation. The infractions are initially classified as "allegations" and the respondent has the right to understand and address the accusations made against her/him. Documentation evidence from the respondent, as stated above, should be forwarded to the investigator along with a written statement as to the sequence of events.

### **Section 21: Conclusion of the Initial Investigation of Respondent**

A written statement is to be prepared in response to each of the allegations for the respondent to sign. If the respondent is unwilling or objects to providing a written statement, that fact and the reasons will be recorded. The investigator will explain to the respondent that the organization's investigation will continue and there may be a need to interview the respondent again. The respondent will be advised as to the procedure that follows as well as any conclusions of the investigation.

### **Section 22: Interviewing Witnesses**

Witnesses will be informed of their rights within the investigation.

- Retaliation of any kind will not be permitted and if a witness feels that they are being retaliated against they are invited to immediately report this to the investigator.
- The witness(es) as well as the evidence given is protected by the same confidentiality clause as stated in the beginning of this document.
- Any and all documentation is to be submitted to the Investigator.

The interview will be specific and will focus only on the matters that the witness has personal knowledge of. The witness may be asked to describe the manner in which the victim and the alleged harasser conduct themselves in the workplace.

Witnesses may be asked to submit any documentary evidence. If necessary, written statements from important witnesses will be taken.

### ***Section 23: Corroborating Evidence***

All documents that are provided by the complainant, respondent and important witnesses will be reviewed. The complainant's and the respondent's personnel files may be reviewed for any previous charges or complaints and for any other relevant information that may corroborate or contradict the charge.

### ***Section 24: Resolving the Complaint***

Upon completing the investigation of a harassment complaint, the findings along with all of the documentation will be forwarded to Karate Kawarth Lakes Administrative Committee to make a decision as to the outcome of the investigation. This Committee will communicate its findings and intended actions to **Kris Reynolds, President**. Once Mr. Reynolds has made his final decision, the outcome will be put into writing and then communicated as quickly as possible to the complainant and respondent.

### ***Section 25: Burden of Proof***

The burden of proof shall rest upon the party seeking to prove that the conduct or comment alleged has occurred. Credibility and believability are two important factors that will play important roles throughout the entire investigation.

### ***Section 26: False or Frivolous Accusations***

The organization recognizes that the question as to whether or not a particular course of conduct constitutes harassment, requires a factual determination. False accusations of harassment have serious effects on innocent persons and damage the reputation of the organization. If an investigation results in a finding that the complainant falsely accused another person(s) of harassment knowingly or in a malicious or reckless manner, the complainant will be subject to appropriate sanctions, including the likely possibility of termination.

### ***Section 27: Finding of Harassment - Disciplinary Measures***

If the investigator, together with any appropriate Review Committee members, finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures at the sole discretion of the organization. Individuals found to have engaged in misconduct constituting *quid pro quo* may be severely disciplined with termination. The discipline for all other infractions will be measured by the severity of the harassment, i.e., "let the punishment fit the crime."

The Review Committee reserves the right to offer one of the following disciplinary measures:

1. written apology
2. written warning
3. reassignment of duties
4. transfer
5. suspension
6. probation
7. termination

***Important Note:*** Although the organization's ability to discipline a "non-member" harasser (e.g. customer, suppliers, workmen, etc.) is limited by the degree of control that the organization may have over the alleged harasser, (if any). Anyone who feels that they have been harassed should be encouraged to file a report and assured that action will be taken.

### **Section 28: Finding of No Harassment**

If the investigation determines that no harassment has occurred, this finding will be communicated to the complainant and respondent in an appropriately sensitive manner and all records will be sealed.

### **Section 29: No Resolutions**

In the event that no resolution satisfactory to both parties and the organization can be reached based on the initial investigation, the matter may proceed to joint informal mediation, if both parties so elect.

### **Section 30: Organization Determines Election Routes**

The method by which an investigation will proceed may be influenced by the wishes of the complainant, but the organization may nonetheless proceed in a different manner at its discretion. As previously stated, disciplinary measures will be completely determined by the organization once the appropriate investigation has been completed.

### **Section 31: Maintaining a Written Record of the Complaint**

Karate Kawartha Lakes shall maintain a complete written record of each complaint and how it was investigated and resolved. As stated previously all written records shall be maintained in a confidential manner.

### **Section 32: Follow Up**

Upon completing the investigation of a harassment complaint, the organization will communicate its findings and intended actions to the complainant and the alleged harasser in a timely fashion.

