

# **NEW ZEALAND CLAY TARGET ASSOCIATION INC**

## **HARASSMENT-FREE SPORT POLICY AND PROCEDURES**



# Harassment-Free Sport Policy

## Part One: Policy

### 1. *Policy Statement*

The New Zealand Clay Target Association Inc is committed to providing a harassment-free environment where all people involved in clay target shooting are treated with respect and dignity and can contribute and participate to their full potential.

This benefits athletes, coaches and officials, the Association and clay target shooting.

The Association will do our best to prevent harassment by:

- ◆ Ensuring that this policy is drawn to the attention of all employees, coaches, officials and shooters.
- ◆ Responding promptly, appropriately and fairly to any complaints that are brought to our attention;
- ◆ Appointing and training appropriate Harassment Contact People who can be approached for information and advice, and
- ◆ Regularly reviewing our policy, procedure and practices.

### 2. *Who the Policy and Procedure Cover*

The Policy and Procedures cover all:

- ◆ Clay target shooters
- ◆ Administrators and officials
- ◆ Coaches
- ◆ Anyone who is employed by or represents the Clay Target Association, whether paid or unpaid.

### 3. *What the Policy and Procedures Cover*

The Policy and Procedures cover all situations connected with clay target shooting including:

- ◆ Coaching and training
- ◆ Competition and practice
- ◆ Travel
- ◆ Social events; and
- ◆ Meetings

### 4. *Definitions*

4.1 Harassment is any unwelcome comment, conduct or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive, and is either repeated or of such a significant nature, that it adversely affects someone's performance, contribution or sports environment.

4.2 Harassment may be focused on an individual's or group's race, colour, gender, physical characteristics, sexual orientation, disability or any other distinguishing characteristic.

4.3 Sexual harassment is any unwelcome behaviour of a sexual nature.

4.4 In most cases, harassment (including sexual harassment) is an attempt by one person to inappropriately exert power over another person. Harassment ranges from mild conduct such as gestures or comments to conduct that may be physical, forceful and violent.

The above behaviours are described in more detail in the attached procedures.

### 5. *Responsibilities*

The Clay Target Association Inc is responsible for taking all reasonable steps to prevent harassment in our organization and for ensuring our policy and procedures are well known

throughout the organisation. This means we will take all reasonable steps to ensure that everyone in the organisation understands:

- ◆ What harassment means
- ◆ That it is against the law
- ◆ That it will not be tolerated
- ◆ That complaints will be dealt with through identified procedure. These will provide both formal and informal mechanisms.

## **6. Legal Liability**

Harassment is a form of discrimination. Sexual and racial harassment is illegal under the Human Rights Act 1993 for both paid and unpaid employees. High-level harassment such as rape or assault is also a criminal offence.

Under the Human Rights Act and the Employment Relations Act, it is generally the employer who is held liable for harassment. The Clay Target Association is implementing this policy to prevent complaints occurring and hence to act as a responsible employer for our paid and unpaid employees.

The President of the New Zealand Clay Target Association accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

I endorse the Harassment-Free Policy

<input type="text"/>	Signature
<input type="text"/>	Ewen Pirie
<input type="text"/>	Date
<input type="text"/>	Witness Name
<input type="text"/>	Witness Signature
<input type="text"/>	Date

# Part Two: Procedures

## 1. What is Harassment?

Sport gives New Zealanders a great deal of enjoyment. It is fun, healthy and can help develop happier, more fulfilled people. It can also help build community spirit and national pride.

Everyone involved in sport, in whatever role, has a right to do so in a positive and enjoyable environment – and to be treated with respect, dignity and fairness. This means that physical or verbal abuse, harassment of a sexual or non-sexual nature, sexual abuse and exploitation have no place in sport.

Harassment in sport denies people that right. Defined as any form of unwanted behaviour in sport, it usually involves one person trying to exert power over another. It can be as simple as taunts about a person's looks or body or as serious as violent physical assault.

Harassment can create a hostile sporting environment. It can cause sadness, humiliation and embarrassment. It can affect health and self-esteem, work, job security and sports performance. It can also ruin the reputations of individuals, teams and/or sports organizations.

Harassment is not:

- ◆ Appropriate compliments;
- ◆ Behaviour based on mutual attraction;
- ◆ Friendly banter which is mutually acceptable; or
- ◆ Constructive coaching and feedback.

