

# **TARGET SHOOTING NEW ZEALAND INCORPORATED**



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

Reviewed December 2016

# **Target Shooting NZ (TSNZ) Harassment-Free Sport Policy**

## **Part One: Policy**

### **1 Policy Statement**

Target Shooting New Zealand Inc (TSNZ) is committed to providing a harassment-free environment where all people involved in target shooting are treated with respect and dignity and can contribute and participate to their full potential. This benefits athletes, coaches, officials and TSNZ.

TSNZ will do its 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 its attention;
- Appointing and training appropriate Harassment Contact Person(s) and Officers who can be approached for information and advice; and
- Regularly reviewing its policies, procedures and practices.

### **2 Who is covered by the Harassment-Free Sport Policy and Procedures**

The Policy and Procedures cover all:

- Shooters;
- Administrators and officials;
- Coaches;
- Anyone who is employed by or represents TSNZ, whether paid or unpaid.

### **3 What the Harassment-Free Sport Policy and Procedures Cover**

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

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

TSNZ is responsible for taking all reasonable steps to prevent harassment in its organization and for ensuring its policy and procedures are well known throughout the organization. This means it will take all reasonable steps to ensure that everyone in the organization understands:

- What harassment means;
- That harassment is against the law;
- That harassment will not be tolerated;
- That harassment 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. TSNZ is implementing this policy to prevent complaints occurring and hence to act as a responsible employer for its paid and unpaid employees.

The President of TSNZ accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

I endorse the Harassment-Free Policy

TSNZ President – Name

Signature

Date

Witness – Name

Signature

Date

# Target Shooting NZ (TSNZ) Harassment-Free Sport Policy

## 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 that 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 that is 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 that 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 (but is not limited to):

- 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, TSNZ Executive member or a TSNZ Harassment Contact Person. This person will talk to the complainant about what happened and what is required to fix the situation. They will then talk about the complaint to the person identified as causing harassment. 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 TSNZ 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 the desired outcome of the complaint is;
- 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 TSNZ.

This complaint will be forwarded by TSNZ 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 someone who is employed by TSNZ is harassing the individual, 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 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 TSNZ as well.

### 3 Harassment Complaints Procedure

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

A good complaint procedure has many benefits. It can:

- Convey the message that TSNZ 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 TSNZ;
- Alert TSNZ to the presence of patterns of unacceptable conduct, and highlight the need for prevention strategies in particular areas; and
- Reduce the risk of TSNZ being held liable for harassment under anti-discrimination legislation.

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

### 4 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;
- Individuals who have been identified and trained to fulfil key roles in implementing the policy.

The process and the roles are:

#### 4.1 Harassment Contact Person(s)

It is anticipated that TSNZ will have 4 people identified for this purpose.

TSNZ will appoint and train Harassment Contact Person(s). The first Harassment Contact Person should be appointed within six months of the adoption of this policy.

TSNZ will ensure that these positions continue to be filled on an ongoing basis.

The role of the Harassment Contact Person is to:

- Provide information and advice on the issue of harassment and this policy;
- Provide support for people who have been harassed or are involved in an harassment investigation;
- Provide assistance for people in resolving complaints at an informal level;
- Keep a confidential record of cases they advise on;
- **NOT** be responsible for investigating or receiving formal complaints.

#### 4.2 Harassment Complaints Officer(s)

TSNZ will appoint and train at least four senior people as Harassment Complaints Officers, two male and two female, to take specific responsibility for managing this policy. The first appointments will be made within six months of adopting the policy. TSNZ will ensure that these positions are kept filled on an ongoing basis, and can co-opt if required or remove Officers if there is a perceived or actual

conflict of interest.

The role of the Harassment Complaints Officer is to:

- Receive formal complaints;
- Meet with the complainant to ensure they understand what will be involved in a formal investigation;
- Ensure complaints are investigated promptly, appropriately and fairly;
- Determine the most appropriate way of formally investigating the complaint, which may include:
  - a. One of the Harassment Complaints Officers investigating the complaint;
  - b. Bringing in an outside investigator;
  - c. Appointing appropriate people from TSNZ to investigate the complaint, or
  - d. A combination of the above.
- Convene a disciplinary committee when a complaint warrants it;
- Monitor the overall incidence of complaints and advise TSNZ accordingly.

#### **4.3 Harassment Complaints Investigator**

If the Harassment Complaints Officer decides an outside investigation is warranted, a Harassment Complaints Investigator will be appointed as soon as possible, but at the most within 21 days of the complaint being received by the Harassment Complaints Officer.

