



EQUITY and ACCESSIBILITY POLICY

Policy Statement

1. The Canadian Yachting Association is committed to the Canadian society it serves, and aspires to reflect the rich diversity of the Nation. The CYA recognizes the value and contributions of all individuals including men, women, aboriginal peoples, persons with disabilities and members of visible minorities
2. It is the policy of CYA to provide a work and sporting environment where all aspects of the sport of sailing are accessible for all Canadians. The CYA recognizes that every employee and member is entitled to a climate free of discrimination from gender, racial or cultural background and physical or intellectual disabilities;
3. CYA upholds workplace equity as defined by the Employment Equity Act which outlines provisions for special measures and for the accommodation of differences to achieve equal access to employment opportunities and benefits.
4. A person who has the authority to prevent or discourage discrimination of any kind may be considered responsible for failing to exercise his/her authority to do so, and consequently be subject to such disciplinary actions as may be deemed appropriate by CYA.
5. CYA will make every effort to ensure that no employee or member is subjected to any form of discrimination.
6. CYA will take such disciplinary action as it deems appropriate against any person under its direction who subjects any employee or member to discrimination.

Application

1. This policy applies to all employees as well as all directors, officers, volunteers, coaches, athletes, officials, judges and members of CYA. It applies to discrimination of designated groups which may occur during the course of all CYA business, activities and events.

Definitions

Aboriginal People Means persons who are Indians, Inuit or Métis;

Discrimination Means to make a difference in treatment or favour on a basis other than individual merit; that no person shall be denied employment opportunities or other social benefits for reasons unrelated to ability;

Designated Groups Means women, aboriginal peoples, persons with disabilities and members of visible minorities;

Employment Equity Means to correct the conditions of disadvantage experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to

the principle that equity means more than treating persons in the same way but also requires special measures and the accommodation of differences;

Members of Visible Minorities Means persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour;

Persons with Disabilities Means persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who

(a) consider themselves to be disadvantaged in employment by reason of that impairment, or

(b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment,

and includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace;

Confidentiality

1. The privacy and confidentiality of all persons will always be respected and upheld. CYA recognizes the interests of both the complainant and the respondent in keeping any related matter confidential.
2. CYA will not disclose the name of any persons involved in a claim against equity or accessibility, or the circumstance related to the situation to any person except where disclosure is necessary for the purpose of investigating the claim and /or taking disciplinary action.

Roles and responsibilities

1. Principle:

The ultimate responsibility for dealing with an equity or accessibility claim rests with the Board of Directors.

2. Management will:

- a) inform any person under its direction of the CYA Equity and Accessibility Policy;
- b) provide clarification of what constitutes discrimination of designated groups as defined by the policy;
- c) inform any person under its direction of procedures for handling complaints;
- d) initiate action without waiting for an individual complaint when discriminatory behaviour is known to be taking place. To do otherwise will constitute misconduct on the part of the supervisor and
- e) upon receipt of a formal complaint;

- inform the President and the Executive Director (the President of CYA if the matter involves the Executive Director)
 - inform the alleged discriminator, supervisor, complainant and the President, in writing as to what action or investigation is to take place;
 - inform the complainant, the alleged discriminator and the President of the outcome of any action or investigation, in writing.
3. Executive Director will:
- a) Provide informal advice or guidance to employees, supervisors and coaches as required or requested on matters of discrimination of designated groups.
 - b) Assist supervisors in any investigation of formal complaints.

Complaint Procedure

1. A person who experiences discrimination is encouraged to make it known to the discriminator that the behaviour is offensive, and contrary to this policy.
2. If confronting the discriminator is not possible, or if after confronting the discriminator the issue is not resolved within 7 days, the complainant should request a meeting with the next high authority or official.
3. Once contacted by a complainant the role of the official is to serve in a neutral unbiased capacity in receiving complaints and assisting their informal resolution. If the official considers that he or she is unable to act in this capacity, the complainant shall be referred to another official immediately.
4. There are three possible outcomes to this meeting of complainant and official:
 - It may be determined that the conduct does not constitute discrimination as defined in this policy, in which case the matter will be closed;
 - The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint; or
 - The complainant may decide to lay a formal written complaint. The written complaint must be submitted with the original signature of the complainant. No electronically produced complaint will be accepted. All documented complaints will be treated as highly confidential to protect all parties involved. The official shall receive the written complaint, provide a copy to the respondent, who shall be given an opportunity to respond in writing within 7days.
5. Once the respondent's statement is received, the official shall immediately provide copies of both written statements to the President of CYA. Within 7 days of receiving the written statements, the President shall appoint three members of CYA to serve as a Panel. This Panel shall consist of at least one woman and at least one man, and shall include one individual who is knowledgeable and familiar with discrimination issues.

