

BCU Harassment Policy

Dealing with harassment complaints
Personal Relationships
Duty of Care
Definition of Harassment
Procedures for dealing with harassment complaints



A Resource for BCU Paddlers and Coaches



BCU Duty of Care

The policies and guidelines referenced within this document and its various appendices are those of the British Canoe Union and its affiliated member countries. The principles of both the policy and the appendices are based on our moral and ethical duty to ensure children and vulnerable adults can enjoy canoeing in a safe environment and as such they reflect current best practice.

Legal variation and social policy may require national association bodies to establish caveats to and separate guidelines to take account of home nation government, law and social work practices.

Introduction

The BCU wishes to ensure that all those taking part in canoeing are able to do so protected and kept safe from harm while they are with staff, coaches and / or volunteers. This is particularly true in respect of children and vulnerable adults.

With this in mind the BCU recognises that they have a duty towards all those taking part in paddlesport activity and to any club providing paddling opportunities and support to ensure all can do so with the highest possible standards of care.

All coaches and clubs should have a clear understanding of operating within an appropriate code of ethics, aware of what their ‘duty of care’ is and how this relates to their position in providing activities and being responsible for others.

As the organisers of activity, there is a possibility of someone being harmed. In a small percentage of cases action may be taken against you if the person decides to make a claim. This action may result in financial losses but can also harm your reputation or the reputation of your club and the BCU itself.

A good definition of ‘duty of care’ is:

“The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of any person involved in any activity for which that individual or organisation is responsible”

In an activity such as canoeing, safety and keeping people safe is all about risk assessment and minimising the risks involved at all levels of participation. While all taking part in activity have a duty to their neighbours, in organised activity we all have a heightened duty of care and as such we should be aware that the principal risks extend to the quality of control exercised by those in charge. Trainers, coaches, referees, umpires or administrators should all take ‘reasonable’ steps to safeguard those taking part while directly taking part in activities and at any time they may be deemed responsible for those in their charge - in vehicles, during journey’s to and from the activity, during events, team training events and camps etc.

The content of this document provides specific information in respect of harassment and the protection of vulnerable adults in order that coaches and clubs can appreciate their ‘duty of care’ with regard to these issues, risk assess their positions and support and advise those at risk.

Further to this document you may wish to consult the following additional information.

- BCU Code of Ethics
- BCU Duty of Care policy
- Sports Coach UK Code of Conduct
- BCU Coaching Directory
- BCU Child Protection Policy
- BCU Articles of Association and Disciplinary Procedure

The BCU acknowledges Celia Brackenridge, Joy Bringer, Cheltenham and Gloucester University, Sports Coach UK, the NSPCC, the ASA, The Australian Sports Commission and others for origination of material within this document.

Based on: 1989 Children’s Act, The Sexual Offences (amendment) Act 2000, Home Office Document - Caring for Young People and the vulnerable, UK Sport Harassment Policy Discussion Group

Policy Statement

It is the policy of the British Canoe Union, that every member and employee can expect to be afforded a sport and work environment, free of harassment and to be treated with respect.

The British Canoe Union is committed to the achievement of equal opportunity including the establishment of a sport and work environment in which all members and employees have the opportunity to contribute to the sport to their maximum potential.

In keeping with the spirit of this commitment, the British Canoe Union does not tolerate any form of harassment and undertakes to protect all members and employees regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family structure or record of offence, from harassment by other members and employees, officers of the Union, officials, organisers, coaches, club mates, and any other registered member or employee of the British Canoe Union with whom they may have contact.

This policy is directed towards the protection of members and Union employees from harassment which may occur:

- during the course of British Canoe Union business and events, or within a registered club, affiliated with the British Canoe Union: or
- outside of such events or clubs where there may be repercussions in the work or club, adversely affecting members’ canoeing.

This policy which applies to all employees, volunteers and members, aims to support these commitments by ensuring that all employees, volunteers and members maintain a professional standard of conduct whilst respecting the rights of the individual. Thus the policy seeks to safeguard the interests of all parties.