The role of the Harassment Complaints Investigator is to follow the Investigation Process.

#### **4.4 Investigation Process**

The Investigation Process is to be undertaken by the Harassment Complaints Investigator who 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.
- Advise the Complainant, Respondent and Witnesses of the necessity for confidentiality and the consequences of breaches.
- Interview the Respondent 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).
- Prepare a factual report and present this to the TSNZ Executive. The report will be based on the civil law standard that is “on the balance of probabilities” **not** the criminal law standard of “beyond reasonable doubt”. The report will include:
  - a. The basis of the complaint;
  - b. The response of the respondent to the allegation(s);
  - c. A summary of any information provided by witnesses;
  - d. Any reasons why one person’s evidence is preferred over another’s; and
  - e. The details of the investigation;
  - f. If he/she considers the circumstances of the complaint are a valid case of harassment;
  - g. Any recommendations of resolution of the complaint; and
  - h. Any recommendations about how to prevent this type of thing happening again.

#### **4.5 Rights of the Respondent**

During the investigation 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, whom it is made by; who other accusers maybe;
- Respond to the complaint and have their account heard;
- Have time to respond; and

- Have support to respond.

#### **4.6 Disciplinary Committee**

If the investigation proves that the complaint warrants it, and with the agreement of the TSNZ Executive, the Harassment Complaints Officer who received the complaint will convene a Disciplinary Committee within 21 days of the issue of the investigation report.

The Committee will:

- Receive and consider the investigator's report;
- Provide both the Complainant and the Respondent with the opportunity to respond to the report 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 TSNZ's Harassment Policy and procedures or to the way the policy and procedures are put into practice;
- Provide a report to the TSNZ Executive.

The Disciplinary Committee shall comprise of 3 members who shall be:

- The Harassment Complaints Officer who received the complaint, and
- Two appropriate independent individuals appointed by the TSNZ Executive.

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.

#### **4.7 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 membership or employment;
- A change in role or duties
- Exclusion from teams travelling 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.

#### **4.8 Right of Appeal**

Both Complainant and Respondent have the right to appeal the decision of the Harassment Complaints Investigator or Disciplinary Committee by written application to the TSNZ Executive. The Executive's decision on any appeal will be final.



#### **4.8 Record Keeping**

TSNZ will keep a confidential record of all formal complaints, whether upheld or otherwise. This record will 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.

#### **5 Retaliation**

For the purposes of this 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 itself be treated as harassment, and will not be tolerated.

#### **6 Frivolous or vexatious complaints**

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

#### **7 Support for the parties involved**

TSNZ 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 Contact People. The support person or people are also bound by the Confidentiality (8) and Defamation (9) clauses contained in this Policy.

