



# fédération de netball amateur du québec quebec amateur netball federation

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## ABUSE & HARRASSMENT POLICY

### ***a. Purpose of the Policy***

The purpose of this policy is to provide guidelines for dealing with discrimination and harassment complaints in an effective and timely manner, and to provide a procedure for formal and informal review and resolution.

One who experiences harassment also and continues to have the right to seek assistance in the following manners:

- A complaint may be filed with the Quebec Human Rights Commission if the complaint falls under the definition of discrimination.
- A complaint may be filed with the police and/or other appropriate authorities if the behaviour is criminal activity (i.e. abuse, stalking, etc.)

If the complainant initiates proceedings with the Quebec Human Rights Commission with respect to the same incident(s) that are the subject matter of the complaint under this policy, the complainant shall be deemed to have withdrawn the complaint under this policy and the internal process would cease.

If a person proceeds with a complaint under this policy, the complaint will either be resolved informally with the assistance of the harassment Advisor, or formally after an investigation by an Investigative Officer.

Abuse can be physical, emotional or sexual

- Physical Abuse – using physical force or actions that result, or could result, in injury.
- Emotional Abuse - a pattern of hurting an individual's feelings to the point of damaging their self-respect. It includes verbal attacks on the individual, insults, humiliation or rejection.
- Sexual Abuse – using an individual for sexual stimulation or gratification.

If child abuse is suspected or disclosed, reporting to the proper authority is mandatory.

### ***b. Statement of Policy***

There will be no tolerance of Harassment in the Quebec Amateur Netball Federation (henceforth QANF).

QANF 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.

This policy applies to all employees as well as directors, officers, volunteers, coaches, athletes, officials, and members of QANF. QANF encourages the prompt reporting of all incidents of harassment, regardless of who the alleged offender may be.

For the purposes of this policy, harassment may occur at, but not limited to, the following places:

- At the office;
- At office related social functions;
- At sporting events, competitions, and in training sessions;

- At the federation's business functions, such as meetings, conferences, training sessions, and workshops;
- During work related travel;
- Over the telephone; or
- Elsewhere if the person harassed is there as a result of work-related responsibilities or a work-related relationship.

The procedure followed under this policy shall adhere to the process of natural justice, which means that:

- Everyone will have an opportunity to provide his/her version of events;
- The issues will be clearly and concisely stated so that the respondent is aware of the allegations;
- The respondent and complainant have the right to be represented at any stage of the process at their own expense;
- The respondent and complainant will receive a copy of the investigative report;
- The decision makers (disciplinary committee, appeal panel, and harassment officer) have a duty to listen fairly to both sides and to reach a decision untainted by bias.

QANF is committed to the prevention of harassment through educational programs including information and training.

Discipline is an indispensable part of high performance sport and should not be confused with discrimination or harassment. However, it is of vital importance that those in authority:

- Set and communicate performance and training standards to all participants;
- Ensure that training involving touching and other physical contact occur in an appropriate setting and only after formal consent has been sought and received;
- Be consistent and non-harassing in taking any corrective or punitive action;
- Use non-harassing terminology; address individuals by name and avoid the use of derogatory slang or offensive terms;
- Refer to QANF Codes of Conduct and follow them accurately.

### ***c. Definitions***

Harassment is any comment, gesture, communication, or conduct pertaining to an individual's gender, colour, racial origin, religion, marital, or family status, disability, age, ancestry, ethnic origin, or sexual orientation which is unwelcome, or is of such a nature that it would be reasonable to assume that it is unwelcome and which is intended to, or is likely to, offend, intimidate, demean, or humiliate another person, or which can be reasonably perceived as creating a negative, poisoned or hostile competitive or employment environment.

Harassment does not include good-natured interactions if all those present view the conduct as acceptable.

**Sexual Harassment:** Sexual harassment is a particular form of harassment. It is one or a series of incidents involving unwelcome sexual attention, requests for sexual favours, or other verbal expression or physical conduct of a sexual nature made by a person who knows or ought reasonably to know that such conduct is unwelcome.

Examples of behaviours which constitute sexual harassment include but are not limited to:

- Unwelcome physical contact, sexually oriented remarks or behaviour of a sexually suggestive nature.
- Unwelcome sexual flirtations, advances, propositions or requests for sexual favours.
- The display of material which can reasonably be interpreted to be sexually threatening or intimidating.
- The telling of sexist jokes or stories, which the teller knows or should reasonably know, are likely to cause embarrassment or offence.
- Express or implied threats or reprisals in reaction to a rejected sexual advance.
- Unwelcome inquiries or comments about a persons sex life, or spreading rumors about the same.

