

Policy Title: HARASSMENT POLICY	Policy No: P- 10
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1. GOAL

- 1.1 To protect the members and employees of the Association
- 1.2 To provide a means for every member and employee of the Association to deal with all harassment issues.
- 1.3 To prevent harassment situations from occurring.
- 1.4 To reduce liability of the organization and its Board, staff and members through responsible policies procedures and implementation strategies.
- 1.5 To educate and train organization members and participants about harassment and, in particular, sexual harassment.

2. PRINCIPLES

- 2.1 Sport must be a positive experience for all involved. VNB accepts that:
 - harassment in sport is an issue of safety for all participants
 - sport must be a quality experience for all
 - harassment in any form diminishes the sport experience
 - harassment can mark a person's life long after their participation in sport has ended
 - excellence in sport is impossible within an environment marked by harassment.

3. FIELD OF APPLICATION

- 3.1 This policy applies to all employees as well as to all officers, volunteers, coaches, athletes, officials and members of Volleyball New Brunswick.
- 3.2 This policy applies to harassment which may occur during the course of all Volleyball New Brunswick business, activities, and events when such harassment adversely affects relationships within Volleyball New Brunswick's work and sport environment.

4. DEFINITIONS

- 4.1 **Harassment:** Defined as "a course of vexious comment or conduct that is known or ought reasonably to be known to be unwelcome" (Section 9(f)), interpretation from "A Guide to the Human Rights Code", 1981: "harassment is a course of comment or conduct consisting of words or actions that disparage or cause humiliation to a person in relation to one of the prohibited grounds." Sexual harassment has been described as:

- Gender harassment: generalized sexist remarks and behaviour. In sport, this would be comment or conduct consisting of words or actions that disparage or cause humiliation to a person in relation to one of the prohibited grounds.
- Seductive behavior that is viewed by another as an unwanted sexual advance.
- Sexual bribery - sexual advances made by a person who is able to grant or to deny a benefit to another; an advance from a supervisor to an employee, for example. In sport, this would be unwanted sexual advances by someone who is able to grant or to deny benefit (such as team membership) to another.
- Sexual coercion - coercion of sexual activity with threat of punishment or penalty. In sport, this could be, for example, the person who says, "if you don't sleep with me, I'll make sure you don't get an invitation to the national team training camp."
- Sexual imposition or assault - touching, grabbing, fondling, rape.

Harassment may include but not limited to:

- 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;
- sexual, racial, ethnic or religious graffiti;
- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation,;
- condescension, paternalism or patronizing behavior which undermines self-respect or adversely affects performance or working conditions;
- physical conduct such as touching, kissing, patting, pinching, etc.;
- vandalism;
- physical assault.

4.2 **Reprisal:** As part of their right to freedom from harassment, Volleyball New Brunswick employees and members are protected from reprisal or the threat of reprisal, whether this be done subtly or overtly or whether this is done in an implicit or explicit manner.

Reprisal may include situations in which a employee or member is:

- denied or threatened with denial or 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 Volleyball New Brunswick - related decisions affecting the employees or members;
- having made a complaint of harassment.

Reprisal may also include situations involving co-workers or co-participants who, because the individual worker or participant has made a complaint of harassment,

continue or escalate the harassment; ostracize or isolate the individual; and/or engage in any behaviour with the intent to intimidate, threaten, hurt or adversely affect the performance or working conditions of the individual.

- 4.3 **Harassment Officer:** A designate of Volleyball New Brunswick. The Harassment Officer is the first contact the Complainant may have with the Association.
- a) The role of the Harassment Officer is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to provide the link between the Complainant and the VNB Executive.
 - b) The Harassment Officer may assist with complaints at the request of the complainant or respondent, which may be resolved through informal procedures. The Harassment Officer will report to the VNB Executive all complaints of harassment and how they were resolved.
- 4.4 **Complainant:** Anyone who thinks, and makes it known that s/he has been subjected to the misconduct of an employee, director, volunteer, coach, athlete, official, and member of VNB during the course of VNB business, activities or events.
- 4.5 **Respondent:** The individual accused of the action(s) which the Complainant thinks, constitutes harassment.
- 4.6 **Harassment Panel:** An ad-hoc Committee that is formed to investigate and make recommendations in regards to harassment complaints. The panel must consist of at least one person of each gender and no member of the Panel can have a significant personal or professional relationship with either the complainant or the respondent. The three members of the Harassment Panel shall select from amongst themselves, a chairperson.

5. POLICY STATEMENT

- 5.1 It is the policy of Volleyball Canada that every employee and member of Volleyball New Brunswick can expect to be afforded a sport and work environment free of harassment and to be treated with respect and dignity. Volleyball New Brunswick will act quickly on any complaint of harassment with the goal of resolving the situation fairly and of preventing future occurrences.

6. PROVISIONS

6.1 Responsibility:

Board/committee members, affiliated groups, employees and members of Volleyball New Brunswick 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 are treated fairly and equitably;

- communicating the Volleyball New Brunswick objectives to create and maintain a harassment-free environment;
- not allowing or condoning behavior contrary to this policy;
- taking all complaints of 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 following sections.

