

## HARASSMENT AND DISCRIMINATION POLICY JITSU CANADA

### PREAMBLE

Jitsu Canada recognizes the diverse and multicultural composition of its organization, and appreciates the dignity, worth and contribution of each member. It is committed to providing a safe organizational environment free from discrimination and harassment. No offending conduct will be tolerated.

Jitsu Canada recognizes the need to ensure that this Policy is consistently and fairly applied throughout the organization, and accordingly it shall be administered centrally in the manner herein described, regardless of whether the complaint originates from an instructor or student.

In furtherance of this pledge to equality and dignity, Jitsu Canada is committed to:

- monitoring and regularly reviewing human resource policies and procedures to ensure the provision of equality in employment, specifically in hiring, training, promotion and working conditions;
- developing strategies to seek out and encourage all individuals to participate in Jitsu Canada activities, and to compete for opportunities of interest to them;
- recognizing the importance of accommodating persons with disabilities in a manner which respects their dignity;
- regularly review equity initiatives to ensure progress and currency;
- furthering equality through communication of equality related policies and initiatives, and providing appropriate training to support those policies and initiatives.

### THE POLICY

**APPLICATION:** The Harassment and Discrimination Policy (the "Policy") applies to all Members of Jitsu Canada in Canada, including students, instructors, volunteers, applicants for volunteer positions, employees, and applicants for employment in the course of their activities with Jitsu Canada.

Any member of Jitsu Canada who breaches this Policy, or who makes a frivolous or malicious complaint, is liable to disciplinary penalties, up to and including permanent dismissal from Jitsu Canada membership or employment.

### DEFINITIONS:

Discrimination is differential treatment, whether intentional or not, arising out of a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, handicap or record of offences, which has the effect of imposing burdens, obligations or disadvantages not imposed on others, or which withholds or limits access to opportunities, benefits and advantages which are available to others.

Harassment is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. It is a type of Discrimination which may or may not be sexual in nature, and can take many forms, including, but not limited to:

- threats, intimidation or verbal abuse;
- unwelcome remarks or jokes about subjects such as the person's race, religion, disability age or other characteristic;
- displaying sexist, racist or other offensive pictures or posters;
- sexually suggestive remarks or gestures;
- unnecessary physical contact, such as touching, patting, pinching, punching;
- physical assault, including sexual assault;
- retaliation in any form for having filed a complaint of Discrimination, or assisted in complaint proceedings.

Sexual Harassment is any conduct, comment, gesture or contact of a sexual nature:

- that is likely to cause offence or humiliation to any member;
- that might, on reasonable grounds, be perceived by that member as placing a condition of a sexual nature on membership, employment, or any opportunity for training or promotion.

Member means any employee, instructor or student registered with Jitsu Canada anywhere in Canada.

**PROHIBITED CONDUCT:**

Jitsu Canada will not tolerate or condone Harassment or Discrimination, whether it is between Members, or a Member of the organization and a member of the public.

**MEMBERS' RIGHTS:**

Every Member can expect any complaint involving alleged Harassment or Discrimination to be taken seriously and dealt with promptly, thoroughly, fairly and in confidence. A Member who is the subject of a complaint under this Policy and who has reason to believe that the complaint is vexatious, made in bad faith, or is itself a form of Harassment, may file a complaint.

Every Member has the right to:

- file a complaint without fear of embarrassment or reprisal;
- be represented and accompanied by a person of his or her choosing during the interviews related to his or her complaint;
- ensure that his or her written complaint, or written comments related to the fact that they have lodged a complaint, be excluded from his or her personnel files;
- be kept informed throughout the process, and advised of the final outcome.

Any Member who has had a complaint of Harassment or Discrimination made against him or her has the right to:

- be informed immediately that a complaint has been filed;
- be informed of the complaint process;
- be presented with a written statement of allegations, including the original complaint submitted against the Member, if any, and be given an opportunity to respond in writing;
- be represented and accompanied by a person of his or her choosing during the interviews related to the complaint;
- receive fair treatment in an environment free of Harassment and Discrimination;
- be kept informed throughout the process, and advised of the final outcome.