Harassment may occur, for example, from;

- Coach to paddler
- Paddler to paddler
- Administrator to employee
- Paddler to coach
- Administrator to coach
- Coach to coach

It is not the intention of the BCU to infringe personal freedoms nor to intrude on the privacy of individuals. The BCU will not seek to influence whether or not such personal relationships continue. However the BCU has a statutory obligation to safeguard the health, safety and welfare of all those affected by the BCU’s operations and activities.

The BCU is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps are necessary to ensure that everyone in the organisation knows;

- What harassment means
- That it is against the law and
- That it will not be tolerated.

While the Chief Executive has ultimate responsibility for ensuring the organisation is free of harassment, a senior official will accept day to day responsibility for implementing this policy. The implementation officer is the BCU’s Child Protection and Harassment Officer.

The BCU Child Protection and Harassment Officer, John Dudderidge House, Adbolton Lane, West Bridgford, Nottingham NG2 5AS. Tel 0115 9821100

Definition of Harassment

The British Canoe Union defines harassment as “unwelcome behaviour - engaging in vexatious comment or conduct - which a reasonable person would recognise as unwelcome”.

Harassment takes many forms but can generally be defined as behaviour including comments and/or conduct which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or groups of individuals or which creates an uncomfortable environment. This policy applies to all members and employees of the British Canoe Union.

Sexual harassment is unwanted, often persistent sexual attention. Sexual abuse occurs after careful grooming of the individual until they believe that sexual involvement with the abuser is acceptable, unavoidable or a normal part of training or everyday behaviour.

Harassment may include:

- Written or verbal abuse or threats;
- Sexually oriented comments;
- Racial or ethnic slurs;
- Unwelcome remarks, jokes, innuendoes, or taunting about a person’s body, attire, age, marital status, ethnic or racial origin, religion, etc;
- Displaying of sexually explicit, racist or other offensive or derogatory material, creating a hostile environment;
- Sexual, racial, ethnic or religious graffiti;
- Practical jokes which cause awkwardness or embarrassment, danger a person’s safety, or negatively affect performance;
- Unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation;
- Leering (suggestive staring), or other obscene or offensive gestures;
- Condescension, paternalism or patronising behaviour which undermines self-respect or adversely affects performance or working conditions;
- Physical conduct such as touching, kissing, patting, pinching, etc.
- Vandalism
- Bullying or physical assault
- Persistent or intrusive questions about peoples private lives hostile matters, the display of sexually explicit or hostile material (posters, cartoons, graffiti) or by other use of offensive email, faxes, letters or notes.

Bullying

- Intimidating behaviour involving abuse of power or coercion
- Persistent direct or indirect public and/or private criticism or ridicule
- Consistently attacking a person in terms of their professional or personal standing either directly or indirectly
- Setting out to make a persons life miserable, in the hope of getting them dismissed or simply making them resign or leave
- Using threatening behaviour
- Intimidation
- Shouting that is demeaning (as opposed to functional) and include references to performance.
- Blocking promotion



Definition of Harassment



Personal Relationships

Personal Relationships

The BCU is an equal opportunities employer and, as such, recognises that potential difficulties can arise when personal relationships overlap with professional ones. The BCU's business must be seen to be conducted in a fair and equitable manner, and possible conflicts of interest in relation to the BCU's business or working relations (internal and external) identified and eliminated.

The BCU considers that staff with a coaching, teaching or pastoral relationship with paddlers or team members are in a position of power and professional responsibility and should not abuse or take advantage of that power. The BCU regards it as un-professional for a member of staff and ill advised for a paddler or team member to actively seek a relationship that may be viewed as presenting conflict of interest, particularly with regard to colleagues and athletes.

Where a personal relationship exists or develops between a member of staff/coach and paddler or team member for whom the member of staff has an assessment, supervising, tutoring, teaching and or pastoral role it is the responsibility of the member of staff to disclose the existence of the relationship to their immediate line manager, supervisor or senior officer. The relevant manager will then consider the appropriate action necessary to protect the integrity of all concerned.

Coaches/Staff who have such a responsibility must not be involved in decisions on appointment, promotions or other processes. Where a personal relationship exists or develops between coaches / members of staff who are peers and there is an adverse effect on others then the BCU will take appropriate action to resolve the situation. Failure by a member of staff or positioned volunteer to disclose such a relationship may result in the BCU's disciplinary procedures being invoked.

