



Archers Association of Nova Scotia

AANS Policy 2008-002 - Harassment Policy

Adopted from the Federation of Canadian Archers Harassment Policy

1. Preamble

1.1. The *Archers Association of Nova Scotia* (herein after referred to as *AANS*) is committed to the achievement of equal opportunity including the establishment of a sport environment in which all members have the opportunity to contribute to the sport to their maximum potential. As such *AANS* has a zero tolerance policy, meaning no level of harassment is acceptable. The goals of the policy are to:

- resolve a situation fairly and in a timely manner
- prevent further harassment
- diminish the harm to a complainant and liability to the *AANS*, its Directors, staff and members.

Policy

The *Archers Association of Nova Scotia* will not tolerate any form of harassment and undertakes to protect all members regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status or record of offence, from harassment by other members of the association with whom they have contact.

1.2. This policy is directed towards the protection of members from harassment that may occur during *Archers Association of Nova Scotia* business and events, where there may be repercussions in the work environment adversely affecting members' archery relationships. The definition of *AANS* business and events are those activities that receive direct *AANS* financial support, in whole or in part.

1.3. The Archers Association of Nova Scotia (herein after referred to as AANS) operates in accordance with The London Declaration (attached) and is committed to its 12 provisions.

2. Definition of Harassment

2.1. Harassment takes many forms but can generally be defined as behaviours 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. Harassment may include:

- written or verbal abuse or threats
- sexual 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 sexual explicit, racist or other offensive or derogatory material
- sexual, racial, ethnic or religious graffiti
- practical jokes which cause awkwardness or embarrassment; endanger 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 performances or working conditions
- physical conduct such as touching, kissing, patting, pinching, etc.
- vandalism
- physical assault

3. Reprisal

3.1. As part of their right to freedom from harassment, *Archers Association of Nova Scotia* members are protected from reprisal or the threat of reprisal. Reprisal may include situations in which a member 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 archery-related decisions affecting the member
- having made a complaint of harassment

3.2. Reprisal may also include situations involving co-member(s) who, because the member has made a complaint of harassment, continue or escalate the harassment; ostracize or isolate the member; 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.

4. Responsibility

4.1. Board/committee members, affiliated club executives, staff, coaches, managers and judges of the AANS are responsible for preventing and discouraging harassment by:

- undertaking 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 AANS's objective to create and maintain a harassment-free sport;
- not allowing or condoning behaviour 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.

4.2. Any person who has authority to prevent or discourage harassment will be held responsible for failing to exercise this authority.

4.3. All members of the *Archers Association of Nova Scotia* have a responsibility not to harass any other member. Members who experience harassment are encouraged to make it known to the harassed that the behaviour is offensive and/or to report the incident(s) according to the following complaint procedures. Members who witness harassment or who become aware that a member is being harassed are encouraged to report the incident according to the complaint reporting procedure that follows.

5. Complaint Reporting

5.1. AANS members who experience harassment are encouraged to make it known to the harasser that the behaviour is offensive and if it continues, report the incident to the AANS's Vice President of Administration through the AANS national office. If this avenue is either unavailable or inappropriate, complaints may be made directly to:

- any member of the *Archers Association of Nova Scotia* Board of Directors or staff member

- any chair of any *Archers Association of Nova Scotia* committee
- any *Archers Association of Nova Scotia* coach, judge, or manager
- any executive member of a club affiliated with the *Federation of Canadian Archers*.

5.2 A person who has authority to prevent or discourage harassment is considered responsible for failing to exercise that authority.

5.3. In the event that the complaint is lodged against the AANS Executive Director, the Vice President of Administration will be responsible for all procedures outlined in the section entitled Complain Investigation and Resolution.

5.4. Members are encouraged to report incidents of harassment. Members who bring the incident(s) to the attention of the AANS will receive the full support of the *Association*. Complaints will be addressed in a sensitive, responsible and timely manner. If a member brings a complaint to one of the above and if, after 14 days, the member has not received an interim reply and believes that the complaint has not been satisfactorily resolved, the member should than bring the complaint directly to the Executive Director.

