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Title: Harassment Policy

Football New Brunswick adopts the Football Canada Harassment Policy - as laid out in 2001 Football Canada Policy and Procedure Manual. This includes, but not limited to the following:

1. GENERAL

- 1.1.** Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in every province and territory in Canada.
- 1.2.** Harassment and abuse are offensive, degrading, and threatening. In their most extreme forms, harassment and abuse are offences under Canada's Criminal Code.
- 1.3.** Whether the harasser is a director, staff, supervisor, coach, training staff member, official, volunteer, parent, or athlete. Harassment, abuse and discrimination are attempts by one person to assert abusive, unwarranted power over another.
- 1.4.** Football New Brunswick policy applies to all directors, staff, volunteers, coaches, training staff members, athletes and officials.
- 1.5.** This policy aims to both deter harassment, abuse, and discrimination, and to deal with cases promptly and objectively.
- 1.6.** Every person who experiences harassment continues to have the right to seek assistance from their provincial human rights commission, even when steps are being taken under this Policy.

2. DEFINITION

- 2.1.** Harassment takes many forms but can generally be defined as comment, conduct, or gesture directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading, or offensive.
- 2.2.** Types of behavior which constitute harassment include;
 - 2.2.1.** written or verbal abuse or threats;
 - 2.2.2.** the display of visual material which is offensive;
 - 2.2.3.** unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, race, religion, sex, or sexual orientation;
 - 2.2.4.** leering or other suggestive or obscene gestures;
 - 2.2.5.** behavior which undermines self-esteem, or diminishes performance;
 - 2.2.6.** unwanted physical contact;
 - 2.2.7.** any form of hazing;

- 2.2.8. physical or sexual assault
 - 2.2.9. cyber bullying
 - 2.2.10. Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
 - 2.2.11. Behaviours such as those described above that are not directed towards individuals or groups but have the effect of creating a negative or hostile environment
 - 2.2.12. In the case of minors, abuse and neglect as defined in Provincial/Territorial child protection legislation
- 2.3. For the purpose of this Policy, sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature.

3. RESPONSIBILITY

- 3.1. The implementation of this policy is the responsibility of Football New Brunswick directors, staff and association members. In addition, the Administrator (Executive Director) is responsible for:
- 3.1.1. discouraging and preventing harassment within Football New Brunswick
 - 3.1.2. establishing an education program to ensure that all members of Football New Brunswick are aware of the problem of harassment, and sexual harassment in particular.

4. DISCIPLINARY ACTION

- 4.1. Members of Football New Brunswick against whom a complaint of harassment is substantiated may be severely disciplined, up to and including dismissal in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

5. CONFIDENTIALITY

- 5.1. Football New Brunswick recognizes that it can be extremely difficult to come forward with a complaint and that it can be devastating to be wrongly accused of harassment and also recognizes the interest of both the Complainant and the Respondent in keeping the matter confidential.
- 5.2. Any written documents pertaining to any matter dealt with under this Policy shall be retained by Football New Brunswick in a confidential file.
- 5.3. Football New Brunswick shall not disclose to outside parties the name of the Complainant, the circumstances giving rise to a complaint, the name of the Respondent or any written document pertaining to a harassment matter except where such disclosure is required by law.

6. RECEIVING A COMPLAINT

- 6.1. A person who experiences harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to this Policy.

- 6.2. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the person who has experienced the harassment, who has witnessed the harassment or who believes that harassment has occurred should report the matter to the Executive Director or President of Football New Brunswick.
- 6.3. Once an incident is reported the role of the Executive Director or President is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents or guardians of the incident (if the person who has experienced the harassment is a minor), and assisting in an informal resolution of the complaint, where this is appropriate. If the Executive director or President considers that they are unable to act in this capacity, the Complainant shall be referred to another Football New Brunswick Director.

7. FACT-FINDING

- 7.1. If informal resolution of the complaint is not appropriate or possible, and if the person who has experienced or witnessed the harassment, or believes that the harassment has occurred decides to pursue a formal complaint, the Executive Director or President shall receive this complaint and shall provide a copy to the board.
- 7.2. Once the complaint has been reported to Football New Brunswick, the Executive Director or President shall then gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint (the respondent) is made, and any witnesses who in the opinion of Football New Brunswick, might have relevant facts or observations about the incident.
- 7.3. In addition, to provide information to Football New Brunswick, the respondent shall have the opportunity to provide a written statement to Football New Brunswick, if he or she wishes.
- 7.4. The Executive Director or President shall summarize the results of the fact gathering in a written report.
- 7.5. Upon completion of the fact gathering stage, the Executive Director or President shall provide copies of the complaint and his/her factual report to the Board of Football New Brunswick.

