

Athletics New Zealand Harassment Policy

Scope

This policy applies to all members of Athletics NZ including board members, staff, contractors, coaches, athletes, officials, administrators, volunteers and parents whether involved in athletics at Club, Centre or Athletics NZ level or otherwise (“Athletics NZ community”).

Purpose

The purpose of this policy is to confirm that harassment within the Athletics NZ community is unacceptable and to outline the processes for identifying, resolving and preventing any harassment that might occur within the Athletics NZ community.

Why do we need a harassment policy?

Athletics NZ recognises that within its community it has:

- a significant proportion of vulnerable people (children and juniors)
- a broad range of people from different backgrounds, locations, levels of experience, and age, and
- a potential power imbalance between coaches/administrators/officials and athletes.

Athletics NZ values the wellbeing of all of its board members, staff, contractors, coaches, athletes, officials, administrators, volunteers and parents, and does not tolerate harassment anywhere within the Athletics NZ community.

Effective implementation of this policy is a collective responsibility. It depends on all of the members of the Athletics NZ community taking appropriate action to identify, resolve, and prevent harassment.

What is harassment?

Harassment means unwelcome behavior that is offensive, humiliating or intimidating and is either repeated, or of such significant nature, that it has a detrimental effect on the person, their performance, contribution or their sporting environment.

Unwelcome behavior can be harassment even if the recipient doesn't tell the other party or parties that their behavior is unwelcome - and even if there is no intention to offend, humiliate or intimidate. It could even include gossip, jokes, teasing or the use of inappropriate nicknames.

Sexual harassment and racial harassment are defined in legislation, for example in the Human Rights Act 1993. It is important to note that it is unlawful to sexually harass another person even if harassment wasn't intended. It is also an offence to harass a person under the Harassment Act 1997.

Concerns and complaints

Persons who believe they have experienced harassment within the Athletics NZ community are encouraged to follow the guidelines for resolving concerns and complaints over the page.

There are four possible steps involved in the complaint process:

- Initial self-help by the affected person
- Informally raising the behavior as a concern with a neutral third party

- Making a formal complaint to the relevant Club or to Athletics NZ head office, or
- Making a formal complaint outside Athletics NZ, such as to the Human Rights Commission or the Police.

Investigations and resolution

Any formal complaint under this policy will be treated in confidence but must be made in the manner and form set out below. Athletics NZ will not investigate anonymous complaints.

If Athletics NZ determines that harassment has occurred, this will amount to a minor infraction and may lead to a reprimand and warning.

If Athletics NZ determines that a member has engaged in serious or repeated harassment, this will amount to a major infraction and will initiate the Athletics NZ disciplinary process.

If given a warning, this will include the corrective action required, the period within which it applies, and the consequences for failure to take the corrective action or any further breach.

Responsibilities

All members of the Athletics NZ community (including administrators, athletes, coaches, officials and parents) need to:

- Avoid behaviours which may be perceived by others as harassment or abuse, and
- Raise concerns about any perceived harassment or abuse.

Persons who consider that they have experienced harassment need to initiate the self-help steps described below, where possible, to try to resolve their concerns before making a formal complaint.

Coaches and Officials need to:

- Comply with the Coaches or Officials Code of Conduct (as applicable) including not engaging in harassment, and
- Ensure that athletes are aware of their rights and expectations under this policy.

Clubs and Centres need to:

- Promptly inform Athletics NZ if they receive a formal complaint; and, if so
- Consult with Athletics NZ to develop a strategy for investigation and response, and
- Ensure the confidentiality of the parties involved.

Athletics NZ needs to:

- Provide an impartial process for dealing with harassment
- Assist in the resolution of formal complaints made under this policy, applying the principles of natural justice and procedural fairness
- Respond to complaints in a timely manner, ensuring the CEO and Board are notified about all formal complaints in a prompt and timely manner
- Ensure the confidentiality of the parties involved in accordance with this policy
- Protect the integrity and self-esteem of the individuals involved, and
- Provide training to Clubs on how to deal effectively with behaviour perceived as harassment.

Initial self help

If the recipient of harassment feels confident enough to do so, self-help means communicating to the alleged offender the behavior of concern, how it's perceived and how it's affecting them. This can

help particularly if the alleged offender hasn't thought through their behavior, isn't aware that it's unacceptable or unwanted, or isn't aware of the consequences.

It can be useful to have a third party present to help with confidence or to keep the conversation on track. All discussions should be confidential.

Raising a concern

The second option is also informal. It is up to the person affected to decide what's most useful, but it may simply involve getting advice from an independent person from a Club or Athletics NZ. The independent person can assist with self-help suggestions, or talk through options before deciding whether or not to make a formal complaint.

The affected person may also ask the independent person to talk to the alleged offender on their behalf. If this occurs, the affected person's confidentiality will be completely protected unless they consent to disclosing it.

Formal complaint – Athletics NZ process

If the affected person wants to make a formal complaint, this must be made in writing to an Athletics NZ representative at the Club or head office level (at the complainant's choice). Any formal complaint will need to provide reasonable details as to the nature of the alleged harassment as well as the time and place it occurred.

A Club who receives a formal complaint must immediately refer it to the CEO of Athletics NZ, and ensure that it is kept confidential.

Athletics NZ is responsible for investigating and resolving the complaint in accordance with its disciplinary processes. This may involve meeting with the complainant in order to better understand the nature of the alleged harassment.

Athletics NZ will notify the alleged offender about the nature of the complaint or alleged harassment and give the alleged offender a fair opportunity to respond and to be heard.

Athletics NZ will hear and determine an allegation of harassment under this policy by applying natural justice including;

- Giving notice of the complaint and/or the information received including any charges against them as well as the potential consequences for the alleged offender;
- Giving the alleged offender an opportunity to explain or deny the complaint;
- Giving the alleged offender a timely hearing before fair and impartial hearing body.

Penalties may be imposed where any person in the Athletics NZ community is found to have committed harassment.

If Athletics NZ recommends that mediation is appropriate, then the mediation and mediator must be agreed to by both parties. Mediation will be confidential and without prejudice to any other remedies available to those involved. The aim of mediation is to reach agreement, resolve the problem, and ensure the conduct is not repeated.

Formal process – Human Rights Act/ Police

In addition to the processes specified above, any person may choose to make a complaint about harassment to the Human Rights Commissioner and/or the Police.