The BCU also recognises that relationships may develop or already exist before a member of staff is appointed or team member is appointed. In these circumstances the relationship should be disclosed and the relevant manager or supervisor will need to take appropriate action to ensure that the integrity of all is maintained.

The BCU takes the view that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sports public image. Such relationships tend to be exploitative because there is usually disparity between coaches and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, the BCU

takes the view that such relationships should be avoided at all levels.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to contact the BCU's Child Protection and Harassment Officer if he/she feels harassed.

The law is always the minimum standard for behaviour within the BCU and therefore sex with a minor, of either the same or the opposite sex is a criminal offence. (ref- Home Office Pamphlet - Caring for Young People and the Vulnerable).

The BCU and Personal freedoms

It is not the intention of the BCU to infringe personal freedoms nor to intrude on the privacy of individuals.

The BCU will not seek to influence whether or not such personal relationships continue.

However the BCU has a statutory obligation to safeguard the health, safety and welfare of all those affected by the BCU's operations and activities.

Therefore it will take those steps necessary to satisfy these responsibilities.

Where it is determined that action should be taken by the BCU against a Coach, it may be that they are required to give up their position with the athlete, club or team.

Non Harassment

Jokes and behaviour which are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction and friendship, and which is consensual or invited, is not sexual harassment. However, it is important to recognise that some people may accept or put up with behaviour they may find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

As part of their right to freedom from harassment, British Canoe Union members and employees are protected from reprisal or threat of reprisal. Reprisal may include situations in which a member or employee is:

- denied or threatened with denial of promotional, advancement, training, or other related opportunities or benefits (e.g. team selection etc.);

- disciplined or threatened with disciplinary action; dismissed or threatened with dismissal. On the sole basis of:
 - rejecting the sexual advances of a person in authority who could or who could be perceived to have influence over canoeing-related decisions affecting the member or employee;
 - having made a complaint of harassment.
- Reprisal may also include situations involving other member(s) or co-worker(s) who, because the member or employee has made a complaint of harassment, continue or escalate the harassment, ostracise or isolate the member or employee, and/or engage in any behaviour with the intent to intimidate, threaten, humiliate, hurt or adversely affect the performance or working conditions of the member or employee.

Procedure

The British Canoe Union is committed to creating and maintaining a supportive sport environment free of all forms of harassment.

Board/committee members, affiliated clubs, staff, coaches, managers, officials and employees of the BCU are responsible for preventing and discouraging harassment by:

- understanding and upholding the principles of this policy;
- not engaging in behaviour contrary to this policy and ensuring that all members and employees are treated fairly and equitably; communicating the Union's objectives to create and maintain a harassment-free sport;
- not allowing or condoning behaviour contrary to this policy;
- taking all complaints or harassment seriously by investigating complaints in a thorough and sensitive manner and taking prompt action to resolve the situation in accordance with procedures outlined in the complaints procedure.

All members and employees of the British Canoe Union have responsibility not to harass any other member or employee. Members or employees who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and/or to report the incident(s) in accordance with the following complaint procedures. Members or employees who witness harassment or who become aware that a member or employee is being harassed are encouraged to report the incident in accordance with the complaint procedure which follows.

Complaint Procedure

Members or employees who experience harassment are encouraged to make it known to the harasser that their

behaviour is offensive and contrary to British Canoe Union policy. If confronting the harasser is not possible or if after confronting the harasser the harassment continues, report the incident to:

- the BCU Child Protection and Harassment Officer or to any appointed employed or volunteer welfare representative, and or
- the Chief Executive of the British Canoe Union.

If this avenue is either unavailable or inappropriate, complaints may be made to:

- any chair of any British Canoe Union Management Committee;
- any member of the British Canoe Union's Board of Directors;
- any British Canoe Union coach, official, manager or staff member.

Members or employees are encouraged to report incidents of harassment. Incidents brought to the attention of the BCU will receive the full support of the BCU. Support will be provided through the BCU Child Protection and Harassment Officer.