8. PROCEDURES FOR REVIEWING COMPLAINTS

- 8.1. Within seven (7) days of receiving these documents, the Board shall decide if the complaint should be dealt with informally, in which case it shall direct the appropriate response and the matter shall be concluded.
- 8.2. If the Board determines that the complaint should be dealt with by means of a hearing, it shall appoint three (3) individuals to serve on a Panel, and shall appoint one of these individuals to serve as the Chairperson of the Panel.
- 8.3. The Board shall then, at its sole discretion, and having regard to the nature of the complaint and the potential seriousness of the outcome, determine which of the following procedures shall be used by the Panel to review the complaint:

- 8.3.1. The Panel shall review the statement of the complainant, the documentation provided by the Executive Director or President and the statement of the respondent and shall render a decision.
 - 8.3.2. The Board shall appoint an outside investigator who shall conduct a formal investigation of the incident and shall provide a written report to the Panel. The Panel shall consider the report, as well as the statements of the complainant and the respondent, and the report of the official, and shall then render a decision.
 - 8.3.3. The Board shall appoint an outside investigator who shall conduct a formal investigation of the incident and shall provide a written report to the Panel. The Panel shall review this report at a hearing with the complainant and the respondent present, may ask questions of the complainant and respondent, and may allow the complainant and the respondent to ask questions of each other. Following the hearing, the panel shall render its decision.
 - 8.3.4. The Panel shall convene a hearing involving the complainant, respondent and witnesses. The parties shall have an opportunity to present evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the panel shall render its decision.
 - 8.4. In holding a hearing, the Panel shall govern the hearing by such procedures as it may decide.
 - 8.5. If at any point in these proceedings, the complainant becomes reluctant to continue, it shall be at the sole discretion of the Board to continue the review of the complaint in accordance with this policy.
 - 8.6. After reviewing and deciding any harassment matter, the Panel shall present its findings in a report to the Board with a copy provided to both the complainant and the respondent. This report shall contain:
 - 8.6.1. A summary of the relevant facts;
 - 8.6.2. A determination as to whether the acts complained of constitute harassment or abuse as defined in this policy;
 - 8.6.3. Disciplinary action to be taken, if the acts constitute harassment or abuse; and
 - 8.6.4. Measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment or abuse.
- 9. IMPOSING DISCIPLINARY SANCTIONS: AGGRAVATING AND MITIGATING CIRCUMSTANCES**
- 9.1. In order to provide some guidance to those responsible for determining disciplinary sanctions and to provide some consistency to the application of sanctions, the following possible aggravating and mitigating circumstances, and other factors are to be considered when determining the appropriate sanction:
 - 9.1.1. The nature and severity of the harassment or abuse;
 - 9.1.2. Whether the harassment or abuse involved any physical contact;
 - 9.1.3. Whether the harassment or abuse was an isolated incident or part of an ongoing pattern of behaviour;
 - 9.1.4. The nature of the relationship between the complainant and harasser
 - 9.1.5. The age of the complainant;

- 9.1.6. Whether the perpetrator has been involved in the previous harassment or abuse incidents;
- 9.1.7. Whether the perpetrator admitted responsibility and expressed a willingness to change;
- 9.1.8. Whether the perpetrator retaliated against the complainant.

10. RANGE OF SANCTIONS

- 10.1. In recommending disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment or abuse:
 - 10.1.1. Verbal apology;
 - 10.1.2. Written apology;
 - 10.1.3. Letter of reprimand from Football New Brunswick
 - 10.1.4. A fine or a levy;
 - 10.1.5. Referral to counseling;
 - 10.1.6. Removal of certain privileges of membership or employment;
 - 10.1.7. Temporary suspension with or without pay;
 - 10.1.8. Termination of employment or contract;
 - 10.1.9. Expulsion from membership;
 - 10.1.10. Publication of the details of the sanction;
 - 10.1.11. Any other sanction that the Panel considers appropriate.

11. FAILURE TO COMPLY WITH SANCTIONS

- 11.1. Failure to comply with a sanction as determined by the Panel shall result in an automatic suspension from membership in Football New Brunswick.
- 11.2. The Board of Football New Brunswick may determine that the alleged offense is of such seriousness as to warrant suspension of membership from Football New Brunswick pending a review of the complaint.

12. APPEAL MECHANISM

- 12.1. Both the complainant and the respondent shall have the right to appeal the decision of the Panel. A "Notice of Intention to Appeal", along with the grounds for the appeal, must be provided to the Board within 14 days of the complainant or respondent receiving the Panel's report.
- 12.2. Permissible grounds for an appeal are:
 - 12.2.1. The Panel did not follow the procedures laid out in this policy;
 - 12.2.2. Members of the Panel were influenced by bias; or
 - 12.2.3. The Panel reached a decision that could not be supported by the evidence, or that was grossly unfair or unreasonable.
- 12.3. The appeal shall be heard by the Board, who shall base its decision on a review of the documentation surrounding the complaint, including the complainant's and respondent's

statements, the report of the Executive Director or President, the report of the investigator and/or the report of the Panel and the notice of appeal.

12.4. In deciding the Appeal, the Board shall have the authority to uphold the decision of the Panel, to reverse the decision of the Panel, and/or to modify any of the Panel's recommendations for disciplinary action or remedial measures.

12.5. The decision of the Appeal Body shall be final and binding, and not open to any further intervention by any court with the exception of a review in accordance of the rules of arbitration set out in "Alternate Disputes Resolution Program for Amateur Sport".

13. TIMELINES

13.1. In extraordinary circumstances, and at its sole discretion, the Panel may abridge or extend the timelines in this policy.

14. CONFIDENTIALLY

14.1. Football New Brunswick recognizes the sensitivity and serious nature of harassment and abuse, and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Football New Brunswick will do so. It is also the policy of Football New Brunswick to allow publication of the decision of the Panel, where the acts complained of constitute harassment.