



Anti-bullying/anti-harassment policy

*Presented by ScotDance Canada
Risk Management*

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Anti-bullying/anti-harassment Policy Preamble:

When a culture of goodness breeds a culture of silence

A culture of goodness reflects work driven by making a difference instead of making a profit; working for a cause greater than oneself. It assumes ideal values of justice, compassion, equality, trust, selflessness, generosity, integrity and gratitude.

Embedded in this framework are implied codes of conduct that can foster expectations of passivity and acceptance, including “turning the other cheek”, endless empathy for wrongdoing, conflict avoidance and lack of accountability.

A culture of silence exists when “keeping the peace” has a higher value than surfacing the truth, holding others accountable for misbehavior and repairing the damage done to the individuals and the workplace that are under attack. The culture of silence creates a fundamental barrier to reporting harassment.

Donors, Boards and volunteers: Sometimes helpers hurt

“He’s harmless”, “He/She probably didn’t know the behaviour was inappropriate”.

Often there is at least one board member with a hostile or bullying approach. Non-profit leadership and employees rarely feel empowered to confront these members and unless other Board members do so, these individuals undermine the work of the Board and the organization. In some instances, valued Board members or other employees leave due to the behaviour of one Board member.

Volunteers can also create challenges

The culture of silence is often reinforced by the need to protect funding/ influential connections, not to hurt the offender’s feelings being intimidated by others within the offenders ‘circle of friends’, or in general wanting to ‘keep the peace’. This challenge is inherent in the realities of non-profits where goals and the needs of the organization are in conflict with the protection of employees, volunteers and its members from harassment.

Conclusion

ScotDance Canada has developed this Policy in order to ensure that all of its dancers and members can participate in a safe and healthy environment free from bullying and harassment, and to ensure that all people are treated with respect without being exposed to bullying or harassment.



ScotDance Canada Anti-Bullying/Anti-Harassment Policy

ScotDance Canada does not tolerate bullying or harassment. All members and contracted employees are prohibited from bullying or harassing anyone. ScotDance Canada believes that its environment should at all times be supportive of the dignity and self-esteem of individuals based on mutual respect, honesty and trust, and that all individuals are to be treated with respect and fairness at all times. In this Policy we will use the word “bullying” to encompass both bullying and harassing behaviour.

Definition of Bullying:

- conduct that is unwelcome by others, including other dancers, teaching professionals, judging professionals, competition organizers, contracted employees and volunteers. This includes conduct which a person knows, or ought reasonably to know, is unwelcome to the recipient.

Unwanted physical contact, verbal abuse and threats, neglect, and unwelcome remarks including jokes, innuendo, or taunting (in verbal, written or digital form) about a person’s body, race, gender identity, attire, sexual orientation, or religion are all forms of bullying. Other examples of bullying may include but are not limited to:

- personally picking on a person in front of others, or in private
- non-constructive criticism addressed in such a way as to belittle another person’s abilities and achievements, intimidate, undermine confidence, or implies incompetence
- physical violence such as hitting, pushing, spitting or cruel practical jokes towards another person
- interfering with another person’s property, such as by stealing, hiding or damaging it
- using abusive or foul language and/or intimidating behaviour including gestures and comments and use of offensive names when addressing another person
- making rude, derogatory or offensive remarks, teasing or spreading rumours about another person or his/her family
- writing offensive notes or graffiti about another person
- unreasonably excluding another person from a group activity
- ridiculing another person’s appearance, way of speaking, or mannerisms
- parent/guardian telling their child that they are incompetent, hopeless, useless, etc.
- cyber bullying: misusing technology to hurt, intimidate, embarrass, and/or humiliate another person

- Sexting: the sending of messages that include unwanted sexual remarks and/or photos/videos of a sexual nature
- Hazing: any initiation practice that may humiliate, degrade, demean, and/or disgrace a person regardless of location or consent of participants
- repeated behaviour which a person has previously objected to
- any unwanted sexual remark or physical contact

Bullying can occur either through a single incident, or through a series of incidents. Bullying may occur even if the individual involved does not intend his/her conduct to be bullying. Bullying does not include the exercise of authority related to safety, the provision of advice, assignment of work or coaching/teaching, discipline or other similar supervisory functions undertaken for legitimate coaching/teaching purposes. Minor verbal disagreements, personality differences and consensual banter among equals do not normally constitute bullying. ScotDance Canada recognizes that not all incidents of bullying are equally serious in their consequences. Bullying covers a wide spectrum of behaviours, and the response must be equally broad in range, and appropriate to the behaviour in question.