Members or employees who are accused under the above will receive support from the BCU via an independent officer. Complaints will be addressed in a sensitive, responsible, confidential and timely manner.

Formal complaint investigation and resolution

The above complaints procedure sets out a number of avenues for reporting incidents of harassment. Once a complaint is reported immediate action must be taken as follows:

- the complaint must be documented and immediately forwarded to the Chief Executive, who must inform the Board of the complaint as quickly as possible.
- the Board must immediately appoint, as per the Disciplinary Procedures and as set out in the BCU's Articles of Association, a tribunal or investigator to investigate the incident(s);
- the complaint must be documented and immediately forwarded to the chair of the tribunal;
- the Chief Executive must ensure that an investigation is initiated.

Every effort will be made to avoid the use of the formal disciplinary measures outlined in these procedures where problems can be resolved by informal discussion.

All formal complaints of harassment must be investigated by the appointed tribunal to determine the nature and circumstances of the incident(s) and to determine appropriate resolution.



Procedure



Procedures for dealing with harassment complaints

Complaints and notes of investigation(s) will be centrally stored in a locked cabinet in the office of the Chief Executive to maintain confidentiality.

The report from the Tribunal will be reported to the Board. The BCU will consult with legal counsel if deemed appropriate.

The Chief Executive or an appointed deputy will provide a written response to the complainant and alleged harasser on the action to be taken as a result of the investigation. Every effort will be made to avoid publicising facts that may be prejudicial to the persons involved.

Disciplinary Action

The following factors will be considered in recommending disciplinary action:

- frequency of the harassment
- past disciplinary record and mitigating circumstances
- nature of the harassment (verbal or physical)
- degree of aggressiveness and physical contact
- whether or not coercion occurred.

Action that may result from a disciplinary hearing should harassment be proven might be: counselling, education, fine, suspension, dismissal. Any validated recurrence of harassment, is grounds for disciplinary action up to and including a life time ban from membership of the BCU and termination of employment in the case of employees.

The BCU will take similar action if any member or employee is found to have made false, vexatious or frivolous charges of harassment, or malicious allegations of harassment.

BCU procedures for dealing with harassment complaints

The following procedures have been devised to guide anyone involved, at any stage, in a harassment complaint.

Helping you decide

1. If you feel harassed as a result of an incident or a series of incidents you may need help. You need to decide who is the most appropriate person to approach. You may consider the following:-
 - BCU Chief Executive
 - BCU Child Protection and Harassment Officer(s)
 - Identified BCU Officers (CDO's / PDO's / Nominated World Class Performance Staff)
 - Identified Club Officer(s)

Specific details can be obtained from either the BCU Office Nottingham or the officers of SCA, WCA and CANI

2. These people will treat any matters you raise in confidence so far as is consistent with legal

responsibilities. Based on their advice you may consider your options.

3. In considering these options you need to decide if you wish to take an informal or formal route. You need to consider whether this involves external agencies. You need to take into account that if a formal process is invoked, this will take its full course. Formal action will mean that other parties may need to be involved in the process.
4. If a complaint is made against you, you may wish to seek advice from a BCU appointed Coach Advisor. **Specific details can be obtained from the BCU Office Nottingham.** All parties involved in this process should use their best endeavours to resolve matters at an early stage, in confidence, and without using formal methods if at all possible.

Informal Procedures - options

5. Resolve through discussion with the alleged harasser

In the great majority of areas problems may be resolved by simply discussing the matter with the person whose behaviour is the subject of complaint. If possible this should be a personal face to face meeting. It is better to avoid writing to the individual at this stage. If you prefer to write a letter you are advised to avoid e-mail and other less personal forms of communication. Any form of communication must be marked "strictly private and confidential open addressee only". It is strongly recommended that you seek advice before putting anything in writing to the person. You should keep your own record of incident [s].

6. Resolving with assistance from adviser

An adviser [as outlined in paragraph 1] can help you with advice and support and may represent your views to the person causing you distress. This process will be in line with paragraphs 4 and 5 and carried out on your behalf

7. Resolving through mediation with appropriate Manager

If you are a BCU employee an appropriate manager is likely to be your line manager who may mediate between you and the person causing you distress. This will not involve other parties. Any written records and discussion will be kept confidential to the parties involved. If the manager believes the matter cannot be resolved by mediation, they will discuss this with you and advise you of alternative options.