### **Section 33: Contemporaneous Proceedings**

A complaint made under these procedures will be pursued, even though there are contemporaneous court or other proceedings related to the incident or incidents in question, unless;

1. it would be unlawful to pursue the complaint;

*or*

2. the Review Committee orders that the complaint be stayed.

### **Section 34: Mediation**

Mediation offers the possibility of the parties resolving the issue themselves, which has to be the most desirable way for a complaint resolution, however, it requires the consent of both parties. The role of the mediator is to be neutral and to assist the parties to come to an agreement, to advise, to warn, to suggest possible solutions and to diffuse volatile situations. The mediator named within this policy is:

***Kris Reynolds***

***President***

***Karate Kawartha Lakes***

**Note:** If Mr. Reynolds has been directly involved in the investigation, another Mediator will be named.

**Section 35: Notification of Either Party to Elect Joint Mediation**

During the investigation process, either the complainant or the respondent may notify a member of the Review Committee or the Investigator in writing that she/he is prepared to resolve the matters in dispute through mediation. If no such notice is given then it shall be presumed that mediation will not take place.

**Section 36: Notification to Remaining Party Regarding Mediation**

On receipt of notice in writing from either the complainant or respondent that they are willing to attempt mediation, a member of the Review Committee or the Investigator shall immediately deliver such notice to the other party.

**Section 37: Agreement Regarding Terms of Mediation**

An agreement on mediation and the appointed mediator shall be reduced to writing and signed by the complainant, respondent and the members of the Review Committee. The Mediator shall be responsible for arranging the mediation. If an agreement in writing is not signed within an appropriate and agreed upon period of time, it shall be presumed that mediation will not take place.

**Section 38: Cut-Off Date for Mediation**

The mediation shall be completed within 15 working days of the agreement for mediation. If it is not completed within that period, the mediation shall be presumed to have failed.

**Section 39: If Mediation is Successful**

If mediation is successful, the agreement arrived at between the complainant and respondent shall be reduced to writing, signed by each as well as counter signed by the mediator. If the agreement contains undertakings as to the future conduct on the part of either the complainant or the respondent, the agreement shall also be signed by a member of the Review Committee.

**Section 40: If Mediation Fails**

If the mediation fails, the mediator shall notify in writing the parties and the Review Committee. If the complainant or the respondent do not agree to mediation, or if mediation is unsuccessful, the complainant may wish the complaint to be formally investigated. Such a notification shall be in writing and shall be delivered to the Investigator or Review Committee within three days of the date on which it is known mediation is not to take place or on which mediation failed.

If notification is not received within this period, it shall be presumed that the complainant does not wish to pursue the matter further, in which case it becomes the sole election of the organization should it wish to pursue the matter without the involvement of the complainant.

**Section 41: Records of Mediation**

All records will be kept in the same confidential manner as are the investigative reports.

**Section 42: Provisions for Appeal**

If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit her/his written reason and comments for consideration in a timely manner to the Investigator in charge.

### **Section 43: Conclusion**

Karate Kawartha Lakes has developed this policy to ensure that all its participants, members and partners can participate in an environment free from harassment. The organization is undertaking the following:

- \* ensuring that all its members are familiar with the policy through a thorough education
- \* posting the policy for easy access in the following locations;
- \* *Karate Kawartha Lakes website*
- \* ensuring that any complaint received will be thoroughly investigated and appropriately resolved.

### **Note:**

Karate Kawartha Lakes will periodically review this policy and make any changes deemed necessary for corporate reasons or in order to ensure its compliance with all applicable laws. While persons are encouraged to follow the in-house procedure it is understood that nothing in this document is intended to preclude anyone from following any alternative complaint procedure under the Human Rights Code.

### **Section 44 :**

#### **Important Corporate Message**

#### **Regarding Liability**

Karate Kawartha Lakes has invested a great deal of time and effort in order to ensure that the organization has done everything in its power to offer a safe and hostile free environment for all members. This harassment policy and its implementation is an honorable attempt to prevent harassment and provide a complaint resolution system that is to be taken seriously, studied and followed. Damages in the event of a successful lawsuit or Human Rights Case can be costly and can be assessed against the harasser, and/or any member of the organization who was aware of the harassment or might reasonably have been expected to be aware and failed to follow the policy guidelines.

Penalties resulting from a harassment case are not limited to legal damages and can extend to the cost of legal proceedings, disciplinary action taken by Karate Kawartha Lakes , and adverse publicity directed toward the harasser and the organization.