**THE COMPLAINT PROCEDURE:**

**General:**

Jitsu Canada encourages Members to resolve complaints under this Policy between themselves, if possible, or where necessary with the assistance of another Member or instructor. Jitsu Canada recognizes, however, that not all complainants are comfortable speaking directly to an alleged offender, nor is it appropriate for a complainant to do so in some circumstances. Accordingly, an alleged violation may be dealt with by invoking the written complaint process without any attempt at an informal resolution. A Member may submit a written complaint to his or her instructor at any time.

Every Member is obligated to assist in addressing complaints under this Policy when called upon to do so, whether as an alleged offender, a witness, or in some other capacity, in a timely manner.

**Informal Resolution Between Members:**

Any Member who believes that he or she has been Harassed or Discriminated against is encouraged to attempt to resolve the situation by discussing the matter directly with the alleged offender and making his or her disapproval and discomfort known immediately. Where the Member is not comfortable dealing directly with the alleged offender, that Member is encouraged to seek the assistance and support of his or her instructor or another Member to attempt to resolve the situation directly with the alleged offender.

If the complainant Member is unable or unwilling to resolve the situation to his or her satisfaction through efforts at direct communication with the alleged offender, the complainant Member should either submit a written complaint or seek the assistance of his or her instructor. The instructor may make an attempt to resolve the situation between the parties, or the instructor may initiate the written complaint process, but in any case must attempt to deal with the situation as expeditiously as possible.

**The Written Complaint Process:**

The written complaint process may be initiated by the complainant at any time by submitting a written complaint to his or her instructor. Where appropriate, an instructor may act as a complainant and prepare a written complaint.

The written complaint should provide sufficient detail to permit an investigation to be conducted, including:

- the name of the alleged offender(s);
- the date, time and place of the occurrence(s);
- the specific words or conduct which were objectionable;
- the identity of any witnesses;
- any other detail which would assist a third party to understand what occurred.

Where an instructor receives a written complaint, he or she must provide a copy to the Chief Instructor (Jitsu Canada).

Upon receipt of a written complaint, the Chief Instructor (Jitsu Canada) may attempt to resolve the matter through discussions with the complainant and alleged offender. Before such an attempt is made, the alleged offender must be provided with a copy of the written complaint.

If the Chief Instructor (Jitsu Canada) does not attempt or is unable to resolve the matter through discussions with the parties, then the Chief Instructor (Jitsu Canada) shall immediately provide

- a copy of the written complaint to the alleged offender(s),
- advise him or her of the right to provide a written response, and request same;
- shall initiate an investigation to determine the facts, which may or may not include the appointment of an investigation team;
- may notify any other instructor whose cooperation may be necessary for administering this Policy;
- shall determine whether it is appropriate to suspend the alleged offender pending the outcome of the investigation, and if necessary, do so;
- shall determine whether the complainant and the alleged offender should be separated pending the outcome of the investigation, and if necessary, do so;
- ensure that the investigation is conducted fairly, sensitively, completely and with confidentiality;
- assess the findings of the investigation and determine whether the complaint is justified.

If the complaint can be justified the Chief Instructor (Jitsu Canada), shall:

- determine what corrective action will be taken;
- provide a written record of the decision to the complainant(s) and alleged offender(s);
- implement appropriate corrective action with respect to the specific complaint and with respect to any more general organizational problems which may have contributed to or exacerbated the specific complaint, including any failure by an instructor to adhere to this Policy;
- monitor the situation regularly until corrective measures have been implemented satisfactorily;
- ensure that the complainant is not subject to recriminations or embarrassment for lodging a justified complaint.

**Variation of Complaint Process involving Instructors:**

If a Member wishes to make a written complaint involving his or her instructor, or any senior instructor, he or she shall submit the written complaint directly to the Chief Instructor (Jitsu Canada).

If Member wishes to make a written complaint involving the Chief Instructor (Jitsu Canada), the Member shall submit the written complaint to the Deputy Chief Instructor (Jitsu Canada), who will convene a meeting of the Jitsu Canada Instructor Council. In such cases, the Jitsu Canada Instructor Council shall be responsible for assuming the obligations which would otherwise rest with the Chief Instructor (Jitsu Canada).

