

TAEKWONDO NB HARASSMENT POLICY (schedule “A”)

Policy Statement:

TKDNB inc. is committed to providing a sport and work environment, in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment, which promotes equal opportunities and prohibits discriminatory practices.

- Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by the Human Rights legislation in every province and territory.
- Harassment is offensive, degrading and threatening. In some extreme cases it can be an offense under Canada’s Criminal Code.
- Whether the harasser is a director, special advisor, coach, employee, volunteer, parent, student, or a competitor, harassment is an attempt by one person to assert abusive unwarranted power over another.

TKDNB inc is committed to providing a sport environmentally free of any harassment on the basis of: race, national or ethnic origin, color, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

This policy applies to all employees, including directors, special advisors, volunteers, coaches, athletes, officials and members of TKDNB inc. TKDNB encourages the reporting of all incidents of harassment, regardless of who the offender may be.

This policy applies to harassment, which may occur during the course of TKDNB’s business, activities and events. It also applies to harassment between individuals associated with TKDNB. Outside TKDNB’s business, activities and events when such harassment adversely affects relationships within the Association’s work and sport environment.

Notwithstanding this policy, every person who experiences harassment, continues to have the right to seek assistance from the provincial human rights commission; they also have the option of pursuing this matter through external mediation or an arbitration mechanism even when the steps are being taken under this policy.

Definitions:

1. Harassment takes on many forms, but it can be generally defined as a comment, conduct or gesture, directed towards an individual or group of individuals which are insulting, intimidating, humiliating, malicious, degrading or offensive.
2. For the purpose of this policy, sexual harassment is defined as an unwelcome sexual advance or request for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - (a) Submitting to, or rejecting this conduct is used as the basis for making decisions with an individual; or
 - (b) Such conduct has the purpose or effect of interfering with an individual’s performance; or
 - (c) Such conduct creates an intimidating, hostile, or offensive environment.
3. The type of behavior which constitutes harassment includes, but is not limited to:
 - (a) The display of visual material which is offensive or which one knows is offensive.
 - (b) Unwelcome remarks, jokes, comments, innuendo or taunting about a person’s looks, body, attire, age, race, religion, sex, or sexual orientation;
 - (c) Leering or other suggestive or obscene gestures;

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- (d) Condescending, paternalistic, or patronizing behavior which undermines self-esteem, diminishes performance or adversely affects working conditions;
 - (e) Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affects their performance;
 - (f) Unwanted physical contact including touching, petting, pinching, or kissing;
 - (g) Unwanted sexual flirtations, advances, requests or invitations; or
 - (h) Physical or sexual assault.
4. Sexual harassment most commonly occurs in the form of behavior by males towards females, however it can also occur between males, between females, or as behavior by females towards males.
5. For the purposes of this policy, retaliation against an individual for:
- (a) having filed a complaint under this policy;
 - (b) having participation in any procedure under this policy;
 - (c) having 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.

Responsibility:

6. TKDNB Inc., the secretary and board of directors are responsible for the implication of this policy. In addition, TKDNB's secretary and board of directors are responsible for:
- (a) Discouraging and preventing harassment within TKDNB;
 - (b) Investigating formal complaints of harassment in a sensitive, responsible and timely manner;
 - (c) Imposing appropriate disciplinary or corrective measures when a complaint of harassment has been sustained, regardless of the position or authority of the offender;
 - (d) Providing advice to person(s) who experience harassment;
 - (e) Do all in their power to support and assist any employee or member of TKDNB who experience harassment by someone who is not an employee or a member of TKDNB;
 - (f) Making all members and employees of TKDNB aware of the problem of harassment
 - (g) and, in particular, sexual harassment, and the procedures contained in this policy;
 - (h) Inform both complainants and respondents of the procedures, contained in this policy, and their rights under the law;
 - (i) Regularly review the terms of this policy to ensure that they are adequately meet the organization's legal obligations and public policy objectives;
 - (j) Appointing harassment officers, and providing the training and resources they need to fulfill their responsibilities under this policy; and
 - (k) Appointing unbiased case review panels and appeal bodies, and providing the resources and support they need to fulfill their responsibilities under this policy.

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7. Every member of TKDNB has a responsibility to play a part in ensuring that TKDNB’s sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy. In addition, any member of TKDNB, who believes that their fellow member has experienced harassment, is encouraged to notify a harassment officer appointed under this policy.
8. In the event that TKDNB, the secretary, special advisor, or member of the board of directors are involved with a complaint which is made under this policy, TKDNB’s president shall appoint a suitable alternate for the purpose of dealing with the complaint.

Coach/Athlete Sexual Relations:

9. TKDNB takes the view that the intimate sexual relationships between coaches and athletes are not against the law; however, they can have harmful effects on the individual athlete involved, on other athletes, coaches and on TKDNB’s public image. TKDNB therefore takes on the position that such relationships are unacceptable for the coaches who coach the following levels:
 - (a) Provincial coach that is traveling to the nations;
 - (b) A coach that is paid by the association.
10. Should a sexual relationship develop between an athlete and a coach, TKDNB will investigate and take action. This could include reassignment, or if this is not feasible, a request for the resignation or even dismissal from employment.

Disciplinary Action

11. Employees or members of TKDNB, against whom a complaint of harassment is substantiated, may be severely disciplined, up to and including employment dismissal or termination of membership in the case. When the harassment takes on the form of assault, sexual assault or a related sexual offense.

Confidentiality

12. TKDNB understands that it may be extremely difficult to come forward with a complaint of harassment, and that it can be devastating to be wrongly convicted of harassment. TKDNB recognizes the interests of both the complainant and the respondent in keeping the matter confidential.
13. TKDNB shall not disclose to outside parties the name of the complainant, the circumstances giving rise to the complaint, on the name of the respondent, unless a disciplinary, or any other remedial process requires such disclosure.

Harassment Officers

14. TKDNB shall appoint at least two people, one male and one female, who are members or employees of the organization, to serve as officers under this policy. If more than two officers are appointed, TKDNB shall ensure a gender balance.
15. The role of the harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in formal resolutions of complaints and to investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to TKDNB’s secretary.
16. TKDNB shall ensure that officers receive appropriate training and support, for carrying out their responsibilities under this policy.

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Complaint Procedure

17. A person who experiences harassment is encouraged to make it known to the harasser that the behavior is unwelcome, offensive and contrary to this policy.

18. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should seek the advice of the harassment officer. The harassment officer shall inform the complainant of:

- (a) The option of pursuing an informal resolution of his or her complaint;
- (b) The right to lay out a formal written complaint, under this policy when an informal resolution is inappropriate or not feasible;
- (c) The availability of counseling and other support provided by TKDNB;
- (d) The confidentiality provisions of this policy;
- (e) The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;
- (f) The external mediation/arbitration mechanisms that may be available;
- (g) The right to withdraw from any further action in connection with the complaint at any stage) even though TKDNB might continue to investigate the complaint); and
- (h) Other avenues of recourse, including the right to file a complaint with the human right commission or, where appropriate, contact the police to have them lay a formal charge under the Criminal Code.

19. There are four possible outcomes from the initial meeting of the complainant and harassment officer:

- (a) The complainant and officer agree that the conduct does not constitute harassment.
 - (i) If this does occur, the harassment officer will take no further action and will not make a written record.
- (j) The complainant brings the evidence of harassment and chooses to pursue an informal resolution of the complaint.
 - (i) If this occurs, the harassment officer will assist the two parties to negotiate a solution acceptable to the complainant. If desired by the parties and, if appropriate, the harassment officer may also seek the assistance of a neutral mediator.
 - (ii) If an informal resolution yields a result, which is acceptable to both parties, the harassment officer will make a written record that a complaint was made, and was resolved informally to the satisfaction of both parties, and will take on no further action.
- (k) The complainant brings the evidence of harassment and decides to lay out a formal written complaint.
 - (i) If this occurs, the harassment officer will assist the

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complainant in drafting a formal written complaint to be signed by the complainant, and a copy is to be given to the respondent without delay. The written complaint should set out the details of the incident(s), the names and witnesses to the incident(s) and should be dated and signed.

