

MEMBERS' RIGHTS

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ON WATER INCIDENT ARBITRATION PROCEDURES:

The J.S.C.A. "Sailing Incident Tribunal" shall have jurisdiction to conduct a hearing relating to an incident occurring on the water, involving one or more J.S.C.A. members. Three non-partisan tribunal members shall be chosen by the President from a list of J.S.C.A. members qualified to act as tribunal members. Each tribunal panel will deal with a particular incident.

The tribunal shall receive submissions from the parties involved, and recommend the assignment of liability for damage arising out of the incident. Recommendations to avoid reoccurrence of the mishap will also be made.

The tribunal procedures shall be as per the CYA appeal procedure as set out in the CYA International Yacht Racing Rules.

ACCESS TO COMPUTER INFORMATION

1. Access to any office computer other than J.S.C.A. paid staff will require written permission from the General Manager.
2. Provision of membership information:
Any information relating to J.S.C.A. members (e.g., fleet lists) will not be released to anyone without the prior written approval of the General Manager.

DELEGATION PROCEDURE

1. Any person/group wanting to address the Board on issues affecting J.S.C.A.'s operation shall be encouraged to discuss the topic with the General Manager first, the Executive second, and the Board third if prior resolution is not attained. All groups will meet with the Executive prior to appearing before the Board if requested by the Association.
2. Any person/group who feels their concerns have not been resolved by the General Manager or the Executive may address the Board on issues affecting J.S.C.A.'s operation, provided the J.S.C.A.'s office has their letter or verbal request by 4:00 p.m. on the Thursday preceding the meeting.
3. Any person/group wanting to address the Board on items already on the Board's meeting agenda, or any urgent business, must make their written or verbal request to the J.S.C.A. office by 12:00 noon on the day of the board meeting, and meet with the Executive, if requested by the Association, prior to the Board meeting.
4. All delegations will be restricted to a five minute speaking time.
5. Information regarding the person/group should be written and available to the J.S.C.A. Board before the meeting.

INSPECTION OF JERICHO SAILING CENTRE DOCUMENTS

- 1) Jericho Sailing Centre Association documents may be examined by any member.
- 2) A member intending to inspect documents must give notice in writing of intention to inspect, describing the documents to be inspected. A notice of intention to inspect must be served at least 2 clear weekdays before the time appointed for the inspection.
- 3) As J.S.C.A. staff resources are limited, document examinations are limited to the hours of 1000H-1200H, Monday through Friday.
- 4) Inspections shall take place in the Jericho office at 1300 Discovery Street.
- 5) Members are entitled to copies of any document upon payment of .50 cents (plus G.S.T.) for each page copied.

JSCA ELECTORAL PROCEDURES

1. NOMINATIONS COMMITTEE

- a) The J.S.C.A. Board should appoint a 3 person Nominations Committee to call for and receive nominations for the Board and to supervise the conduct of the election and the counting of ballots.
- b) A call for nominations and the last date that the nominations committee should receive nomination which will appear on the printed ballot should be sent to all members no later than the time at which notice of the AGM is given.
- c) The Nominations Committee should attempt to ensure that there are enough candidates to fill the Board positions which will become vacant, and may solicit nominations.

2. ELIGIBILITY

- a) Only fully paid up members of J.S.C.A. are eligible to vote or stand for election to the Board.
- b) J.S.C.A. memberships should be available for the office up to the end of normal office hours on the day before the AGM.

3. BALLOTS

- a) Ballots listing the eligible nominations received by the Nominations Committee should be printed before the AGM. Some differently coloured "challenge ballots" should also be printed.
- b) Ballots should be available from Jericho staff or others authorized by the Board beginning one hour before the scheduled start of the AGM, or at such other time as announced in the notice of the AGM, and ending when the vote is conducted.
- c) Each ballot should be numbered and initialed by the person issuing it when it is issued and the ballot number should be recorded beside the name of the voter on the membership list.
- d) When the name of a person requesting a ballot is not on the membership list, a "challenge ballot" should be issued. The voter's name should be added to a list of challenge voters.
- e) All voters should produce acceptable ID, preferably with a picture. The voter should sign for the ballot beside their name on the membership list or challenge voters list. Voting by Proxy is not allowed.

4. ADDITIONAL NOMINATIONS AND VOTING

- a) A ballot box should be available and voting should be allowed from the time when ballots are first available until voting ends during the AGM.

5. COUNTING OF BALLOTS

- a) Members who wish to observe the counting of ballots should submit their names to the Nominations Committee prior to the beginning of counting. The committee will select no more than eight observers. No candidate may be an observer or count ballots. The lists of voters with the record of ballot numbers should not be present during the counting of ballots.
- b) Ballots should be counted by two person teams. Each member should independently count a group of ballots. The count should not be accepted until the count of both members agrees.
- c) Challenge ballots should be held separately pending a search of records in the office files, and possibly club and co-op records in the event the voter is a member of an associated club or co-op. A challenge voter may submit receipts, canceled cheque, etc., to substantiate his/her claim to have a valid membership. Challenge ballots will only be counted after the voter's membership has been validated to the satisfaction of the Nominations Committee.