Hearing

1. As soon as possible but in any event within 14 days of being appointed, the 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 10 days written notice of the day, time and place of the hearing;
 - Members of the Panel shall select from among themselves a Chairperson;
 - A quorum shall be all three Panel members;
 - Decisions shall be by majority vote. If a majority vote decision is not possible, the vote of the Chairperson shall be the decision of the Panel;
 - 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 shall be dismissed. If the respondent does not appear, the hearing shall proceed.
 - The complainant and respondent may be accompanied by a representative or adviser. Should the complainant and/or respondent choose to have legal counsel, they shall be responsible for any costs incurred.

2. As soon as possible but in any event within 14 days of the hearing, the Panel shall present its findings in a report to the President (or Executive Officer who appointed the Panel) with a copy provided to both the complainant and respondent. This report shall contain:
 - a summary of the relevant facts;
 - a determination as to whether the actions complained of constitute discrimination as defined in this policy;
 - if the actions constitute discrimination; recommend disciplinary action against the respondent and recommend measures to remedy or mitigate the harm or loss suffered by the complainant.

3. If the Panel determines that the allegations of discrimination are false, vexatious, retaliatory or frivolous, their report shall recommend disciplinary action against the complainant.

Discipline

1. When recommending appropriate disciplinary action, the Panel shall consider factors such as:
 - the nature and severity of the harassment
 - whether the harassment was an isolated incident or part of an ongoing pattern
 - whether the harasser had been involved in previous discrimination incidents
 - whether the discriminator admitted responsibility and expressed a willingness to change

2. In recommending disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the discrimination:
 - verbal apology
 - written apology
 - letter of reprimand from the organization
 - 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
 - expulsion from membership
 - any measure stated in the Code of Conduct.
3. Communication of the disciplinary findings and sanctions imposed by the Panel will be communicated in a written report to all parties involved within 7 days of the Panel decision.

Appeals

1. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel. A notice of intention to appeal, along with grounds for the appeal, must be provided within 14 days of the complainant or respondent receiving the Panel's report. It must be sent to the person identified in the internal dispute resolution process as defined below.
2. Permissible grounds for an appeal are:
 - a) the Panel did not follow the procedures laid out in this policy;
 - b) members of the Panel were influenced by bias; or
 - c) the Panel reached a decision which was grossly unfair or unreasonable.
3. Internal Dispute Resolution Process
 - a) When appealing a decision, the complainant or respondent also has an obligation to recognize the structure, responsibilities and authorities of the different committees within the CYA. As well, CYA committees must understand that their actions may be reviewed and changed by a higher authority.
 - b) Settlement of these disputes should be reached through an appeal procedure that conforms to the principles of fairness, justice and due process.
 - c) The appeal must be provided to the next high authority. The head of that authority shall either convene a meeting of his or her committee or a subcommittee of three or more members. The person whose decision is being appealed shall not be a member of the reviewing panel. It is

expected that an appeal should be decided within thirty days of receiving the written basis of the appeal.

d) The general process is as follows:

An appeal of an action by a member(s) of:	Appeal must be sent to:	Appeal will be reviewed by:
CYA Coaching and Administrative Staff	the VP of the appropriate Division	the appropriate standing Committee
a specific committee	CYA President	CYA Executive Committee
CYA Executive Committee	CYA President	CYA Board of Directors

e) The CYA Board of Directors is the final authority of the Canadian Yachting Association. The decision of the appeal body shall be final.

Review and Approval

1. This policy was approved by CYA's Executive Committee on November 29, 2007
2. Responsibility for the administration and update of this policy rests with the Executive Committee.