**INVESTIGATING A WRITTEN COMPLAINT:**

Any investigation conducted under this Policy must be conducted impartially, thoroughly, sensitively, discreetly and with confidentiality. Where an investigation team is appointed, it must contain a Member of each gender.

The mandate of the investigator or investigation team is to assess and report on the matters alleged in the written complaint, as well as any additional allegations which may be made in the course of the investigation. The investigator or investigation team should also attempt to identify any underlying factors that may have contributed to the complaint and which have a negative effect on the environment in order to help prevent further violations of this Policy.

During the investigation of a written complaint, the investigator or investigation team must:

- consult with the Chief Instructor (Jitsu Canada), for briefing and guidance on how to proceed with the investigation;
- interview both the complainant and the alleged offender as soon as possible;
- review pertinent documentation, interview witnesses, document the situation accurately and completely, make findings with respect to the complaint, and make written recommendations to the Chief Instructor (Jitsu Canada);
- maintain a complete documentary file; and
- caution Members who are questioned that they must not discuss the case with anyone else.

**DISCIPLINE:**

A Member may be disciplined where a complaint against him or her is substantiated. A complainant may be disciplined where the complaint was vexatious, made in bad faith, or itself a form of Harassment. Disciplinary options include, but are not limited to:

- counselling, training and close supervision of the offender;
- providing a written apology;
- permanent separation of the offender and victim through the transfer of the former, or, at their request, the latter;
- demotion, suspension or expulsion of the offender;
- reporting of the offence to appropriate civil authorities for further action and charges;
- awareness sessions, training or counselling for instructors or other Members;
- disciplinary action against or performance counselling of an instructor who was aware of the offence but failed to act on it; and
- other such measures as may be needed to establish or re-establish a positive, productive environment, or to deal with lack of knowledge, poor attitudes or deficiencies within the system.

All factors should be considered when determining appropriate discipline (eg. the nature of the offence, the Member's discipline record, the degree of aggression and physical contact in the Harassment or Discrimination; the period of time over which Harassment or Discrimination took place; the frequency of the Harassment or Discrimination; the vulnerability of the victim, the injury to the victim).

**OBLIGATIONS OF INSTRUCTORS:**

If an instructor learns of a breach of this Policy, he or she must treat the breach as though it were reported to him or her by a complainant. The instructor may attempt to resolve the situation between the parties, or the instructor may prepare a written complaint in accordance with this Policy. The instructor must ensure that a resolution of the situation is reached. The Instructor will not be liable to disciplinary action for submitting a written complaint where the victim is unwilling or unable to do so, unless the Instructor has done so in bad faith. An Instructor may be disciplined for failing to act in accordance with this Policy.

**CONFIDENTIALITY AND CO-OPERATION:**

All parties involved in the resolution or investigation of a complaint, including the complainant, the alleged offender, and witnesses, are expected to facilitate the process, co-operate, and maintain confidentiality.

All documentation involved in the complaint process, including the final report, will be maintained in confidence in the offices of the Chief Instructor (Jitsu Canada). In all instances, such documentation will be kept separate from Members' personnel files. If there is disciplinary action, the reason for discipline as well as the nature of the discipline will be recorded in a Member's personnel file.

**APPEAL PROCEDURE:**

Members who are dissatisfied with the outcome of the written complaint procedure may apply by way of letter to the Jitsu Canada Instructor Council and request a review of the decision, stating explicitly the grounds for the request.

If a review is requested, the letter of request will be provided to the opposite party (alleged offender or complainant) and a written response will be requested.

The Jitsu Canada Instructor Council will convene to discuss the matter, together with any other individuals whose comments the Chief Instructor (Jitsu Canada) or any other member of the Board considers appropriate, except the alleged offender and complainant.

By a majority vote, the Jitsu Canada Instructor Council may affirm the decision and disciplinary measures, affirm the decision but alter the disciplinary measures or institute a new investigation into the complaint. If a new investigation is initiated, it shall be conducted under the guidance of the Jitsu Canada Instructor Council and in accordance with this Policy.

**ALTERNATIVE PROCEDURES:**

This Policy does not limit the entitlement of any person to make a complaint to a provincial human rights commission or take any other step which the person is entitled to take at law.