6. ELECTION RESULTS

- a) The names of any candidates who can be declared elected before the end of the AGM will be announced at that time.
- b) Ballots will be held by the nominations committee until the status of all challenge ballots has been resolved by the Nominations Committee or all positions can be declared filled.
- c) If any person is found to have voted when he/she was not eligible to do so that persons ballot shall be identified and removed. The Nominations Committee shall attempt to resolve any allegations of improper voting as quickly as possible.
- d) When the Nomination committee is satisfied that all positions have been filled and that no further counting or examination of ballots is required, they should ensure that all ballots are destroyed.
- e) Any ties for the last position available should be broken by the Nominations Committee using some method of random chance such as a coin toss. The candidates or their observers have a right to be present when this is done.
- f) The number of votes cast for each candidate should not be reported.

HARASSMENT POLICY

This policy is based in part upon materials published by the Law Society of Upper Canada in their 1992 publication A Recommended Personnel Policy Regarding Employment-Related Sexual Harassment.

1. POLICY STATEMENT
 - a) JSCA is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibit discriminatory practices. Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory of Canada. Harassment is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
 - Whether the harasser is a director, supervisor, employee, coach, official, volunteer, parent, or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.
 - JSCA is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.
 - b) This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials, and members of JSCA. JSCA encourages the reporting of all incidents of harassment, regardless of who the offender may be.
 - c) This policy applies to harassment which may occur during the course of all JSCA business, activities, and events. It also applies to harassment between individuals associated with JSCA but outside JSCA business, activities, and events when such harassment adversely affects relationships within the JSCA work and sport environment.
 - d) Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from their provincial or territorial human rights commission, even when steps are being taken under this policy.
 - e) Harassment takes many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.
 - f) 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.

2. DEFINITIONS

- a) Types of behaviour which constitute harassment include but are not limited to:
- written or verbal abuse or threats;
 - the display of visual material which is offensive or which one ought to know is offensive;
 - unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation;
 - leering or other suggestive or obscene gestures;
 - condescending, paternalistic, or patronising behaviour which undermines self-esteem, diminishes performance, or adversely affects working conditions;
 - practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
 - unwanted physical contact including touching, petting, pinching, or kissing;
 - unwelcome sexual flirtations, advances, requests, or invitations; or
 - physical or sexual assault.
- b) Sexual harassment most commonly occurs in the form of behaviour by males toward females; however, sexual harassment can also occur between males, between females, or as behaviour by females toward males.
- c) For the purposes of this policy, retaliation against an individual
- for having filed a complaint under this policy; or
 - for having participated in any procedure under this policy; or
 - for having been associated with a person who filed a complaint or participated in any procedure under this policy
 - will be treated as harassment, and will not be tolerated.

3. RESPONSIBILITY

- a) The JSCA General Manager is responsible for the implementation of this policy. In addition, the JSCA General Manager is responsible for:
- discouraging and preventing harassment within JSCA;
 - investigating formal complaints of harassment in a sensitive, responsible, and timely manner; imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
 - making all members and employees of JSCA aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in this policy;
 - informing both complainants and respondents of the procedures contained in this policy;
 - regularly reviewing the terms of this policy to ensure that they adequately meet the organisation's legal obligations and public policy objectives;
 - appointing harassment officers and providing the resources they need to fulfil their responsibilities under this policy; and
 - appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfil their responsibilities under this policy.
- b) Every member of JSCA has a responsibility to play a part in ensuring that the JSCA sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member of JSCA who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

- c) In the event that either the JSCA General Manager is involved in a complaint which is made under this policy, the JSCA president shall appoint a suitable alternate for the purposes of dealing with the complaint.

4. COACH/ATHLETE SEXUAL RELATIONS

- a) JSCA takes the view that intimate sexual relationships between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on JSCA's public image. JSCA therefore takes the position that such relationships are unacceptable for coaches. Should a sexual relationship develop between an athlete and a coach, the JSCA will investigate and take action which could include reassignment, or if this is not feasible, a request for resignation or dismissal from employment.

5. DISCIPLINARY ACTION

- a) Employees or members of JSCA against whom a complaint of harassment is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership.

6. CONFIDENTIALITY

- a) JSCA understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. JSCA recognises the interests of both the complainant and the respondent in keeping the matter confidential.
- b) JSCA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

7. HARASSMENT OFFICERS

- a) JSCA shall appoint at least two persons, one male and one female, who are themselves members or employees of the sport organization, to serve as officers under this policy. If more than two officers are appointed, JSCA shall ensure a gender balance.
- b) The role of harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to the JSCA General Manager.
- c) JSCA shall ensure that officers receive appropriate support for carrying out their responsibilities under this policy.