Definition of harassment:

Essentially, the definition of harassment means that **more than one act or event is needed** in order to constitute harassment and that taken individually, this act or event need not constitute harassment. It is the repetition that generates the harassment. In other words, harassment consists of repeated and persistent behaviours towards an individual to torment, undermine, frustrate or provoke a reaction from that person. It is a behaviour that with persistence, pressures, frightens, intimidates or incapacitates another person. Each behaviour viewed individually may seem inoffensive; it is the synergy and repetitive characteristic of the behaviours that produce harmful effects.

Harassment is normally a series of incidents but can be one severe incident which has a significant and lasting impact on the individual.

What criteria have to be met to establish whether there was bullying/harassment?

Harassment is serious. To substantiate harassment allegations, it must be demonstrated that, according to the balance of probability:

- the respondent displayed an **improper and offensive conduct** including objectionable acts, comments or displays, or acts of intimidation or threats, or acts, comments or displays in relation to a prohibited ground of discrimination under the *Canadian Human Rights Act(1)*;
- the behaviour was **directed at** the complainant;
- the complainant was **offended or harmed**, including the feeling of being demeaned, belittled, personally humiliated or embarrassed, intimidated or threatened;
- the respondent **knew or reasonably ought to have known** that such behaviour would cause offence or harm;

- the behaviour occurred in the **workplace** or at any **location or any event related to work**, including while on travel status, at a conference where attendance is sponsored by the employer, at employer sponsored training activities/information sessions and at employer sponsored events, including social events; and
- there was a **series of incidents or one severe incident** which had a lasting impact on the individual. Note that in the case of sexual harassment particularly, a single incident may be viewed to be more significant in circumstances when your relationship at work is one where the respondent has influence or power over you with regard to career advancement, performance review, absenteeism, day to day management of activities, work assignments and the carrying out of progressive disciplinary measures.

In order to make a finding of harassment, **each** of the above elements must be present. If even one of these elements cannot be proven, there will not likely be a finding of harassment.

Examples of what constitutes harassment when repeated or one single severe event:

- preventing a person from expressing himself or herself: yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
- unwanted sexual advances which may or may not be accompanied by threats or explicit or implicit promises.
- making rude, degrading or offensive remarks.
- making gestures that seek to intimidate.
- engaging in reprisals for having made a complaint under this Policy.
- discrediting the person by spreading malicious gossip or rumours, ridiculing him/her, humiliating him/her, calling into question his/her convictions or his/her private life, shouting abuse at him/her.
- compelling the person to perform tasks that are inferior to his/her competencies that demean or belittle him/her, setting the person up for failure, name calling in private or in front of others.
- isolating the person by no longer talking to him or her, denying or ignoring his or her presence, distancing him or her from others.
- destabilizing the person by making fun of his or her beliefs, values, political and/or religious choices, and mocking his or her weak points.
- harassing a person based on a prohibited ground of discrimination (as described in *Canadian Human Rights Act(1)* and contained in the Policy)

Canadian Human Rights Act(1): <https://laws-lois.justice.gc.ca/eng/acts/H-6/>

The law:

Bullying or harassment that involves physical assault is against the law. Bullying that involves harassment or discrimination can be against the law under certain circumstances (e.g., racial and sexual harassment). Because bullying/harassment can contribute to psychological injury it may be covered under occupational health and safety legislation.

General Responsibilities within the ScotDance Canada community (to include contracted employees and volunteers):

General responsibility for all individuals is to maintain and enhance the dignity and self-esteem of its members and other individuals by:

- treating each other with the highest standards of respect and integrity
- focusing comments or criticism appropriately and avoiding public criticism of persons, coaches/teachers, officials/judges, organizers, volunteers, contracted employees, or members
- consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
- never engaging in bullying/harassment or encouraging others to do so
- acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
- consistently treating individuals fairly and reasonably
- ensuring adherence to the rules of the ScotDance Canada, rules of competition and the spirit of those rules

In addition to individual general responsibilities, the following will have additional responsibilities:

Professional members of ScotDance Canada

The teacher-dancer relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the dancer. Teachers must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously.