Discrimination: The Quebec Charter of Human Rights and Freedoms provides that no person shall discriminate against a person with respect to employment, publication, accommodation, service, and facilities on any of the following grounds:

- Race
- Colour
- Sex
- Gender identity or expression
- Pregnancy
- Sexual orientation
- Civil status
- Age except as provided by law
- Religion
- Political convictions
- Language
- Ethnic or national origin
- Social condition
- Handicap or the use of any means to palliate a handicap

These are called "Prohibited Grounds". Harassment on a prohibited ground is a form of discrimination.

Responsible Adult: Where the complainant or the Respondent is a minor, or otherwise unable to speak for themselves, a parent or guardian, or other adult of the person's choice, may speak on behalf of the complainant or Respondent, as referred to in Section 9.0 of this policy.

Complainant: Person making a complaint.

Respondent: The alleged offender.

Harassment Advisor: A designate of QANF who has been trained with respect to this policy and its procedures. The role of the Harassment Advisor is to serve in a neutral, unbiased capacity, to provide information about the resources and support available, and to receive complaints, assist in informal resolution of complaints, and to make recommendations as to further action. The Harassment Advisor will handle complaints, which may be resolved through informal procedures, and refer all other complaints to the Investigative Officer.

Investigative Officer: An individual appointed by QANF to investigate an harassment complaint as provided in this policy.

Investigation Report: The product of an investigation completed by the Investigative Officer, including but not limited to, a summary of details, determination of whether harassment

occurred, and recommendations for resolution, including recommendations for disciplinary action if harassment is found.

**Appeal Panel:** At least three individuals appointed by QANF to consider an appeal from a decision of the Standing Disciplinary Committee. No members of the Appeal Panel shall have any personal or professional involvement with either the complainant or Respondent and no prior involvement with the matter under appeal.

**Appeal Coordinator:** The person appointed by QANF to coordinate appeals.

**Standing Disciplinary Committee:** A Committee of persons as defined in the QANF Bylaws who accepts or rejects the recommendations of the Investigative Officer.

**Retaliation:** Any action taken against an individual in retaliation for (but not limited to):  
Having invoked this policy on behalf of herself/himself or another individual;  
Having participated or cooperated in any investigation under this policy; or  
Having associated with anyone who has invoked this policy or participated in an investigation.

#### **d. Responsibility**

The QANF Board of Directors is responsible for the implementation of this policy.

The QANF Board of Directors will identify and designate Harassment Advisors and Officers.

The QANF Board of Directors will act quickly in any complaint of harassment with the goal of resolving the situation fairly and of preventing future occurrences, including determining and enforcing appropriate discipline, if required.

All members of QANF have the responsibility to follow their codes of conduct and behave according to the rules outlined by the QANF.

#### **e. Confidentiality**

Throughout the process of this policy, every effort will be made to maintain confidentiality an information relating to the complaint, including content of meetings and interviews, results of investigations, and other relevant material, and will only be disclosed to the extent necessary to carry out procedures provided in this policy.

#### **f. Complaint Procedure**

A person who thinks she/he has been subjected to conduct which constitutes harassment on Prohibited grounds under this policy (the Complainant) is encouraged to make it known to the person responsible for the conduct (the Respondent) that the behaviour is unwelcome, offensive, and contrary to this policy.

If confronting the Respondent is not possible, or if after confronting the Respondent the conduct continues, the Complainant should seek the advice the Harassment Advisor.

At the first meeting between the Harassment Advisor and the Complainant, the Harassment Advisor shall inform the Complainant of:

The option of pursuing informal resolution of the complaint;

The option to proceed with a formal investigation under this policy when an informal resolution is inappropriate or not feasible;

The availability of counselling and other resources;

The confidentiality of this policy;  
The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process;  
Other avenues of recourse, including the right to file a complaint with the Quebec Human Rights Commission or, where appropriate, to conduct the Police where the conduct may be an offence pursuant to the Criminal Code.

Following the initial meeting between the Complainant and the Harassment Advisor, either of the following steps may be taken:

If the Complainant and the Harassment Advisor agree that the conduct does not constitute harassment, the Harassment Advisor will take no further action and will make no written record of the complaint.

If the Complainant wished to proceed with the complaint, the Harassment Advisor shall assist the Complainant in preparing a written complaint outlining the names of the respondent, the details of the alleged incident(s) of harassment and the names of any witnesses. The written complaint shall be dated and signed by the Complainant.

