

**KARATE NL
Harassment Complaint
Procedure**



2020-2021

Note: For convenience, this policy uses the term “Complainant” to refer to the person who reports the alleged harassment. The term “Respondent” refers to the person against whom a complaint is made. An “Officer” is a member of the Executive Committee.

POLICY STATEMENT

1. Karate NL 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 that promotes equal opportunities and prohibits discriminatory practices.
2. Harassment is a form of discrimination. Karate NL is committed to providing an environment free from any harassment and in particular, on the basis of race, nationality or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, or disability.
3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under NL’s Criminal Code.

APPLICATION

1. This policy applies to all Karate NL employees as well as to all Karate NL directors, officers, volunteers, coaches, athletes, officials and members of Karate NL. It applies to harassment that may occur during the course of all Karate NL business, activities and events.
2. Harassment arising within the business, activities and events of other organizations or Dojos affiliated with Karate NL shall be dealt with using the policies and mechanisms of such organizations.

DEFINITIONS

1. Harassment can generally be defined as comments or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive. Types of behavior which constitute harassment include, but are not limited to:
 - a. written or verbal abuse or threats;
 - b. the display of visual material which is offensive or which one ought to know is offensive;
 - c. unwelcome remarks, jokes, comments, innuendo or taunting about a person’s looks, body, attire, age, race, religion, sex or sexual orientation;
 - d. leering or other suggestive or obscene gestures;
 - e. condescending, paternalistic or patronizing behavior which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;

- f. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- g. any form of hazing;
- h. unwanted physical contact including touching, petting, pinching or kissing;
- i. unwelcome sexual flirtations, advances, requests or invitations;
- j. physical or sexual assault;
- k. behaviors such as those described above that are not directed towards individuals or groups but have the same effect of creating a negative or hostile environment; or
- l. retaliation or threats of retaliation against an individual who reports harassment.

2. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests 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 which affect the 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.

CONFIDENTIALITY

1. Karate NL recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused and/or convicted of harassment. Because of this, Karate NL will recognize the interests of both the complainant and the Respondent in keeping the matter confidential, except where such disclosure is required by law.

COMPLAINT PROCEDURE

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

1. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the complainant should request a meeting with an officer of Karate NL.
2. Once contacted by a complainant the role of the officer is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the officer considers that he or she is unable to act in this capacity, the complainant shall be referred to another Karate NL officer.
3. There are three possible outcomes to this meeting of complainant and officer:
 - a. it may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;

- b. the complainant may decide to pursue an informal resolution of the complaint, in which case the officer will assist the two parties to negotiate an acceptable resolution of the complaint; or

the complainant may decide to lay a formal written complaint and submit it to the officer who will in turn advise the rest of the Executive Committee. The Executive Committee shall then appoint an independent individual to conduct an investigation of the complaint.

4. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques, independent & unbiased. The Investigator shall gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint is made (the “respondent”), and any witnesses who, in the opinion of the Investigator, might have relevant facts or observations about the incident. The respondent shall also be given the opportunity to provide a written statement to the Investigator.
5. The Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Karate NL Executive.
6. The Executive may determine that the alleged conduct is of such seriousness as to warrant any measure up to the suspension of the individual from Karate NL pending the hearing and decision of the Discipline Panel.
7. Within ten (10) business days of receiving the written report of the Investigator, the Executive shall appoint three individuals to serve as a Panel. This Panel shall consist of at least one woman and at least one man.

HEARING

1. The Panel shall hold the hearing as soon as possible, but not more than fifteen (15) business days after the Panel has been appointed by the Executive.
2. The Panel shall govern the hearing as it sees fit, provided that:
 - a. members of the Panel select from among themselves a Chairperson;
 - b. a quorum be all three (3) Panel members;
 - c. decisions be by majority vote; the Chair carries a vote;
 - d. the complainant and the respondent may be accompanied by a representative;
 - e. the hearing be held in private;
 - f. the respondent be given five (5) business days written notice (by courier or email) of the day, time and place of the hearing, and copies of the formal complaint and the investigator’s report;
 - g. the complainant shall receive a copy of the investigator’s report five (5) days prior to the hearing;
 - h. both the Complainant and Respondent shall be present at the hearing to respond to the investigator’s report, give evidence and to answer questions of the Panel. The hearing will proceed in the absence of either or both parties;

- i. the investigator may attend the hearing at the request of the Panel;
- j. the Panel and the Parties may request that witnesses to the incident be present or submit written evidence; and
- k. once appointed, the Panel shall have the authority to amend or extend timelines associated with all aspects of the hearing.

3. In order to keep costs to a reasonable level the Panel may conduct the hearing through a conference call or video conference.
4. As soon as possible but within five (5) business days of the hearing, the Panel shall present its decision to the Karate NL Executive, with a copy provided to both the Complainant and Respondent. The decision shall contain:
 - a. a summary of the relevant facts;
 - b. a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - c. a disciplinary action against the respondent, if the acts are deemed to constitute harassment; and
 - d. a measure to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.
5. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, their decision may contain a disciplinary action against the complainant.

DISCIPLINE

1. When deciding the appropriate disciplinary action, the Panel shall consider factors such as:
 - a. the nature and severity 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 respondent;
 - e. the age of the complainant;
 - f. whether the respondent had been involved in previous harassment incidents;
 - g. whether the respondent admitted responsibility and expressed a willingness to change; and
 - h. whether the respondent retaliated against the complainant
2. When deciding disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:
 - a. verbal apology;
 - b. written apology;
 - c. letter of reprimand from Karate NL;

- d. a fine or levy;
- e. referral to counseling;
- f. removal of certain privileges of membership or employment;
- g. demotion or pay cut;
- h. temporary suspension with or without pay;
- i. termination of employment or contract;
- j. expulsion from membership;
- k. publication of the decision; and
- l. any other sanction that the Panel considers appropriate in the circumstances.

- 3. Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.
- 4. Both the complainant and respondent shall have the right to appeal the decision and recommendations of the Panel, in accordance with Karate NL's Appeal Policy.