Professional members of ScotDance Canada are required to:

- ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes
- consider and foster a dancer's empathy, self-esteem, self-respect and respect for others
- demonstrate by leading by example the high standards of personal and social behaviour ScotDance Canada expects of its dancers and members

- keep informed about ScotDance Canada's activities, the Highland dancing community, and general trends in the sectors in which it operates
- have a thorough knowledge and understanding of all the governing documents as it relates to the business of ScotDance Canada
- discuss bullying with dancers so that every dancer learns about the damage it causes, and the importance of telling a coach/teacher, parent or competition organizer member about bullying when it happens
- be alert to signs of distress and other possible indications of bullying
- listen to dancers who claim to have been bullied, take what they say seriously and act to support and protect them
- deal with observed instances of bullying promptly, effectively, and in accordance with ScotDance Canada's child protection policies and procedures
- be independent, impartial, and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
- report suspected cases of bullying to the Office Bearers of ScotDance Canada in a timely manner
- respect the confidentiality appropriate to issues of a sensitive nature
- recognize the serious negative impact of all types of bullying on personal dignity, individual, and group development and performance, enjoyment of the competitive environment and personal safety
- contact the parent(s)/guardian(s) of the individuals involved to inform them of the incident and schedule a meeting for discussion
- begin the process of investigation and resolution of any complaint of alleged bullying. The process must be fair to all parties.
- Recognize that not all incidents of bullying are equally serious in their consequences; response to bullying must be equally broad in range, appropriate to the behaviour in question and capable of providing a constructive remedy.
- For more serious incidents, refer the incident to the Office Bearers of ScotDance Canada to review complaints or incidents in a timely, sensitive, responsible and confidential manner according to the complaint process as set out by ScotDance Canada's bylaws.

Dancers are required to:

- refrain from engaging in any kind of bullying
- conduct themselves within the parameters of the Policy, and to contribute towards the maintenance of a respectful environment free of bullying
- intervene to help support any dancer who is being bullied unless it is unsafe to do so
- report to a member of ScotDance Canada in a timely manner (Office Bearer, Independent Member, Director, coach/teacher, competition organizer, volunteer), any witnessed or suspected instances of bullying

Parents/Guardians are expected to:

- encourage dancers to compete within the rules and to resolve conflicts without resorting to bullying, hostility or violence
- never ridicule a participant for making a mistake during a performance or practice
- provide positive comments that motivate and encourage participants' continued effort
- respect the decisions and judgments of officials, and encourage dancers to do the same
- support all efforts to remove verbal and physical abuse, coercion, intimidation and sarcasm
- watch for signs of distress or unusual behaviour in their children, which might be evidence of bullying
- watch for signs that their children may be engaging in bullying behaviour
- speak to their children about not engaging in bullying activity and proactively address any potential bullying behaviour that their children may be engaging in
- advise their children to report any bullying to the coach/teacher, Office Bearer, Independent Member, Director, competition organizer or volunteer and explain the implications of not addressing the bullying on themselves or other dancers in the Highland dancing community
- advise their children not to retaliate violently to any forms of bullying
- be sympathetic and supportive towards their children, and reassure them that appropriate action will be taken to address bullying
- cooperate fully and encourage their children to cooperate fully in any bullying investigation
- keep a written record of any reported instances of bullying

Signs that a person is being bullied/harassed:

A person, especially a child, may not always ask for support when being bullied/harassed. They may feel afraid, ashamed or embarrassed and that the person they tell will think they are weak. Victims of bullying/harassment may think that they deserve to be bullied or are 'tattling' by telling someone what is happening to them.