If the complainant wishes to attempt resolution of the complaint on an informal basis, the Harassment Advisor will attempt informal resolution of the complaint. This may include the following:

- The Complainant talks to the Respondent about the behaviour.
- The Advisor talks to the Respondent about the behaviour.
- The Advisor acts as an informal mediator between the Complainant and Respondent.
- The Advisor accesses the services of a professional mediator for the Complainant and Respondent.
- Other types of informal resolution that do not include investigation

If the complaint is resolved informally to the satisfaction of the Harassment Advisor, the Complainant and the Respondent, or if the Complainant decides to withdraw the complaint, the Harassment Advisor will make careful notes of the actions taken and no report shall be submitted to QANF.

If the complaint is not resolved informally to the satisfaction of the Harassment Advisor and/or the Complainant, the complaint shall be referred to an Investigative Officer for investigation.

At the time that the written complaint is forwarded to the Investigative Officer, pursuant to paragraph 6.7, a copy of the written complaint shall be placed in QANF's records relating to the Respondent.

If the Complainant does not wish to proceed with an informal resolution, or if the Harassment Advisor feels it cannot be informally resolved, the Harassment Advisor will refer the complaint to an Investigative Officer for investigation. The Investigation shall be conducted following the procedures outlined in the QANF Harassment Policy, and the written complaint shall be forwarded to an Investigative Officer for an investigation.

#### **g. Investigation Procedure-Formal Resolution**

When an Investigative Officer receives a complaint from the Harassment Advisor, Investigative Officer will:

Review and clarify the Complainant's written complaint: and  
Give a copy of the written complaint to the Respondent.

Where the Investigative Officer gives a copy of the written complaint to the Respondent, the Investigative Officer will include with the written complaint a copy of this policy and a notice

that the Respondent has the right to be represented by any person of choice at any stage of the process when the Respondent is required or entitled to be present.

The Respondent will provide a written response to the Investigative Officer within ten (10) working days of receiving the written complaint. If there are special circumstances, the Investigative Officer may extend the time or response.

The Investigative Officer will receive the written response from the Respondent and forward a copy to the Complainant.

In a timely manner, the Investigative Officer shall conduct an investigation and prepare a written Investigation Report.

During the investigation, Complainant and Respondent shall advise the investigator of all evidence that is relevant to the complaint.

The Investigation Report from the Investigative Officer shall contain:

- A summary of the relevant facts;

- A determination as to whether the acts in question constitute harassment as defined in this policy;

- If the act(s) constitute harassment, recommendations for resolution that may include disciplinary action against the Respondent.

When recommending disciplinary action, the Investigative Officer shall consider factors such as:

- The nature of the harassment;

- Whether the harassment involved any physical contact;

- Whether the harassment was an isolated incident or part of an ongoing pattern;

- The nature of the relationship between the Complainant and the Respondent;

- The ages and mental abilities of the Complainant/and/or Respondent;

- Whether the Respondent has been involved in previous harassment incidents;

- Whether the Respondent retaliated against the Complainant.

On completion of the report, the Investigative Officer shall forward a copy of the Investigation Report to the Complainant, the Respondent, and the Standing Disciplinary Committee.

After considering the Investigation Report, the Standing Committee shall:

- Make a determination as to whether the Respondent breached the Harassment Policy; and

- If the Standing Disciplinary Committee determines that the Respondent has breached the harassment policy, recommend resolutions or disciplinary action to be taken against the Respondent as is appropriate in the circumstances.

When imposing disciplinary action against the Respondent, the standing Disciplinary Committee shall consider these factors referred to in paragraph 7.8 and may impose such disciplinary action as it considers appropriate in the circumstances which may include, but is not limited to:

- a verbal apology;

- a written apology;

- a letter of reprimand from QANF;

- a fine or levy;

- referral to counselling;

- sensitivity training in harassment issues;

- removal of certain privileges of membership or employment;

- demotion or pay cut;

- temporary suspension with or without pay;

- termination of employment;

- expulsion from membership.

The Standing Disciplinary Committee shall, not more than 10 days after it makes its decision, send a copy of its decision to the Complainant and Respondent.

## **h. Appeals**

An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds for the appeal are restricted to the following:

- QANF failed to follow procedures set out in the harassment policy;
- The Standing Disciplinary Committee's decision was influenced by bias;
- The Standing Disciplinary Committees considered irrelevant evidence, or failed to consider relevant evidence in making its decision; or
- The Standing Disciplinary Committee's decision was wholly unreasonable based on the facts and circumstances.

The Notice of Appeal and Request for Hearing shall be in writing and shall set out the grounds for appeal and facts in support of the grounds for appeal.