Formal Procedures

8. If the matter has not been resolved to your satisfaction you decide to follow formal procedures. Your decision should be based upon the seriousness

of the incident[s]. Whilst respecting the rights of individuals to bring complaints based on their perceptions, the BCU will ensure that unfounded complaints are dismissed in such a manner as not to disadvantage the alleged offender. It will also make every attempt to protect the personal and professional reputations of all parties involved.

9. BCU Disciplinary Procedures

Once a formal complaint has been registered the complaint will be investigated and heard as per the BCU's Disciplinary procedures. If the complaint is found to be malicious, consideration will be given to further action, which may include disciplinary action.

10. When a formal complaint is made all parties should note the following arrangements:-

1. The alleged victim should put the formal complaint in writing. The complaint should be addressed to the BCU's Chief Executive.
2. The Chief Executive will ask the BCU's Child Protection and Harassment Officer to
 - Inform the alleged harasser of the complaint and copy the written document.
 - Appoint an independent investigator who will be of a grade at least equivalent to the higher grade of the parties involved.
 - Establish the existence or otherwise of prima facie evidence.
3. If prima facie evidence established, appoint a panel to hear the evidence and make its recommendations to the board. The investigation should be completed within 42 working days of notification of the incident[s] and the outcome should be informed to all parties within 10 working days. The timescale in these procedures may be modified by mutual consent.
4. It may be desirable to separate the two parties during an investigation and/or to make alternative arrangements for communication channels and line management reporting. This will depend upon the circumstances of each case.

11. Principles of the investigation include:-

1. Confidentiality must be maintained so far as is consistent with progressing the complaint.
2. Concentration on the incident[s] in question and the relevant witnesses to the case.
3. A 'character' witness[es] for either party should not normally be used except in extreme circumstances.
4. In the absence of witnesses the investigation must proceed on the basis of whether the complaint is to be upheld according to the balance of such evidence as is available. This may involve an assessment of whether a complaint is plausible.

12. Process of Investigation

1. Advise the parties of their rights which include a speedy, full and fair investigation together with the right of representation and confidentiality throughout the enquiry.
2. Advise all those involved, whether managers, complainants, alleged offender[s] or witnesses that they should understand that the complaint should not be discussed openly.
3. Advise all those involved on the processes including existence of witnesses.
4. Interview the alleged victim, alleged offender and any witnesses named by either party. It may be necessary to resolve any discrepancies by repeated interviews.
5. The Investigator must provide a written report which is copied to the appropriate manager, the alleged victim and alleged harasser.
6. The appropriate manager will convene separate meetings to discuss outcomes with the parties concerned.

13. Outcomes

1. If the complaint is unsubstantiated there will need to be a written record exonerating the alleged harasser. In order to protect the personal and professional reputations of those involved, these will be copied to all parties previously involved, including witnesses, on a confidential basis. The written record may include a determination of the events in question.
2. If the complaint is substantiated consideration will be given to further action which may include disciplinary action against the offender.
3. Either party may wish to seek counselling at this stage.

Full details of the BCU's Disciplinary Procedures are available from the BCU office in Nottingham or from your own National Association Office.