The New Brunswick Human Rights Code provides that a person who has the authority to prevent or discourage harassment may be held responsible for failing to do so.

All Volleyball New Brunswick employees and members have a responsibility not to harass any other employee, member or participant. Individuals who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and/or report the incident(s) in accordance with the following complaint procedures. Workers and participants who witness harassment or who become aware that an individual is being harassed are encouraged to report the incident in accordance with the complaint procedure which follows.

Individuals are encouraged to report incidents of harassment. Individuals will receive the full support of Volleyball New Brunswick and all complaints will be addressed in a sensitive, responsible, respectful and timely manner. Individuals filing a complaint will be made aware of their rights under the New Brunswick Human Rights Commission and of the process and time frames of that Commission.

6.2 General Complaint Procedure:

- 6.2.1 The Executive shall appoint a Harassment Officer(s) whose duties include:
- a. initiation of regular review of the Harassment Policy basis to ensure the inclusion of the latest initiatives of the New Brunswick and Canadian Human Rights commissions.
 - b. counseling and recommending on matters related to harassment as well as investigating.
 - c. Establish a central registry to log all incidents of harassment to be kept in a confidential state.

- 6.2.2 Persons who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and contrary to the policy. If confronting the harasser is not possible, or if after confronting the harasser, the harassment continues, report the incident to the Harassment Officer of Volleyball New Brunswick.

Complaints may also be made directly to:

- any chairperson of any Volleyball New Brunswick committee
- any member of the Volleyball New Brunswick Executive
- any Volleyball New Brunswick staff person

Individuals are encouraged to report incident of harassment. Individuals who bring the

incident(s) to the attention of Volleyball New Brunswick will receive the full support of the Association. Complaints will be addressed in a sensitive, responsible and timely manner. The receiver will then forward or work with the harassment officer to resolve the complaint.

In the case of suspected or alleged harassment, the offended party may contact the Harassment Officer for advice, or to make a verbal or written complaint.

- 6.2.3 Individuals who experience harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status or handicap are specifically protected by The New Brunswick Human Rights Code, 1985 Sections 1 and have the right to file their complaint with the New Brunswick Human Rights Commission. We encourage individuals who experience harassment to utilize the internal process within Volleyball New Brunswick prior to using external avenues.
- 6.2.4 Unless exceptional circumstances exist, any complaint should be made as soon as possible but in any event, within six (6) months of the alleged incident(s).
- 6.2.5 Any complaint may be made by either an individual who has been directly affected by the alleged harassment, or by any person who has actual knowledge that harassment has taken place.
- 6.2.6 The Harassment Officer shall, within five (5) working days of the receipt of the complaint arrange to talk (in person, if at all possible) with the complainant in order to obtain information to confirm and clarify the circumstances giving rise to the complaint, and determine whether there is a need to refer the matter to another appropriate body. In the case of a complaint made verbally, if the matter cannot be resolved informally, the Harassment Officer shall assist the complainant to prepare a written complaint. No further official steps may be taken unless the complaint is in writing and signed by the complainant.
- 6.2.7 The Harassment Officer shall then forward to the person(s) against whom the complaint is made (the respondent) a copy of the written complaint filed, any additional information obtained from the complainant, and a request that the respondent reply to the complaint in writing within five working days. The Harassment Officer may assist the respondent in the preparation of a response.
- 6.2.8 If a response is received, the Harassment Officer shall forward a copy of such response to the complainant and the complainant shall be given five working days to reply in writing. The Harassment Officer may assist the complainant in formulating a reply.
- 6.2.9 Except where the Harassment Officer is absolutely convinced that there is no possibility for settlement by agreement or withdrawal, the harassment officer will convene a meeting with the parties to attempt a settlement.

6.2.10 The Harassment Officer shall as soon as possible but in any event within thirty days of receipt of the complaint, file a report to the President of Volleyball New Brunswick, setting out all of the information obtained as well as copies of all documentation filed by both parties and recommending that:

- no further action be taken because the complaint is frivolous, vexatious or vindictive, or because the conduct complained of cannot reasonably be said to fall within the definition of harassment set out in this document;
- no further action be taken because a settlement has been reached; or
- the formal hearing process be initiated.

A copy of the report shall be sent to the complainant and the respondent.

6.2.11 In the event that the recommendation is to begin the formal hearing process, the President of Volleyball New Brunswick and the Executive Director of Volleyball New Brunswick together within 10 working days appoint three members of the Executive of Volleyball New Brunswick and/or Volleyball New Brunswick Committees to serve as a Harassment Panel. This panel shall consist of at least one woman and one man. To ensure freedom from bias, no member of the Panel shall have a significant personal or professional relationship with either the complaint or the respondent. The three members of the Harassment Panel shall select from amongst themselves, a chairperson.

6.2.12 The Harassment Panel shall invite the complainant and the respondent to appear before it to submit any additional pertinent documentation and make oral submissions. Such meeting shall be held on a mutually convenient date but in any event within twenty working days of the appointment of the Harassment Panel. The respondent/complainant have 7 working days to accept or reject. The respondent/complainant may bring an advocate and/or legal representation.