A Complainant or Respondent who wishes to appeal the decision of the Standing Disciplinary Committee may initiate an appeal by serving the office of the Appeal Coordinator with a "Notice of Appeal and Request for Hearing". Notice must be served not more than 30 days after the date on which she or he receives notice of the Standing Disciplinary Committee's decision.

Upon receipt of a Notice of Appeal and Request for Hearing, the Appeal Coordinator shall:

- Notify QANF of the Appeal and request that QANF appoint an Appeal Panel to hear the appeal; and
- Send a copy of the Notice of Appeal and Request for Hearing to the other party or parties involved in the complaint.

Once an Appeal Panel has been appointed, the Appeal Panel shall consider the grounds for appeal and determine if there are sufficient grounds for the appeal.

If the Appeal Panel determines that there are not sufficient grounds for the appeal, the Appeal Panel will dismiss the appeal and notify QANF and the parties to the complaint, in writing, of its decision.

If the Appeal Panel determines that there are sufficient grounds for the appeal, shall inform the Appeals Coordinator of the decision, and conduct a Hearing with respect to the appeal.

The Hearing shall follow such procedures as deemed appropriate in the circumstances by the appeal panel. The Appeal Panel may, in its sole discretion, determine the rules of procedure that will govern the Hearing. The procedures may require advance disclosure of evidence and/or witness statements.

The Appeals coordinator will send a copy of the Notice of Hearing to the Complainant and Respondent and to QANF. The Hearing Notice will be sent at least 30 days in advance of the scheduled hearing and shall:

- Specify the date, time and location of the Hearing;
- Set out the rules of procedure that will govern the Hearing;
- Advise the parties that they should bring with them to the Hearing all relevant witnesses and other evidence they wish to be considered by the Appeal Panel; and
- Advise the parties that they have the right to be represented by counsel at the Hearing.

In addition to the notice of appeal, the Appeal Panel may receive into evidence the Investigator's Report, the Standing Disciplinary Committee decision, and any other relevant evidence presented at the Hearing.

Within 15 working days after the completing a Hearing, the Appeal Panel shall send notice of its decision, by registered mail, to the last known addresses of the Complainant and the Respondent and to the Standing Disciplinary Committee of QANF.

The Standing Disciplinary Committee of QANF shall implement the Appeal Panel's recommendations.

i. Representation By Responsible Adults

If the Complainant is a minor, or someone otherwise unable to speak for themselves, the complaint may be brought forward by a "Responsible Adult". The Responsible Adult will have the right to act on behalf of the Complainant throughout the complaint process, including:

Making a complaint;  
Receiving all notices on behalf of the complainant;  
Being present at all dealings with the Complainant.

If the Respondent is a minor or someone otherwise unable to speak for themselves, the following shall apply:

If the Harassment Advisor is attempting an informal resolution of a complaint, the Harassment Advisor may speak to the Respondent directly concerning the complaint PROVIDED THAT prior to speaking to the Respondent the Harassment Advisor shall inform the Respondent the he/she may have a Responsible Adult present during the meeting.

If the complaint is referred to an Investigative Officer for investigation:

A copy of the written complaint shall be forwarded to a parent or guardian of the Respondent if such a person is known;

The Respondent shall be advised that he/she has the right to be represented by a Responsible Adult; and

The Respondent's designated Responsible Adult will have the right to act on behalf of the Respondent throughout the investigation process, including

- Responding to a written complaint;
- Receiving all notices on behalf of the Respondent; and
- Being present at all dealings with the Respondent.

***j. Records***

The Secretary of QANF shall be required to keep all records required to be kept under this policy, including the Harassment Advisor's reports.

Where a complaint is resolved informally without investigation:

The Harassment Advisor shall provide the Secretary with a confidential written record of the complaint and details of the informal resolution; and

No reference to the incident shall be recorded in QANF's records relating to the Respondent.

Each Harassment Advisor shall have access to notes and records made by any other Harassment Advisor of QANF.

If the Complaint is not resolved informally and the complaint is referred to an Investigative Officer for investigation, a copy of the written complaint shall be placed in QANF's records relating to the Respondent at the time the written complaint is forwarded to the Investigation Officer.

Where an investigation results in a finding of harassment, the outcome of the investigation and any disciplinary action shall be recorded in QANF's records relating to the Respondent. The records shall include copies of the Complaint, the Investigation Report, the Standing Disciplinary Committee report and, if applicable, the Appeal Panel's decision.

Where an investigation results in a finding that the complaint is not substantiated, all records of the complaint shall be removed from QANF's records relating to the Respondent.