

HARASSMENT

Purpose

The mission of the Federation is to encourage and facilitate the development of sport and recreation at every level of participation in the NWT.

The Sport North Federation in concert with its partners, the Territorial Sport Organizations intends to achieve a sporting environment that is welcoming and free of harassment where all athletes, coaches and officials, both male and female, have free access to equal opportunities to participate in a sport and physical activity.

The Sport North Federation is committed to providing a sport environment free from harassment on the basis of race, sex national or ethnic origin, color, age, sexual orientation, marital status, disability or pardoned conviction.

Definitions

Board: the Board of Directors of Sport North Federation (“the Federation”).

Board Member: a member of the Board of Directors of Sport North Federation as referred to in Article 3 of the Federation’s Constitution and By-Laws.

Committee Member: a member of a committee established by Sport North Federation (“the Federation”) in accordance with its Constitution and By-Laws.

Harassment: a comment, conduct or gesture directed towards an individual or group of individuals which is insulting, intimidating, malicious, degrading or offensive. Harassment is prohibited by the *Canadian Charter of Rights and Freedoms* and by Human Rights legislation in the Northwest Territories.

Sexual Harassment: unwelcome, unsolicited, unwanted remarks, gestures or actions of a sexual nature.

Scope and Application

This policy applies to all employees, directors, officers, volunteers, athletes, coaches, officials and members of the Sport North Federation. This policy applies to all incidents of harassment that may occur during the course of all Sport North Federation business, activities and events.

Scheme

Sexual harassment most commonly occurs in the form of behavior by males towards females; however, can also occur as behavior by females towards males, between males and females.

Types of behaviors which constitute HARASSMENT include but are not limited to:

- Written or verbal abuse or threats;
- The display of visual material which is offensive or which one ought to know is offensive;
- Unwelcome remarks, jokes, comments, innuendo, taunting or questions about a person's looks, body, attire, age, race, religion, gender or sexual orientation;
- Leering, whistling, or other suggestive or obscene gestures;
- Condescending, paternalistic or patronizing behavior which undermines self-esteem, diminishes performance or adversely affects working conditions;
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance.
- Unwanted physical contact including touching, pinching, petting, or kissing.
- Unwanted sexual flirtations, advances, requests or invitations;
- Physical or sexual assault.

Retaliation against an individual for having filed a complaint under this policy, or for having participated or assisted in any procedure under this policy will not be tolerated by the Sport North Federation and will be treated as HARASSMENT for the purposes of this policy

CONFIDENTIALITY

The Sport North Federation clearly recognizes and assures the interests of the complainant and alleged harasser involved in a harassment case, shall remain protected and kept strictly confidential. No information received shall be disclosed to outside parties, unless such disclosure is required by a disciplinary or other remedial process. Sport North understands it can be extremely difficult to come forward with a complaint of harassment and it can be devastating to be wrongfully accused of harassment.

COMPLAINANT'S RIGHTS

Individuals who believe they are victims of harassment have the right:

- To file a complaint and obtain an investigation and resolution of their complaint through procedures established under this policy without fear of embarrassment or retaliation
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- To be represented or accompanied by another person of their choice (including legal counsel) at any stage in the complaint process

ALLEGED HARASSER'S RIGHTS

A person against whom a harassment complaint has been made has the right:

- To be informed immediately and made aware of a complaint being made against him/her
- To be provided with a copy of any written complaint, or if no written complaint exists, to be provided with written particulars of the allegations
- To be afforded the opportunity to respond to the complaint
- To be represented or accompanied by another person of their choice (including legal counsel) at any stage in the complaint process

SPORT NORTH FEDERATION RESPONSIBILITY

Upon receipt of a verbal or written complaint, the Sport North Federation shall forward the complaint onwards to the President and Board of Directors of the Territorial Sport Organization whose member(s) is/are subject of the complaint so the incident(s) can be handled as per the Territorial Sport Organization's own Harassment Policy.

Failure to take appropriate action or by formal, written request, clearly outlining the reasons and circumstances of the decision, of the President, Board of Directors of the subject Territorial Sport Organization the Sport North Federation may be requested to take over the investigation of the complaint.

The Sport North Federation Board of Directors and the Executive Director, or his/her designate shall be responsible for the implementation of this policy by:

- discouraging and preventing harassment within the Federation and Territorial Sport Organizations;
- investigating formal complaints of harassment in a sensitive, responsible and timely manner;
- imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- providing advice to persons who experience harassment;
- doing all in their power to support and assist any employee or member of a Territorial Sport Organization who experiences harassment by someone who is not an employee or member of the Sport North Federation;
- making all members and employees of the Sport North Federation aware of the problem of harassment and in particular sexual harassment and of the procedures contained in this policy

- informing both complainants and respondents of the procedures contained in this policy and their rights under the law;
- regularly reviewing the terms of this policy to ensure that they adequately meet the Sport North Federation's legal obligations and public policy objectives.

