

Rationale

Pickleball Ontario is committed to providing a recreational sports environment where everyone is treated fairly and with respect.

Policy Guidelines

1. Members, including volunteers, are expected to conduct themselves at all times in a manner consistent with the values of Pickleball Ontario – respect, fairness, inclusivity, integrity, honesty, transparency and safety.
2. **Definitions:**
 - a) Harassment is defined as any behaviour or actions, visual material, unwelcome remarks, jokes, comments, innuendos, written or verbal threats and/or any conduct directed towards an individual or group that undermines self -esteem, diminishes performance, and are offensive, abusive, racist, degrading, vexatious, defamatory or malicious.
 - b) Sexual harassment is any behaviour defined as unwelcome sexual advances, requests for sexual favours or verbal or physical conduct of a sexual nature that interferes with an individual's performance, creates an intimidating, hostile or offensive environment or is the basis for making decisions that affect the individual.
3. **Confidentiality:**
 - a) Pickleball Ontario recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused or convicted of harassment. Pickleball Ontario also recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential, except where such disclosure is required by law.
4. **Complaint Procedures:**
 - a) A person who experiences any form of harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this policy.
 - b) If confronting the harasser is not possible or if after confronting the harasser the harassment continues, the Complainant should report the complaint to the Site Convenor who will ensure appropriate action is taken per the Pickleball Ontario policy including completion of the Pickleball Ontario

incident form and appropriate written documentation by all involved parties including witnesses of the event.

- i. If it is a Pickleball Ontario sponsored event such as a tournament, the Pickleball Ontario President or delegate if in attendance, and the Pickleball Ontario Event Coordinator should be immediately advised.
- ii. Upon immediate investigation of the incident, the Event Coordinator must ensure accurate completion of the Pickleball Ontario incident form, capturing all details of the incident and names of witnesses.
- iii. The Complainant and witnesses of the incident must also provide written documentation of the incident as soon as possible.
- iv. All documented information must be forwarded as soon as possible to the President of Pickleball Ontario.
- v. Once a Site Convenor or Pickleball Ontario Official or Pickleball Ontario Event Coordinator has received a verbal or written complaint, it is his/her role to serve in a neutral, unbiased capacity in receiving the complaint and assist in its informal resolution.
- vi. Once a Site Convenor or Pickleball Ontario Official or Pickleball Ontario Event Coordinator has received a verbal or written complaint, it is his/her role to serve in a neutral, unbiased capacity in receiving the complaint and assist in its informal resolution.
- vii. If the Site Convenor considers that he/she is unable to act in this capacity, the Complainant shall be referred to a Pickleball Ontario official.

5. Possible Outcomes:

- a) It is determined that the conduct does not constitute harassment as defined in this policy and the matter is closed.
- b) The Complainant decides to pursue an informal resolution of the complaint, in which case the Site Convenor or Pickleball Ontario Official will assist the two parties to negotiate an acceptable resolution of the complaint.
- c) The Complainant decides to submit a formal written complaint to the President of Pickleball Ontario, in which case the Respondent shall receive a copy of the complaint and also be given an opportunity to respond in writing to the written allegations and any written evidence submitted by witnesses.

- d) The President, upon receipt of the written complaint, shall appoint an independent individual to conduct an investigation. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques. He/she shall review all written submissions and carry out the investigation in a timely manner. Upon conclusion of the investigation he/she shall submit a written report to the Pickleball Ontario President.
- e) The Complainant and Respondent shall each receive a copy of the Investigator's report.
- f) The President, upon discussion with the Board, may determine that the alleged conduct is very serious and warrants immediate suspension of the individual from Pickleball Ontario. Or, the President, within 10 business days of receiving the written report, may appoint three individuals to serve as a Disciplinary Panel.

6. Hearing:

- a) The Panel shall hold the hearing as soon as possible but not more than 20 business days after the incident report is first received by the President.
 - i. The Complainant and Respondent shall be provided a written notice (by courier or fax) within 5 business days advising he/she the day, time and place of the hearing. The hearing shall be held in private and both the parties can choose to attend, shall have equal opportunity to respond to the Investigator's report, give evidence and answer questions of the Panel.
 - ii. Both parties may by choice, have a representative accompany them.
 - iii. At the request of the Panel, the Investigator and any witnesses may also be requested to attend.
- b) The Hearing shall proceed in the absence of either or both parties.
 - i. The Panel shall govern the hearing as it sees fit, provided that members of the Panel select from among themselves a Chairperson.
 - ii. Once appointed, the Panel shall also have the authority to abridge or extend timelines associated with all aspects of the Hearing.
 - iii. In order to keep costs to a reasonable level, the Panel may conduct the Hearing by means of a video or conference call.
 - iv. A quorum shall be all 3 Panel members and decisions shall be by majority vote including the Chair as a voting member.

- c) Within 10 business days of the Hearing, the Panel shall present its decision to the President, with a copy provided to both the complainant and respondent.
 - i. Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.
- d) The Panel decision shall contain a summary of the relevant facts, a determination as to whether the act(s) complained of constitutes sexual and /or harassment as defined in this policy.
 - i. If the Panel determines the complaint has validity, they will make a recommendation for disciplinary action against the Respondent.
 - ii. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, its report may recommend disciplinary action against the Complainant.

7. Discipline:

- a) When recommending appropriate disciplinary action, the Panel shall consider factors such as:
 - i. The nature and severity of the harassment
 - ii. Whether the harassment involved any physical contact
 - iii. Whether the harassment was an isolated incident or part of an ongoing pattern
 - iv. The nature of the relationship between the Complainant and Harasser
 - v. The age of the complainant
 - vi. Whether the Harasser had been involved in previous harassment incidents
 - vii. Whether the Harasser admitted responsibility and expressed a willingness to change
 - viii. Whether the Harasser retaliated against the Complainant.
- b) The Panel, depending on the nature and severity of the harassment findings in determining disciplinary sanctions, may consider singly or in combination the following options:
 - i. verbal apology,
 - ii. written apology,
 - iii. a letter of reprimand from Pickleball Ontario,

- iv. removal of membership privileges and expulsion from sanctioned events and all Pickleball Ontario activities.

8. Appeal Process:

- a) The Harasser and /or Complainant have a right to appeal the findings within 10 business days of receiving the disciplinary notice.
- b) Any new information will be taken into account by a special meeting of the Pickleball Ontario Board members and the panel chairman.
- c) Both parties will be notified of the final decision.

Administration

This policy shall be administered by the PICKLEBALL ONTARIO President at any PICKLEBALL ONTARIO related meeting.

Policy Revised

2019 02 21

Date



President