5.5 Members who experience harassment because of their sex, race, religion, ethnicity, place of origin, disability, age, sexual orientation or family status are specifically protected under the Human Rights Code and have the right to file their complaint with their Provincial Human Rights Commission. If a member wishes to lay criminal charges, she/he should consult a lawyer. The member has the right to sue under the civil code, anyone who had an opportunity to do something about the harassment.

6. Complaint Investigation and Resolution

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

6.1.1. The complaint must be documented and immediately forwarded to the Executive Director, who must inform the Executive Committee of the complaint as quickly as possible.

6.1.2. The Executive Committee must immediately appoint a tribunal to investigate the incident(s). The tribunal must be impartial. The tribunal members are to have no association or connection whatsoever with the reported incident.

6.1.3. The complaint must be documented and immediately forwarded to the chair of the tribunal; if appropriate, the Tribunal Chair will be the Vice President of Administration.

6.1.4. The Executive Director must ensure that an investigation is initiated.

- 6.1.5. No later than ten (10) days after being appointed, the investigator shall recommend to the Executive Director if a hearing is justified in each particular case. A further hearing shall be necessary if the investigator has reasonable grounds for believing that the conduct complained of took place and was harassment.
- 6.1.6. Upon the Executive Director being informed by the investigator that a further hearing is justified, the Executive Director shall immediately advise the Tribunal Chair of the need to appoint a three-member (3) hearing panel. The hearing must be independent and must have no association or connection whatsoever with the incident or the individuals involved.
- 6.1.7. The hearing panel, within ten (10) days of its establishment, shall receive written submissions from the complainant, at his or her own expense, sent through the national office, setting out in detail the alleged harassment, the arguments establishing the harassment and all evidence in support of the complaint. An individual or documentation assembled from other sources may submit the evidence in the form of sworn affidavits to the national office. Copies of all materials submitted to the hearing panel must be provided to the alleged harasser.
- 6.1.8. Upon the conclusion of the ten (10) day submission period, the alleged harasser shall then have a further ten (10) days to submit to the hearing panel a reply, at his or her own expense, sent through the national office, which may include evidence of the same type as permitted to the complainant.
- 6.1.9. No later than five (5) days after receiving all written documentation the hearing panel shall hear arguments from both the complainant and the alleged harasser, at their own expense. The individuals may appear in person or may be represented by legal counsel. In appropriate circumstances, telephone conference calls are an appropriate mechanism for conducting the oral hearing.
- 6.1.10. Within five (5) days of hearing the oral evidence, the members of the hearing panel, after deliberation with each other, which may be by telephone, shall submit their written decision, with reasons, to the Executive Director. The Executive Director will then advise the complainant and the alleged harasser of the decision of the hearing panel. Copies of the decision and reason will be given to all parties.
- 6.1.11. In the event the hearing panel finds in favour of the complainant the matter shall be promptly referred to the AANS Executive Committee for determination of appropriate sanctions to be imposed on the harasser. The Executive Director shall advise the harasser, in writing, of the sanctions imposed by the Executive Committee.
- 6.1.12. In the event the hearing panel finds that there was no harassment, the matter will be at an end.

6.1.13. Either party, within thirty (30) days of being informed by the Executive Director of the result of the hearing panel, may appeal the decision of the hearing panel and/or the sanctions imposed by the Executive Committee to the AANS Board of Directors. The full Board of Directors will consider the appeal at its next normal meeting. The Board of Directors shall obtain copies of all of the arguments and evidence presented to the hearing panel and shall review this material prior to the next Board Meeting. The complainant and the alleged harasser, or their representatives, shall, at their own expense, have the right to make a further oral presentation at the Board of Directors meeting. The Board of Directors shall have the right to substitute a new or sanction and such decision or sanction imposed by the Board of Directors, on appeal, shall be final.

6.1.14. No member of the Association shall be involved in any fashion on the appeal of any decision in which he was involved, either as an investigator or as a hearing panel member.

6.2. All 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. During the investigation of a complaint the Tribunal shall:

- interview both the complainant and the alleged offender as soon as possible;
- interview any witnesses;
- document the situation accurately and completely;
- state an opinion as to the validity of the complaint;
- inform the AANS Executive Committee of the remedial action that was decided, if any
- conduct the investigation with the utmost confidentiality and sensitivity; and
- caution persons who are questioned not to discuss the case with members or employees.