Harassment ranges from mild conduct such as gestures or comments to conduct which may be physical, forceful and violent. Examples of harassing behaviours include (but are not limited to):

- ◆ Written or verbal abuse or threats;
- ◆ The display of visual materials which are offensive;
- ◆ Unwelcome remarks, jokes, comments, innuendo or taunting about such things as a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- ◆ Leering or other suggestive or obscene gestures;
- ◆ Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- ◆ Unwanted physical contact including touching, petting, pinching or kissing;
- ◆ Unwelcome sexual flirtations, advances, requests or invitations;
- ◆ Sending offensive emails, letters or phone calls;
- ◆ Deliberately excluding people with the intention of isolating or hurting them, or
- ◆ Physical or sexual assault.

Sexual harassment is any unwelcome behaviour of a sexual nature. This includes:

- ◆ Threatening people to get them to co-operate in sexual activity;
- ◆ Making promises to people to get them to co-operate in sexual activity;
- ◆ Punishing people because they would not co-operate in sexual activity;
- ◆ Sexual behaviours that interfere with people's performance;
- ◆ Sexual behaviours that create an intimidating, hostile or offensive environment;
- ◆ Behaviour of a repeated/significant nature that has a detrimental effect.

## 2. Ways to deal with harassment

If a person is being harassed, there are several courses of action available to them. They vary in degrees of formality, from self-help or informal options, to more formal approaches.

These options are:

### 2.1 Self Help

This involves letting the offender know that the harassing behaviour is unacceptable and must stop. This may resolve the matter quickly and in a low-key manner. This can be done in a number of ways including:

- ◆ Telling the person directly what behaviour is not liked and asking them to stop it;
- ◆ Writing a letter on a "private and confidential" basis to the person identifying the behaviour and asking them to stop it;
- ◆ Taking a support person/friend to tell the person that their behaviour must stop.

### 2.2 Informal

This involves getting someone to help resolve the situation. This might be someone from within the club, a coach, administrator, or official, Councillor or someone from the Association or the Harassment Contact Person. They will need to talk to the individual about what happened and what is required to fix the situation. They will then talk about the complaint to the person identified. If there is agreement on what happened and what will fix the situation, then the issue can be resolved confidentially between the immediate parties.

### 2.3 Formal

This involves writing a formal complaint to the Association outlining;

- ◆ Who the complaint is about;
- ◆ What happened (including time, date, place, what was said and/or done, how often this had been said and/or done);
- ◆ How it was responded to;
- ◆ What impact the behaviour has had;
- ◆ Whether anyone else witnessed the behaviour;
- ◆ What is the desired outcome of the complaint;
- ◆ Why, if the incident occurred more than one year ago, there has been a delay in lodging the complaint; and
- ◆ Requesting confidentiality/approval before any action by the Association.

This complaint should be forwarded to the harassment Complaints Officer. Obviously this necessitates the Association having a procedure in place with appointed people.

The complaint will be taken seriously and investigated fully, and appropriate actions will be taken. During this process the rights of all involved will need to be protected.

### 2.4 Human Rights Commission

If the individual is being harassed by someone who is employed by the Association, either as a paid or unpaid employee then the complaint can be taken to the Human Rights Commission, or as a personal grievance under the ERA. They will investigate and/or conciliate complaints where there are grounds for believing that the Association did not respond appropriately to the complaint, or where the organization does not have satisfactory policies, procedures and/or practices in place to respond to a complaint.

### 2.5 Police

Complaints of a criminal nature, such as sexual assault or sexual abuse of children, should be reported to the police and with the consent of the individual. The person may choose to inform the Harassment Complaints Officer that this has been done. This does not stop a formal complaint being taken to the Association as well.

## **Harassment Complaints Procedure**

As part of the legal responsibility to deal with harassment, all sporting organisations must implement effective, accessible, complaint procedures.

A good complaint procedure has many benefits. It can;

- ◆ Convey the message that the Association takes harassment seriously and is supportive to victims;
- ◆ Prevent escalation of a case;
- ◆ Ensure that complaints are dealt with consistently;
- ◆ Reduce the likelihood of involvement by an external agency, which can be time-consuming, costly and damaging to the public image of the Association;
- ◆ Alert the Association to the presence of patterns of unacceptable conduct, and highlight the need for prevention strategies in particular areas; and
- ◆ Reduce the risk of the Association being held liable for harassment under anti-discrimination legislation.

Legislation in New Zealand does not prescribe any particular type of procedure.

## ***3. Implementing the Policy and Procedures***

Any system for dealing with harassment complaints should contain the following basic elements;

- ◆ A document procedure that is easy for staff and members to access and use;
- ◆ Informal and formal options for dealing with complaints;
- ◆ A guarantee that complaints will be handled promptly, seriously, sensitively and confidentially.

- ◆ Clear guidelines on investigating complaints in accordance with the principles of natural justice;
- ◆ Trained personnel;
- ◆ Guidelines on record-keeping procedures;
- ◆ An appeals mechanism;
- ◆ Consistency with existing procedures;
- ◆ Access to disciplinary measures if necessary;

Some individuals need to be identified and trained to fulfill key roles in implementing the policy. The process and the roles are:

### 3.1 Harassment Contact People

The Association will appoint and train Harassment Contact People for all people involved in Clay Target shooting. The first Harassment Contact People should be appointed within six months of the adoption of this policy. The Association will ensure that these positions continue to be filled on an ongoing basis. Their role is to provide:

- ◆ Information and advice on the issue of harassment and this policy
- ◆ Support for people who have been harassed or are involved in a harassment investigation; and
- ◆ Assistance for people in resolving complaints at an informal level.

NB: The Harassment Contact People are **not** responsible for investigating or receiving formal complaints. It is anticipated that the Association will have 4 people identified.

### 3.2 Harassment Complaints Officers

The Association will also appoint and train at least four senior people as Harassment Complaints Officers, two male and two female, to take specific responsibility for managing the policy. The first appointments will be made within six months of adopting the policy. The Association will ensure that these positions are kept filled on an ongoing basis.

The role of the Harassment Complaints Officer is to:

- ◆ Receive formal complaints;
- ◆ Ensure that these complaints are investigated promptly, appropriately and fairly;
- ◆ Convene a disciplinary committee when a complaint warrants it;
- ◆ Monitor the overall incidence of complaints and advise the Council accordingly.

### 3.3 Appointment of an Investigator

When a formal complaint is laid with the Harassment Complaints Officer, he or she will meet with the complainant to discuss the complaint and ensure that the complainant understands what will be involved in a formal investigation. The complainant may choose not to proceed. The complainant may choose to have a support person with them for this meeting. The Harassment Complaints Officer will then determine the most appropriate way of formally investigating the complaint.

This may include:

- ◆ One of the Harassment Complaints Officers investigating the complaint;
- ◆ Bringing in an outside investigator;
- ◆ Appointing appropriate people from the Association to investigate the complaint, or
- ◆ A combination of the above.

An investigator will be appointed as soon as is possible, but at least within 21 days of the complaint being received.

### 3.4 The investigation process

The investigator(s) will individually interview:

- ◆ The complainant;
- ◆ The respondent; and
- ◆ Any witnesses

Both the complainant and the respondent are entitled to have a support person or advisor with them during this process. Complainant, respondent and witness will be advised of the necessity for confidentiality and the consequences of breaches.

The respondent will be interviewed again at the completion of all other interviews to give him or her the opportunity to respond to the information collected by the investigator(s).

The investigator will then prepare a factual report. This will be based on civil law standard which is "on the balance of probabilities" **not** the criminal law standard of "beyond reasonable doubt". The report will include:

- ◆ The basis of the complaint;
- ◆ The response of the respondent to the allegation(s);
- ◆ A summary of any information provided by witnesses;

- ◆ Any reasons why one person's evidence is preferred over another's; and
- ◆ The details of the investigation;
- ◆ Any recommendations of resolution of the complaint; and
- ◆ When appropriate, any recommendations to the Association about how to prevent this type of thing happening again.

### 3.5 Rights of the respondent

The respondent must be given the opportunity to:

- ◆ Understand the principles of natural justice (an unbiased investigation/hearing where both sides have the right to be heard, but the respondent has the right to have the final say in response to the evidence);
- ◆ Know what the complaint is about, who it is made by; who other accusers may be;
- ◆ Respond to the complaint and have their account heard;
- ◆ Have time to respond; and
- ◆ Have support to respond.

### 3.6 Decision making

If the complainant warrants it, the Harassment Complaints Officer who received the complaint will convene a disciplinary committee within 21 days. The Committee will:

- ◆ Receive the investigator's report
- ◆ Consider the report
- ◆ Provide both the complainant and the respondent with the opportunity to respond to it and comment on what they feel is appropriate action;
- ◆ Determine if and what disciplinary sanctions are appropriate;
- ◆ Determine if and what remedies are appropriate for the complainant; and
- ◆ Determine if any changes are needed to the Association's Harassment Policy and procedures or to the way the policy and procedures are put into practice.

The disciplinary committee shall comprise:

- ◆ The Harassment Complaints Officers who received the complaint;
- ◆ Two independent appointees appointed by the Council.

N.B. This disciplinary committee should be of mixed gender in the case of sexual harassment.

The Committee may ask the investigator to attend to answer any questions Committee members may have. If the complainant or the respondent chooses to respond to the findings they may bring their support people with them.

If the Harassment Complaints Officer who received the complaint was directly involved in the investigation, the other Harassment Complaints Officer should take their place on the disciplinary committee.

### 3.7 Possible disciplinary sanctions

These include:

- ◆ A verbal or written apology;
- ◆ A letter of reprimand;
- ◆ A fine or levy;
- ◆ Referral to counseling;
- ◆ Removal of certain privileges of membership or employment;
- ◆ A change in role or duties
- ◆ Exclusion from teams traveling overseas;
- ◆ Temporary suspension from duties
- ◆ Expulsion from membership
- ◆ Termination of employment
- ◆ Any other measures that the disciplinary committee determines are appropriate; or
- ◆ A combination of any of the above.

N.B. Authority to involve the above sanctions must already be available to the Association by virtue of constitution or other operation of law.

### 3.8 Record Keeping

The Association needs to keep a confidential record of formal complaints that have been upheld. This record should include a record of the investigation, the decision of the disciplinary committee and what action was taken. These records must be maintained in accordance with the Privacy Act.

#### **4. Retaliation**

For the purposes of the policy and procedure, retaliation against an individual for having:

- ◆ Filed a complaint under this policy; or
- ◆ Participated in any procedure under this policy; or
- ◆ Been associated with a person who filed a complaint, or participated in any procedure under this policy;

will be treated as harassment, and will not be tolerated.

#### **5. Frivolous or vexatious complaints**

If frivolous, vexatious or malicious complaints are made, the Association will take appropriate disciplinary action against the person making the complaint(s). This will be treated as harassment and will not be tolerated.

#### **6. Support for the parties involved**

The Association will ensure that both the complainant and the respondent have access to appropriate support. Possible support includes, family members, friends, elders from their community, church representatives, counselors or Harassment Contact People. The support person or people are also bound by the confidentiality (7) and defamation (8) clauses contained in this policy.

#### **7. Confidentiality**

The Association understands that it can be extremely difficult to come forward with a complaint or harassment and that it can be devastating to be wrongly accused of harassment. All people involved in the investigation of harassment complaints are required to keep it confidential during the course of the investigation. Ongoing confidentiality may also be required as part of the resolution of the complaint. All the individuals' rights under the Privacy Act must be applied.

#### **8. Defamation**

To minimize the risk of defamation or unfair treatment, it is important that complaints are made honestly and only discussed with those people who have a need to know. The complainant should be made aware of the law of defamation and the consequences if breached.



Summary Response to formal Harassment complaints:

**Complaint received**

- ◆ Complaint submitted in writing to Harassment Complaints Officer
- ◆ Harassment Complaints Officer meets with complainant to ensure complainant understands the process
- ◆ Harassment Complaints Officer appoints investigator(s) within 21 days of receiving complaint.



**Investigation;**

- ◆ Investigator(s) interviews complainant, respondent, any witnesses, respondent
- ◆ Investigator(s) prepares a report and makes recommendations
- ◆ Investigator(s) send report to Harassment Complaints Officer



**Disciplinary Committee**

- ◆ Harassment Officer convenes disciplinary committee within 21 days of receiving investigator's report
- ◆ Disciplinary committee receives investigator's report, given complainant and respondent opportunity to respond then determines appropriate action.

The Harassment Complaints Officers for the NZCTA are:

June Briggs Ph (03) 768 5370

Trevor Manson (03) 235 8042

Ann Paton Ph (09) 298 8169

Gavin Paton Ph (09) 298 8169