

Harassment-Free Sport Policy and Procedures



Updated & Adopted by Council Sept 2023

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 endeavour to prevent harassment by:

- Ensuring that this policy is available to 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 Complaints Officers who can be approached for information and advice, and
- Regularly reviewing our policy, procedure and practices.

2. Who the Policy and Procedures Cover

The policy and procedures cover all:

- Clay target shooters
- Administrators and officials
- Coaches
- Visitors and spectators at a club or competition
- Anyone who is employed by or represents the NZCTA, 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
- Meetings

4. Definitions

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.

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

Sexual harassment is any unwelcome behaviour of a sexual nature.

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 NZCTA is responsible for taking all reasonable steps to prevent harassment in our organisation 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 procedures. 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 NZCTA has implemented this policy to investigate complaints, act as a responsible employer for our paid and unpaid employees and assure them that if they experience or witness harassment it will be dealt with appropriately. The President of the NZCTA accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

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 organisations.

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 a Harassment Complaints Officer. 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 a Harassment Complaints Officer. 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 organisation 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 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.

2.6 Harassment Complaints Officers

The Association has at least four Harassment Complaints Officers, two male and two female. Their role is to:

- Provide support for people who have been harassed or are involved in a harassment investigation
- Provide assistance for people in resolving complaints at an informal level

- 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.

2.7 Appointment of an Investigator

When a formal complaint is laid with a 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 possible, but will be within 21 days of the complaint being received.

2.8 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
- 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.

2.9 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, and who other accusers may be
- Respond to the complaint and have their account heard
- Have time to respond
- Have support to respond.

2.10 Decision making

If the complaint 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
- 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, another Harassment Complaints Officer should take their place on the Disciplinary Committee.

2.11 Possible Disciplinary Sanctions

These include:

- A verbal or written apology
- A letter of reprimand
- A fine or levy
- Referral to counselling
- Removal of certain privileges of registration 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.

2.12 Record Keeping

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

3. Retaliation

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.

4. 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.

5. Support for 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, counsellors or Harassment Complaints Officers. The support person or people are also bound by the confidentiality (6) and defamation (7) clauses contained in this policy.

6. 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.

7. 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 Formal Harassment Complaints Procedure