14. Records

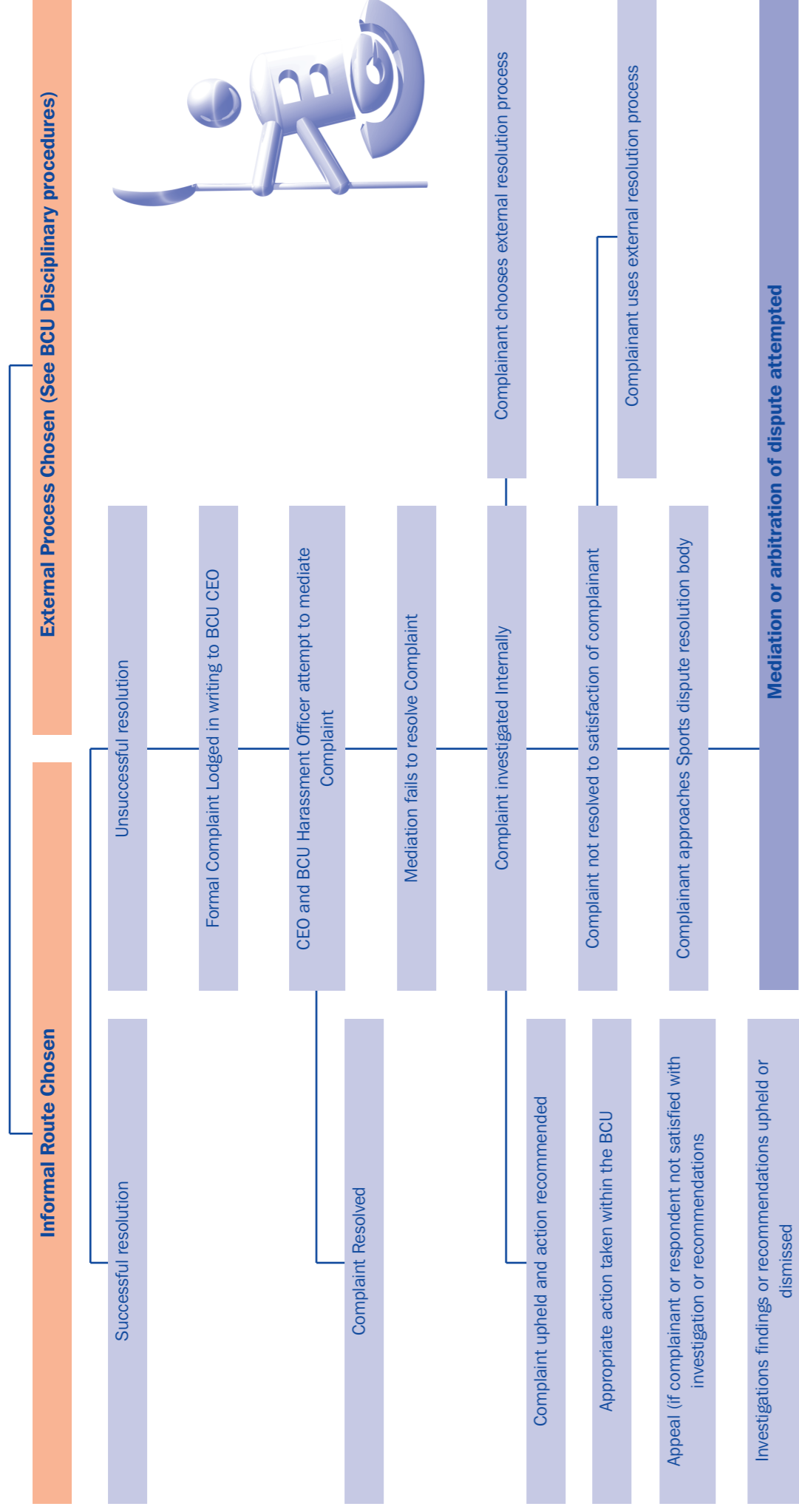
1. Where a complaint is substantiated the record will be held, confidentially and securely either on the offender's personal file or member records.
2. Where a complaint is found to be malicious the record will be held on the complainant's personal file or member record.
3. Where a complaint is unsubstantiated the outcome document will be held on both the alleged harasser and the complainants personal file / member record.



Dealing with harassment complaints

Complaints: The Internal process

Initial approach to; BCU harassment Officer / appointed employed or volunteer welfare rep



British Canoe Union
 18 Market Place
 Bingham
 Nottingham
 NG13 8AP
 Tel: 0845 370 9512
 Fax: 0845 370 9501
 Website: www.bcu.org.uk

© BCU 2002

This document is the copyright of the British Canoe Union. All rights are reserved. No part of this publication may be reproduced, stored in any form or by means electronic, mechanical, film or otherwise without the prior permission of the copyright owner. Update and upgrade material is protected on the same basis.