6.2.13 The Harassment Panel shall determine whether the acts outlined constitute harassment and, if so,

- recommend what appropriate disciplinary action, if any should be taken;
- recommend any other measures it considers appropriate for remedying or mitigating any academic or employment harm or disadvantage suffered by any person(s) as a result of the harassment.

6.2.14 The Harassment Panel chairperson shall report in writing to the President of Volleyball New Brunswick and the Executive Director of Volleyball New Brunswick within ten working days of the meeting referred to in paragraph 1. The report shall set out;

- a summary of the relevant facts;
- a determination as to whether the acts outlined constitute harassment as defined in this policy;

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- recommendations as to appropriate disciplinary action and other measures which in its opinion are necessary under the circumstances.

6.2.15 If the report of the Harassment Panel contains any recommendations, the President of Volleyball New Brunswick and the Executive Director of Volleyball New Brunswick shall forward a copy of the report to:

- the Executive of Volleyball New Brunswick for appropriate action;

6.2.16 Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court or through the New Brunswick Human Rights Commission, or both, in additions to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or to be conducted by any outside agency.

6.3 Appeals:

6.3.1 In the event that the Harassment Officer recommends that no further action be taken pursuant to “6.2.10”, the complainant shall have the right to appeal such a decision by forwarding to the President, a notice to that effect within 21 days of the receipt of the committee's report.

6.3.2 The notice of appeal shall clearly set out all factors relied on by the complainant in disputing the recommendation made.

6.3.3 In the event that a notice of appeal is filed, the procedures outlined in the VNB Appeals Policy P-4 will be followed.

6.3.4 The Appeals Panel shall, after the expiry of time granted to the respondent to reply to the notice of the appeal, review all the material considered by the Harassment Officer as well as all other material filed and determine whether the grounds to appeal reasonably establish that the Harassment Officer was in error in making the recommendations and that the appointment of the Complaint Panel should have been recommended.

6.3.5 The Appeals Panel shall notify the parties in writing of its decision as outlined in Appeals Policy P-4, and if the Panel agrees with the complainant that the Harassment Officer should have recommended the appointment of a Complaint Panel, then the matter shall proceed in accordance with 6.2.11-6.2.15 above.

6.3.6 If the Appeals Panel confirms the Harassment Officer's recommendation, the complaint file shall be closed and no further action may be taken by the complainant pursuant to this policy.

6.3.7 Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court through the New Brunswick Human Rights Commission, or both, in

additions to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or to be conducted by any outside agency.

6.4 Disciplinary Action:

- 6.4.1 For the purposes of this policy, disciplinary action includes but is not limited to an apology, reprimand, transfer, suspension, expulsion, or dismissal, depending on the seriousness and/or frequency of the conduct, the respondent's connection to Volleyball New Brunswick, the respondent's prior record and any mitigating factors, nature of harassment, degree of aggressiveness and physical contact, whether or not coercion occurred, it being understood that any disciplinary action shall be undertaken in conformity with procedures set out in employment agreements or Volleyball New Brunswick policy.
- 6.4.2 Any disciplinary action taken against an individual may be the subject matter of a grievance or appeal in accordance with within the procedures set out in any employment agreements or policies and procedures of Volleyball New Brunswick.

6.5 Confidentiality of Records:

- 6.5.1 All parties involved (staff, committee members, Executive, participants in Volleyball New Brunswick events, complainant(s), Investigating Officers, Alleged Harasser(s), Outside Parties and any other party privy to a harassment case are bound to maintain confidentiality throughout all stages of the investigation process or this could result in countersuits and charges of defamation of character. The privacy and reputation of all parties must be protected.
- 6.5.2 Any complaint received pursuant to this policy shall be considered to be strictly confidential and all committee members shall be under a duty to take all necessary steps to maintain such confidentiality. In particular, but without violating the generality of the foregoing, Volleyball New Brunswick shall ensure that:
- any reports of the Harassment Officer or reports of the Complaint and/or Appeals Panels required to be considered shall be amended so as to protect the identity of the complainant and the respondent, should the complainant/respondent request that their identity be protected.
 - all procedures and deliberations of the Complaint Panel and the Appeals Panel be in camera.

6.6 Rights of Complainant and Respondent:

- 6.6.1 The filing of a complaint of harassment is the right of each person involved in volleyball activities and may be exercised without fear of reprisal or threat thereof. It is further understood that the filing of a complaint shall not in itself constitute sufficient grounds

for disciplinary action. In addition, the mere fact that a complaint has been filed against an individual shall not, in and of itself, constitute grounds for disciplinary action against that individual.

6.7 Exception:

6.7.1 No exception may be made to this policy without the written consent of the Executive of Volleyball New Brunswick.

7. REVIEW AND APPROVAL

7.1 This policy was approved by the Volleyball New Brunswick Executive on the

7.2 Date of last review: 2012

7.3 Original policy development lead: