



# **New Zealand In-Line Hockey Association**

**P.O.Box 7014 - New Plymouth - New Zealand**

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**Website at [www.nziha.com](http://www.nziha.com)**

## **ANTI-HARASSMENT POLICY**

### **1. POLICY STATEMENT**

New Zealand In-Line Hockey Association Incorporated is committed to providing a harassment-free environment where all people involved in in-line hockey are treated with respect and dignity and can contribute and participate to their full potential. This benefits players, coaches and officials, NZIHA, and in-line hockey.

NZIHA will do its best to prevent harassment by:-

- ensuring that this policy is drawn to the attention of all NZIHA clubs, coaches, officials, players, and parents of players;
- responding promptly, appropriately and fairly to any complaints that are brought to its attention;
- appointing and training appropriate Harassment Counsellors who can be approached for information and advice; and
- regularly reviewing the policy, procedures and practices.

### **2. WHO THE POLICY AND PROCEDURES COVER**

The Policy and Procedures cover all:

- players;
- administrators and officials;
- coaches; and
- anyone who is employed by or represents NZIHA, whether paid or unpaid.

### **3. WHAT THE POLICY AND PROCEDURES COVER**

The Policy and Procedures cover all situations connected with in-line hockey including:

- coaching and training;
- competition;
- travel;
- meetings or conferences; and
- social events.



## 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 characteristics.
- 4.3 In most cases, harassment is an attempt by one person to inappropriately exert power over another person. Harassment ranges from mild contact such as gestures or comments to conduct which may be physical, forceful and violent.

## 5. RESPONSIBILITIES

NZIHA is responsible for taking all reasonable steps to prevent harassment in the organisation and for ensuring that the policy and procedures are well known throughout the organisation. NZIHA 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. High level harassment such as rape and assault is also a criminal offence.

NZIHA is implementing this Policy to take positive action before a case of harassment escalates to become a matter to be dealt with by either the Human Rights Commissioner or the Police.

This Policy is endorsed by the Executive Committee of the New Zealand Inline Hockey Association Incorporated .

Signature:

President NZIHA \_\_\_\_\_

Secretary NZIHA \_\_\_\_\_ Date: \_\_\_\_\_



# ANTI-HARASSMENT POLICY ..... PROCEDURES

## 1. What is Harassment?

- 1.1 Harassment is defined from the viewpoint of those being harassed. Whether the action is intended as harassment, or not, does not matter. Intention only matters when determining what disciplinary action is appropriate.
- 1.2 Harassment is not:
- appropriate compliments;
  - behaviour based on mutual attraction;
  - friendly banter which is mutually acceptable; or
  - constructive coaching and feedback.
- 1.3 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 and 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 ;
  - unwelcome sexual advances;
  - sending offensive emails, letters or phone calls;
  - deliberately excluding people with the intention of isolating or hurting them; or
  - physical or sexual assault.

## WAYS TO DEAL WITH HARASSMENT

### 2.1 Self Help

**This involves the victim letting the offender know that the harassing behaviour is unacceptable and must stop. This can be done in a number of ways including:**

- telling the person directly and asking them to stop their unacceptable behaviour;
- 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 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, regional or national associations such as the coach, administrator, official or the Harassment Counsellor (see clause 3 Implementing the Policy and Procedure). 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 NZIHA outlining:

- who the complaint is about;
- what happened (including time, date, place, what was said/done, how often this has occurred);
- 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;
- requesting confidentiality/approval before any action by NZIHA

The complaint should be forwarded to one of NZIHA's two appointed Harassment Complaints Investigators

The complaint will be taken seriously and investigated fully, and appropriate actions will be taken.

## 2.4 Police

Complaints of a criminal nature should be reported to the police and with the consent of the individual. This does not stop a formal complaint being taken to NZIHA as well.

## IMPLEMENTING THE POLICY AND PROCEDURES

### 3.1 Harassment Counsellors

NZIHA will appoint and train a Harassment Counsellor in each Region.

This person is not responsible for investigating or receiving formal complaints.

The role of this person 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.

### 3.2 Harassment Complaints Investigators

**NZIHA will appoint and train two Harassment Complaints Investigators. The role of the investigator is to:**

- receive formal complaints
- ensure that these complaints are investigated promptly, appropriately and fairly;
- monitor the overall incidence of complaints and advise the Association accordingly.

When a complaint is laid with the Harassment Complaints Investigator, the investigator 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.

### 3.3 The Investigation process

The Harassment Complaints Investigator will individually interview:

- the complainant;
- the respondent (the person accused of harassment); and
- any witnesses.

Both the complainant and the respondent are entitled to have a support person 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.

The investigator will then prepare a factual report. This will be based on civil law standard which is "on the basis 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;
- any recommendations of disciplinary actions to be taken; and



- when appropriate, any recommendation to NZIHA about how to prevent future cases of a similar vein.

### **3.4 Rights of the Respondent**

The respondent must be given the opportunity to:

- understand the principles of natural justice (an unbiased investigation where both sides have the right to be heard, but the respondent has the right to have a 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.

### **3.5 Decision Making**

If the complaint warrants it, the Harassment Complaints Investigator will convene within 21 days a meeting of an NZIHA "Disciplinary Committee", appointed specifically for the task of receiving and acting upon the Harassment Complaints Investigator's report. This Disciplinary Committee shall comprise one Harassment Complaints Investigator and two appointees appointed by the NZIHA Executive. The Committee will:

- receive the investigator's report;
- consider the report;
- determine if and what disciplinary sanctions are appropriate;
- determine if and what remedies are appropriate for the complainant.

If the Complaints Investigator, or any members of the Disciplinary Committee were directly involved in the matter at hand, they shall excuse themselves from hearing the case and NZIHA will appoint substitutes for this occasion.

### **3.6 Possible Disciplinary Sanctions:**

These may include:

- a verbal or written apology;
- a letter of reprimand;
- a fine or levy;
- referral to counselling;
- a change in role or duties;
- exclusion from teams travelling overseas;
- expulsion from membership;
- any other measures that the Disciplinary Committee determines are appropriate; or
- a combination of any of the above.

### **3.7 Record keeping**

NZIHA shall 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.

## **4. Retaliation**

For the purposes of the policy and procedures, 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, NZIHA will take appropriate disciplinary action against the person making the complaint(s).

## **6. Support for the Parties Involved**

Both the complainant and the respondent may have access to an appropriate support person. This may be a family member, friend, elder from the community, counsellor or Harassment Counsellor. The support person is also bound by the confidentiality (7) and defamation (8) clauses contained in this policy..

## **7. Confidentiality**

NZIHA 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 investigation of harassment complaints are required to maintain confidentiality 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 minimise 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..... Procedures**

### **Informal Options:**

- Self – Help
- Informal approach (assisted by Harassment Counsellor if required)

### **FORMAL OPTION:**

- Complaint submitted in writing to Harassment Complaints Investigator
- Harassment Complaints Investigator meets the complainant to ensure complainant understands the process
- Harassment Complaints Investigator interviews:-
  - complainant
  - respondent
  - witnesses
  - complainant
  - respondent
- Investigator prepares a report and makes recommendation(s)
- Disciplinary Committee is convened within 21 days of receiving investigator's report