Possible signs that a person may be being bullied/harassed:

- finds excuses for not wanting to attend practices or events (e.g. feeling sick, has an injury, has too much work to do) or talking about hating their activity
- wants to be driven to practices or events instead of walking
- regularly the last one picked for team or group activities
- alienated from social or shared activities
- has bruising or other injuries
- becomes uncharacteristically nervous, worried, shy or withdrawn
- clothing or personal possessions are missing or are damaged
- repeatedly 'loses' money or possessions
- suddenly prone to lashing out at people either physically or verbally

The effects of bullying/harassment:

People that bully may:

- pick a victim randomly, or carefully choose their victim
- find that they get what they want by bullying (power, acceptance, admiration)
- have been bullied themselves
- be arrogant, aggressive or impulsive
- enjoy having power over others
- enjoy doing it and not care that they cause their victim distress
- believe that some people deserve to be bullied
- have been influenced by aggressive 'models' (at home, in real life or in television or the movies)
- perceive their behaviour as justified or 'pay-back' for some treatment they have received
- Any person can be bullied/harassed. Sometimes people who are popular, smarter, more attractive or possess obvious athletic ability are victims of bullying/harassment.

People can also be subject to bullying/harassment if they:

- have not had experience standing up for themselves against bullies
- lack assertiveness, resilience and the social skills required to protect themselves against bullies
- struggle academically or in terms of athletic ability
- appear stressed, anxious or easily hurt or upset
- look different or are different
- have a disability or illness
- lack confidence or are shy
- have been overprotected at home

How to proceed if you are being bullied:

- If it is possible, tell the bully that their behaviour is unwelcome and ask them to stop.
- Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to make a complaint, but a record can strengthen your case and help you remember details over time.
- Make a complaint. If, after asking the bully to stop their behaviour, the bullying continues, report the problem to:

a) Office Bearers of ScotDance Canada, or

b) Provincial Human Rights Commission to make a complaint of bullying/harassment that is based on any of the grounds protected from discrimination under that provincial Human Rights Act (the protected grounds are: race, religious beliefs, colour, gender,

gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation), or
c) Local police department

If you are the target of Bullying/Harassing Behaviour:

Anyone who is the target of bullying, or his/her parents, is encouraged to report the bullying in a timely manner and not to suffer in silence. Speaking out and reporting bullying ensures that ScotDance Canada can appropriately address the bullying and may help prevent other dancers from future bullying. Retaliatory conduct against any person that has accessed this Policy in good faith will be dealt with seriously as a separate actionable matter under this Policy.

Retaliatory conduct is any conduct directed towards an individual because that individual:

- has invoked the Policy in good faith, whether on his/her own behalf or on another person's behalf
- has participated in, or cooperated with, any process or procedure set out in this Policy, or has associated with another person or member under the umbrella of ScotDance Canada who has invoked this Policy or has participated in any of its processes or procedures.

Retaliatory conduct by the target of the bullying (or their parent/guardian) against the alleged bully (or their parent/guardian) will be dealt with as a separate actionable matter under this Policy. Unfounded false, malicious, or frivolous claims made by the alleged target of the bullying (or their parent/guardian), or the alleged perpetrator (or their parent/guardian) will be dealt with as a separate actionable matter under this Policy. ScotDance Canada's response to bullying where ScotDance Canada becomes aware of the bullying, ScotDance Canada will take all reasonable steps to bring the bullying to an immediate end.

Recommended action if ScotDance Canada decides it is appropriate to deal with the situation:

Upon receipt of a complaint, the Office Bearers of ScotDance Canada has the discretion to choose which process should be followed:

Process #1:

The Office Bearers of ScotDance Canada will review the submissions related to the complaint or incident and determine if the complaint or incident should be forwarded to a higher governing body within the Highland dancing community should the complaint be against a coach/teacher or judge (Examining Body of the RSBOHD or the RSOBHD) or for the complainant to contact local law enforcement.

Process #2:

Following the determination that the complaint or incident should be handled internally by ScotDance Canada, the Office Bearers will oversee the management and administration of the complaint or incident in accordance with its risk management policies.