The Sport North Federation shall:

1. Appoint a Harassment Committee which will be composed of one male and one female, who are themselves members or employees of the Sport North Federation, to serve as officers under this policy.
2. Ensure that officers appointed to the Harassment Committee receive appropriate training and support for carrying out their responsibilities under this policy.

ROLE OF HARASSMENT OFFICERS

To serve in a neutral, unbiased, confidential capacity and to receive complaints, assist in informal resolution of complaints, investigate formal, written complaints and to recommend appropriate disciplinary and corrective measures to the Harassment Committee. The Harassment Officers shall be directly responsible to the Board of Directors of the Sport North Federation.

COMPLAINT PROCEDURE

A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome, offensive and contrary to Sport North Federation policy;

If confronting the harasser is not possible, or after confronting the harasser the harassment continues the complainant should seek the advice of a harassment officer;

The harassment officer shall inform the complainant of:

- the options for pursuing an informal resolution of his/her complaint,
- the right to lay a formal, written complaint under this policy when informal resolution is inappropriate or not feasible,
- the availability of counseling,
- the confidentiality provisions of this policy
- the right to be represented by a person of choice at any stage in the complaint process,
- the right to withdraw from any further action at any stage,
- other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

Upon receipt of a dated and signed formal, written complaint which clearly outlines the details of the incident(s), the names of any witnesses to the incident(s), the Harassment Officer shall, notify the respondent named in the complaint and within twenty one (21) days investigate the circumstances surrounding the complaint.

As soon as possible after receiving the written complaint, but within 21 days, the harassment officer shall submit a report to the Sport North Federation Board of Directors containing all relevant documentation obtained during the course of the investigation, along with a recommendation that:

- no information is available to substantiate the complaint and no further investigation is advised, or
- the complaint should be investigated further.

A copy of this report shall be provided, without delay to both the complainant and respondent.

REVIEW PANEL

Should the recommendation be to continue further investigation (b) above, the Sport North Federation shall appoint an unbiased panel of three members of the Federation to serve as a case review panel.

This panel shall consist of at least one male and one female who have no significant personal or professional relationship with either the complainant or respondent.

- Within 21 days of its appointment, the Review Panel shall convene a hearing that shall be governed by such procedures as the Panel decides.
- Both the complainant and respondent shall be given fourteen (14) days notice, in writing of the day, time and place of a hearing, which will either be held in person or via teleconference depending on circumstances. This decision shall be solely the responsibility of the Review Panel.
- Members of the Panel shall appoint a chairperson from amongst themselves.
- A quorum shall be all three Panel members.
- Decisions shall be by majority vote.
- Within 14 days of the hearing, the Review Panel shall present its findings in a report to the Sport North Federation Board of Directors which will provide:
 - 1) a summary of relevant facts;
 - 2) a determination whether the acts complained of constitute harassment as defined in this policy;
 - 3) recommend disciplinary action against the respondent if the acts constitute harassment;
 - 4) recommend measures to remedy or mitigate future incidents of harassment; and
 - 5) a copy of the report to both the complainant and respondent.

If the Review Panel determines the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

In recommending disciplinary action the Review Panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- A verbal apology
- A written apology
- A letter of reprimand from the Sport North Federation
- Removal of certain privileges of membership or employment
- Expulsion from membership

APPEAL PROCESS

1. Both the complainant and the alleged harasser have the right to appeal the decision of the Harassment Committee. In order to exercise this right of appeal, the person requesting the appeal must provide written notice of the reasons for the appeal to the President of the Sport North Federation. This written notice must be delivered within fourteen (14) days of the date the person requesting the appeal receives the report of the Harassment Committee.
2. Upon receiving a written notice of appeal, the President, or his/her designate, of the Sport North Federation shall appoint an Appeal Committee comprised of three members of the Sport North Federation membership, including the President and at least one female and one male. These individuals must have no significant personal or professional involvement with either the complainant or alleged harasser and must have had no prior involvement in the complaint process which is subject of the appeal.
3. The Appeal Committee shall review the complainant's and alleged harasser's statements, the reports of the Harassment Officer's investigation, and the Harassment Committee and any other information as the Committee considers relevant. The Appeal Committee shall have the authority to uphold, set aside or modify the findings of the disciplinary action and measures imposed by the Harassment Committee.
4. Within fourteen (14) days of its appointment the Appeal Committee shall deliver a report of its decision to the Harassment Committee, the complainant and the alleged harasser.

The decision of the Appeal Committee shall be final and not subject to appeal.

WEB SITES ADDRESSRES

- 1) omnilogic.com/athcan/englisheducation.htm
- 2) harassmentinsport.com
- 3) silent-edge.org/
- 4) caaws.ca/main.htm

Review and Approval

This policy may be amended, deleted, or replaced by a motion carried at a meeting of the Board of Directors.

This policy was initially adopted on _____ (date) and shall be reviewed by the Executive Director on an annual basis.

On behalf of the Board of Directors:

President

Date

This policy was amended on the dates noted below:

May 03, 2008