#### **8 Confidentiality**

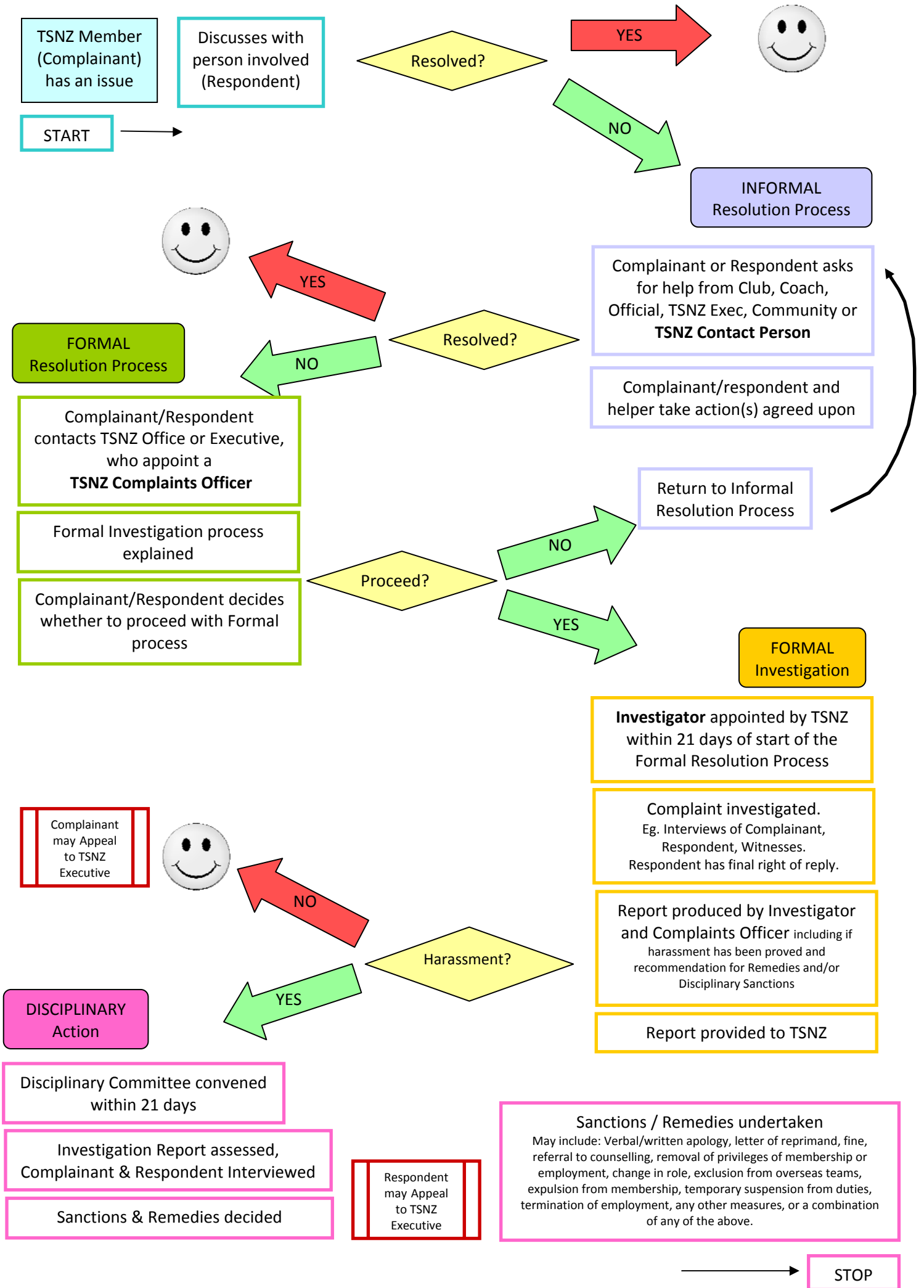
TSNZ understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. All people involved in the reporting, handling or investigation of harassment complaints are required to keep all matters pertaining to the complaint, investigation, sanctions and remedies completely confidential.

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.

#### **9 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.

# TSNZ Harassment-Free Sport Procedure



# **HARASSMENT CONTACT PERSON**

## **JOB DESCRIPTION**

Target Shooting New Zealand Incorporated (TSNZ) is committed to providing a harassment-free environment where all people involved in shooting are treated with respect and dignity and can contribute and participate to their full potential.

The policy and procedures cover all shooters, administrators and officials, coaches and anyone who is employed by or represents the TSNZ, whether paid or unpaid. The policy and procedures cover all situations connected with shooting including coaching and training, competition and practice, travel, social events and meetings.

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.

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.

TSNZ accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

All TSNZ Clubs and Associations are to be supplied with a copy of the Harassment Policy and Procedures. Harassment Contact Persons should be fully conversant with this document. Additional copies are available from the Administration Office and on the TSNZ Website.

### **The role of the Harassment Contact Person is to:**

- Provide information and advice on the issue of harassment and this policy;
- Provide support for people who have been harassed or are involved in a harassment investigation;
- Assist people in resolving complaints at an informal level (e.g. self help).

The Harassment Contact Person is the initial contact that a person who has been harassed or is accused of being harassed will contact. They will guide and support either the accused or the harassed person through the process as outlined in the Policy.

It is not the job of the Harassment Contact Person to investigate the complaint or make judgment on any person or persons.

The Harassment Contact Person must immediately report to the TSNZ National Office any allegations of harassment. The TSNZ Executive, President or an appointed Harassment Complaints Officer will determine the nature of the investigation. The Harassment Contact Person must keep TSNZ fully informed during any complaints process.

This position requires a non-judgmental approach by a person fully conversant with the definitions of harassment. The Harassment Contact Person must agree to have their name and contact details advertised.

# **HARASSMENT COMPLAINTS OFFICER**

## **JOB DESCRIPTION**

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### **The role of the Harassment Complaints Officer is to:**

- Receive formal complaints from the Target Shooting New Zealand Office or Executive;
- Ensure that these complaints are investigated promptly, appropriately and fairly;
- Convene a Disciplinary Committee when a complaint warrants it;
- Monitor the overall incidence or complaints and advise TSNZ accordingly.

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 TSNZ 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.

All Harassment Complaints Officers will receive training and resources to assist them to perform their duties. It is envisaged that TSNZ will appoint at least four senior people, two Male and two Female Officers.