8. COMPLAINT PROCEDURE

- a) A person who experiences 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 notify the General Manager.

- c) The harassment officer shall inform the complainant of:
- the options for pursuing an informal resolution of his or her complaint;
 - the right to lay a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - the confidentiality provisions of this policy;
 - the right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
 - the external mediation/arbitration mechanisms that may be available;
 - the right to withdraw from any further action in connection with the complaint at any stage (even though JSCA might continue to investigate the complaint); and
 - other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.
- d) There are four possible outcomes to this initial meeting of complainant and officer.
- (i) *The complainant and officer agree that the conduct does not constitute harassment.*
- If this occurs, the harassment officer will take no further action and will make no written record.
- (ii) *The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.*
- If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complaint. If desired by the parties and if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
 - If informal resolution yields a result which is acceptable to both parties, the harassment officer will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
 - If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
- (iii) *The complainant brings evidence of harassment and decides to lay a formal written complaint.*
- If this occurs, the harassment officer will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.
 - The respondent will be given an opportunity to provide a written response to the complaint. The harassment officer may assist the respondent in preparing this response.
- (iv) *The complainant brings evidence of harassment but does not wish to lay a formal complaint.*
- If this occurs, the harassment officer must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.
 - When the harassment officer decides that the evidence and surrounding circumstances require a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

- e) As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the JSCA General Manager, containing the documentation filed by both parties along with a recommendation that:
- No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or
 - The complaint should be investigated further.
- A copy of this report shall be provided, without delay, to both the complainant and the respondent.
- f) In the event that the harassment officer's recommendation is to proceed with an investigation, the JSCA General Manager shall within 14 days appoint three members of JSCA to serve as a case review panel. This panel shall consist of at least one woman and at least one man. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.
- g) Within 21 days of its appointment, the case review panel shall convene a hearing. The hearing shall be governed by such procedures as the panel may decide, provided that:
- The complainant and respondent shall be given 14 days notice, in writing, of the day, time and place of the hearing.
 - Members of the panel shall select a chairperson from among themselves.
 - A quorum shall be all three panel members.
 - Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
 - The hearing shall be held in camera.
 - Both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint, but the officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed.
 - The complainant and respondent may be accompanied by a representative or adviser.
 - The harassment officer may attend the hearing at the request of the panel.
- h) Within 14 days of the hearing, the case review panel shall present its findings in a report to the JSCA General Manager, which shall contain:
- a summary of the relevant facts;
 - a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - recommended disciplinary action against the respondent, if the acts constitute harassment; and
 - recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment,
- i) If the panel determines that the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.
- j) A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent.

- k) When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:
- the nature of the harassment;
 - whether the harassment involved any physical contact;
 - whether the harassment was an isolated incident or part of an ongoing pattern;
 - the nature of the relationship between complainant and harasser;
 - the age of the complainant;
 - whether the harasser had been involved in previous harassment incidents;
 - whether the harasser admitted responsibility and expressed a willingness to change; and
 - whether the harasser retaliated against the complainant.
- l) In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:
- a verbal apology;
 - a written apology;
 - a letter of reprimand from the JSCA;
 - a fine or levy;
 - referral to counselling;
 - removal of certain privileges of membership or employment;
 - demotion or a pay cut;
 - temporary suspension with or without pay;
 - termination of employment or contract; or
 - expulsion from membership.
- m) Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the harassment officer's files. These files shall be kept confidential and access to them shall be restricted to the JSCA General Manager and harassment officers.
- n) Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

9. PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED

- a) Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to a harassment officer, the officer shall meet with the person who is said to have experienced harassment and shall then proceed in accordance with Section 22.

10. APPEALS

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

- b) Permissible grounds for an appeal are:
- the panel did not follow the procedures laid out in this policy;
 - members of the panel were influenced by bias; or
 - the panel reached a decision which was grossly unfair or unreasonable.
- c) In the event that a notice of appeal is filed, the JSCA General Manager shall appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.
- d) The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the reports of the harassment officer and the case review panel, and the notice of appeal.
- e) Within ten days of its appointment, the appeal body shall present its findings in a report to the JSCA General Manager. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.
- f) A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.
- g) The decision of the appeal body shall be final.
11. REVIEW AND APPROVAL
- a) This policy was approved by the JSCA board of directors on JULY 14, 1997.
- b) This policy shall be reviewed by the JSCA General Manager on an annual basis.

“BE ACUTELY AWARE OF POWER IN COACHING RELATIONSHIPS AND, THEREFORE, AVOID SEXUAL INTIMACY WITH ATHLETES, BOTH DURING COACHING AND DURING THAT PERIOD FOLLOWING COACHING DURING WHEN IMBALANCE IN POWER COULD JEOPARDISE EFFECTIVE DECISION MAKING.

*COACHING CODE OF ETHICS
CANADIAN PROFESSIONAL COACHES ASSOCIATION
COACHING ASSOCIATION OF CANADA*