6.3. Remedial action shall be taken without delay. Sanctions imposed on the offender must be applied with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline.

6.4. It is the responsibility of the Tribunal to ensure that a complainant who lays a complaint in good faith is neither penalised nor suffers any prejudice as a result of making the complaint. Correspondence pertaining to a complaint shall not be placed on the complainant's personal files.

6.5. Alternative Dispute Resolution Programme (ADR)

The ADR is available as a last-resort step should all internal AANS processes fail to resolve disputes or harassment cases. ADR provides independent mediation and arbitration services at a low cost to the defendant and the plaintiff. The ADR goal is to avoid litigation. Under the scope of ADR:

"Any member of a national sports organization (possibly defined as a Canadian amateur athletic association registered as a charitable amateur athletic organization which may include NSF, MSO, NSC) who is directly affected by a decision of the Board, of any committee of the Board or of any other group or individual who has been delegated authority to make decisions on behalf of the NSO or its Board, has the right to appeal that decision."

6.5.1. Either party may make application to ADR only after all internal AANS processes have been exhausted.

7. Confidentiality

7.1. Information or material in any form, regarding the investigation or circumstances surrounding the investigation, or the results of the investigation, shall only be released or divulged to those persons directly involved with the complaint, these include the complainant, accused/offender, Tribunal chairperson, AANS Executive Committee and AANS Executive Director. The identity of tribunal members, other than the chairperson, will not be made public.

8. Prevention / Education

8.1. The AANS recognises that an education program is an essential component to preventing incidents of harassment. The AANS is committed to:

- building awareness, and commit to creating a harassment-free organisation and ensure that awareness is properly reflected in policies and procedures.
- build the commitment into the organisation's culture,-values and mission statement
- include these policies and procedures in manuals, handbooks guides and agreements
- educate individual members identifying steps they're responsible for taking, if they are harassed and provide contacts they can call for help and advice, if they are unable or unwilling to confront the situation themselves.

Expectations for Fairness in Sport

A Declaration, enacted by the Federal-Provincial/Territorial Sport Ministers

At their 2001 Conference, August 10, 2001, London, Ontario

The Federal and Provincial/Territorial Sport Ministers believe that Canadians share a vision that ethics and ethical behaviour are integral to sport. The Ministers endorse this vision, which requires that:

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| Principle | 1. There be a firm and public commitment to the principle that lasting and meaningful athletic performance can only be achieved through fair means. |
| Participants | 2. Participants in sport and physical activity will do so in a manner that adheres to the highest ethical principles. |
| Reciprocity | 3. Those who participate in sport will receive from their fellow athletes, coaches and officials, and parents/guardians and spectators, fairness and ethical treatment in a safe and welcoming sport environment, free of harassment and abuse. |
| Barriers | 4. Their sport system will help to advance the widest array of athletic goals of all participants, with or without disability, without discrimination and in spite of barriers based on personal circumstances. |
| Spectators | 5. Spectators to sport events can witness the activities without being subjected to abuse, interference or violence from others. |
| Coaches | 6. Coaches will be appropriately valued by their athletes, and their athletes, parents/guardians and supporters, that they will receive fair treatment and respect for their valuable contribution to sport, and that they will be free of harassment and threats of violence under any circumstance. |

Officials

7. Sport officials will not be interfered with in the execution of their duties and will be respected for their decisions by athletes, coaches, parents/guardians and spectators.

Volunteers

8. Sport volunteers will be respected and recognized for their efforts to make sport participation possible and rewarding for athletes of all ages.

Parents/
Guardians

9. Parents/guardians are assured that their children participating in sport will receive fair treatment from coaches, volunteers and spectators.

Dispute
Resolution

10. The sport system will provide just treatment in cases of disputes in sport and that there are proper and accessible mechanisms that are available in a timely manner to resolve disputed issues through due process.

Behaviour

11. Athletes, coaches and team officials representing Canada in the international sport arena will conduct themselves, in both victory and defeat, in a manner that brings pride to all.

Transparency

12. Sport organizations in receipt of public funding, will be fully accountable for the use of such resources and will be transparent.