ScotDance Canada Internal bullying/harassment complaint process:

- Once an internal complaint is received by ScotDance Canada, it will be kept strictly confidential. Appropriate action will be undertaken immediately to deal with the allegations. Action taken may include referring to a higher governing body (Examining Body of the RSOBHD or the RSOBHD) or advise the complainant to contact local law enforcement.
- The Officer Bearers of ScotDance Canada will interview the complainant as well as the alleged bully/harasser and any individuals who may be able to provide relevant information related to your allegations. All information collected will be kept in confidence.
- If appropriate, ScotDance Canada will attempt to resolve the complaint by working with all parties concerned. If this is not successful, ScotDance Canada may defer to an Examining Body of the RSOBHD, the RSOBHD or advise the complainant to contact local law enforcement to intervene.
- If the investigation reveals evidence to support the complaint of bullying/harassment and does not involve any criminal activity, the bully/harasser may be deferred to an Examining Body of the RSOBHD or the RSOBHD for recommendation of disciplinary action (in the case of the bully/harasser being a member of an Examining Body/RSOBHD). Discipline may include suspension or dismissal, and the incident will be documented in the bully's/harasser's file. No documentation will be placed on the

complainant's file when the complaint has been made in good faith, whether or not there was a finding of bullying/harassment.

- If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged bully/harasser.
- Regardless of the outcome of a bullying/harassment complaint made in good faith, the individual lodging the complaint as well as anyone providing information will be protected from any form of retaliation by either colleagues or individuals holding Executive status within ScotDance Canada. This includes suspension of membership, termination of membership, denial of employment or other opportunities within ScotDance Canada or harassment for having made a complaint or having provided evidence regarding the complaint.

Membership review /expulsion:

- Records of all decisions will be maintained by ScotDance Canada.
- ScotDance Canada may suspend a membership (registered dancer/member professional/competition organizer) in the event of a single or repeated bullying incident that is determined to be serious and extreme in nature, both during and after the investigation period.
- ScotDance Canada may refer a bullying/harassment incident to law enforcement and/or the governing body for professionals (Examining Body of the RSOBHD or the RSOBHD) as necessary and/or as required by law.
- ScotDance Canada may suspend or terminate membership in the event of non-compliance with ScotDance Canada's Office Bearers' determined consequences for a bullying/harassment event.

Suspension Pending a Hearing:

ScotDance Canada may determine that an alleged incident is of such seriousness as to warrant suspension of membership and/or participation at its sanctioned events for any individual member (dancer, professional, competition organizer) or non-member contracted employee or volunteer pending completion of a criminal process, the hearing, or a decision of ScotDance Canada's Office Bearers by way of the complaint process review.

Confidentiality:

ScotDance Canada will endeavor to keep complaints filed under this Policy as confidential as is reasonably possible, however, disclosure of certain information or evidence may be required to investigate and/or process a complaint. In some instances, disclosure to other persons or agencies of this existence of a complaint or of information or evidence pertaining to that complaint may be permitted or even required by law.

After the Incident:

After the incident(s) have been investigated and dealt with, each case will be monitored to ensure repeated bullying/harassment does not take place. Both the perpetrator(s) and complainant(s) may be provided with an agreed upon “mentor” who will help them with any follow up and any emotional challenges as a result of the bullying incident(s). ScotDance Canada may recommend counseling for both parties in lieu of providing a “mentor”, i.e. the perpetrator(s) of the bullying and the complainant(s).

Additional resources for support if you have been bullied/harassed:

Kids Help Phone: www.kidshelpphone.ca 1-800-668-6868

Bullying Canada: www.bullyingcanada.ca 1-877-352-4497

PREVNet: www.prevnet.ca 1-866-372-2495

Government of Canada: www.publicsafety.gc.ca

Disclosure:

It is the responsibility of an Office Bearer, Independent Member, Director, or member (professional Highland dancing teacher, dancer, competition organizer) to take immediate and appropriate action to report or deal with incidents of bullying/harassment of any type, whether brought to their attention or personally observed. Under no circumstances should a complaint be dismissed or downplayed, nor should the complainant be told to deal with it personally. ScotDance Canada seeks to provide a safe, healthy and rewarding work environment for its members.

All individuals participating at ScotDance Canada sanctioned events must acknowledge that they have read and understood the anti-bullying/anti-harassment policy. Participants include dancers, parent(s)/guardian(s), professional Highland dancing teachers, volunteers, competition organizers, judges and pipers.

Bullying/harassment will not be tolerated within the Highland dancing community under the jurisdiction of ScotDance Canada. If you feel that you are being bullied/harassed, please contact us at:

secretary@scotdancecanada.ca