- (ii) The respondent will be given an opportunity to provide a written response to the complaint. The harassment officer may assist the respondent in preparing this response.
 - (l) The complainant brings the evidence of harassment, but does not wish to lay out a formal complaint.
 - (i) If this occurs, the harassment officer must decide if the alleged harassment is serious enough to warrant laying out a formal written complaint, even if it is against the wishes of complainant.
 - (ii) When the harassment officer decides that the evidence and surrounding circumstances require a formal written complaint, the harassment officer will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and respondent.
20. As soon as possible after receiving the written complaint, but within the twenty-one days, the harassment officer shall submit a report to TKDNB’s board of directors, containing the documentation filed by both parties along with the recommendation that:
- (a) No further action be taken, because the complaint is unfounded and the conduct cannot reasonably be said to fall within the policy’s definition of harassment; or
 - (b) The complaint should be investigated further.
21. A copy of this report shall be provided, without further delay, to both the complainant and respondent.
22. In the event that the harassment officer’s recommendation is to proceed with an investigation, TKDNB’s board of directors shall, within fourteen days, appoint three members of TKDNB to serve as a case review panel. This panel shall consist of at least one woman at least one man. To ensure freedom from bias, no member shall have a professional relationship with either the complainant or the respondent.
23. A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent.
24. When determining the appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:
- (a) The nature of the harassment;
 - (b) Whether the harassment involved any physical contact;
 - (c) Whether the harassment was an isolated incident or part of an ongoing pattern;
 - (d) The nature of the relationship between the complainant and the harasser;
 - (e) The age of the complainant;
 - (f) Whether the harasser has been involved in previous harassment incidents;
 - (g) Whether the harasser admitted responsibility to and expressed a willingness to change; and

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(h) Whether the harasser retaliated against the complainant.

25. In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- (a) A verbal apology;
- (b) A written apology;
- (c) A letter or reprimand from TKDNB;
- (d) A fine or levy;
- (e) Referral to counseling;
- (f) A removal of certain privileges of membership of employment;
- (g) A demotion or a cut in pay;
- (h) A temporary suspension with or without pay;
- (i) A termination of employment or contract; or
- (j) An expulsion from membership.

26. Where the investigation does not result in finding the harassment, a copy of the report of the case review panel shall be placed in the harassment officer's file. These files shall be kept confidential and access to the files shall be restricted only to TKDNB's secretary and the harassment officers.

27. Where the investigation results in finding of harassment, a copy of the report from the case review panel shall be placed in the personnel of membership file or the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of ten years, unless new circumstances dictate that the report should be kept for a longer period of time.

Procedure Where A Person Believes That A Colleague Has Been Harassed

28. Where a person believes that a colleague has experienced harassment and reports this belief to a harassment officer, the officer shall meet with the person who has said to have experienced harassment, and shall then proceed in accordance with the complaint procedure as set out in this policy.

Appeals

29. Both the complainant and the respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for appeal, must be provided to the chairperson of the case review panel within fourteen days of the complainant or respondent receiving the panel's report.

30. Permissible grounds for appeal are:

- (a) The panel did not follow the procedure laid out in this policy;
- (b) A member of the panel was influenced by bias; or
- (c) The panel reached a decision, which was grossly unfair or unreasonable.

31. In the event that a notice of appeal is filed, TKDNB's secretary and the president shall together appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one

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man. These individuals must have no significant personal or professional involvement with the complainant or the respondent, and no prior involvement in this dispute between them.

32. The appeal body shall rely solely on a review of the documentation surrounding the complaint, including the complainant's and respondent's statements, the harassment officer's statements, the case review panel and the notice of appeal.

33. Within ten days of this appointment, the appeal body shall present its findings in a report to TKDNB's secretary and president. The appeal body shall have the authority to uphold the decision of the panel, and/or to modify any recommendations for nay-disciplinary action or remedial measures.

34. A copy of the appeal body's report shall be provided, without delay, to the complainant and the respondent.

35. The decision of the appeal body shall be final.

Review and Approval

This policy was approved on by TKDNB's membership at its AGM in the city of Moncton in the province of New Brunswick, this 21st day of November, 2004.

TKDNB Inc.'s Board of Directors shall review this policy on an annual basis.