



NWT Soccer Association Harassment and Discrimination Policy

1. Policy Statement on Discrimination and Harassment

The Northwest Territories Soccer Association (NWTSA) is committed to creating and maintaining 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 which promotes equal opportunities and prohibits discriminatory practices.

The NWTSA is committed to providing an environment free of harassment on the basis of race, nationality or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability.

In keeping with this policy, the NWTSA encourages the reporting of all incidents of harassment regardless of who the harasser may be and is committed to a process that is widely published in the soccer community, available to all participants and easy to follow and implement.

Notwithstanding this policy, any person who experiences harassment continues to have the right to seek assistance from the provincial human rights commission.

2. NWTSA Participants

This policy applies to all employees, Board Members, volunteers, coaches, athletes, officials, administrators, members and participants who are under the jurisdiction of the NWTSA.

This policy applies to harassment which may occur during the course of all NWTSA business, activities and events. It also applies to harassment occurring outside those situations, when the harassment is occurring between individuals covered by this policy and when such harassment adversely affects relationships within the NWTSA's work and sport environment.

Harassment may occur in a number of ways, e.g. a staff member by a Board member, or of an athlete by a staff member, or of a staff member by an athlete, or of an athlete by an athlete.

3. Discrimination

Discrimination is any distinction, whether intentional or not, based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an



individual that are not imposed on others, or has the effect of withholding or limiting access to opportunities, benefits and advantages available to others.

The prohibited grounds of discrimination under the NWTSA Policy includes the grounds of discrimination prohibited by applicable laws such as: citizenship; colour; ethnic origin; language (but not where a language is qualification for employment or office); place of origin; race; sex; sexual orientation, family or marital status, and handicap or disability.

4. Harassment

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 of Canada. In its more extreme forms, harassment, in particular sexual harassment, can be an offence under Canada's Criminal Code.

4.1 Definition of Harassment

Harassment is improper behaviour related to one or more prohibited grounds that is offensive and which the person knew, or ought reasonably have known would be inappropriate or unwelcome. The behaviour can be verbal or physical and can occur on a one-time, repeated or continuous basis. A person does not have to intend to harass for the behaviour to be harassment.

Harassment can take many forms but generally involves conduct, comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise cause offence, discomfort, or personal humiliation or embarrassment to a person or a group of persons.

Examples of harassment include:

- hostile verbal and non-verbal communications;
- unwelcome remarks, jokes, innuendo or teasing linked to a prohibited ground such as a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- condescending, paternalistic or patronizing behaviour linked to prohibited grounds of discrimination which undermines self-esteem, diminishes performance or adversely affects working conditions;
- practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- any form of hazing;
- use of terminology that reinforces stereotypes based on prohibited grounds of discrimination;
- vandalism or physical assaults motivated by prohibited grounds of discrimination;
- acts of retaliation designed to punish an individual who has reported discrimination or harassment; and
- threats of retaliation designed to dissuade an individual from reporting discrimination or harassment.



Racial and/or religious harassment is deemed to include but is not limited to:

- belittling or abusing of a particular religion, race or ethnic group;
- denial of opportunity on the basis of a person's race, colour or religion;
- making fun of particular religious observances or of real or alleged racial or ethnic characteristics;
- spreading hate literature or in any way promoting racial or religious hatreds;
- expressing the view that any one race is superior to another.

4.2 Discipline in Training

Discipline in training 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 non-discriminatory performance standards, selection criteria, rules and regulations to all participants;
- be consistent in corrective or punitive action without discrimination or harassment based on prohibited grounds;
- use non-discriminatory terminology; and
- address individuals by name and avoid the use of derogatory slang or offensive terms.

4.3 Sexual Harassment

In this policy sexual harassment means unwelcome sexual remarks or advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

- submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual;
- refusal to comply with a sexually-oriented request results in actual denial of an opportunity, or an expressed or implied threat of denial of opportunity for such refusal;
- such conduct has the purpose or effect of interfering with an individual's performance; or
- such conduct creates an intimidating, hostile or offensive environment.

Sexual harassment may occur in the form of such conduct by males toward females, between males, between females, or by females toward males.

Some examples of types of behaviour which may be sexual harassment include:

- sexually degrading words used to describe a person;
- criminal conduct such as stalking, and physical or sexual assault or abuse;
- promises or threats contingent on the performance of sexual favours;



- the display of visual material which is offensive or which one ought to know is offensive, for example pornographic images, sexual/sexist graffiti or any display of sexually explicit material or pictures;
- leering or other suggestive or obscene gestures;
- unwanted physical contact including touching, petting, pinching or kissing or unwanted sexual attention by a person who knows or ought reasonably to know that such attention is unwanted;
- unwelcome sexual flirtations, sexual remarks, advances, requests or invitations whether indirect or explicit;
- unwanted inquiries or comments about an individual's sex life or sexual preferences;
- unwanted sexual flirtations, advances or propositions;
- derogatory or degrading remarks about a person's sexuality or sexual orientation; or
- acts of retaliation to punish an individual who has rejected sexual advances or threats of retaliation if sexual advances are rejected.

For the purposes of this policy, retaliation by one person against another:

- for having invoked this policy (whether on behalf of oneself or another);
- for having participated in any investigation under this policy; or
- for having been associated with a person who has invoked this policy; or
- participated in these procedures will be considered a form of sexual harassment.

5.0 Responsibilities

Prevention and intervention are key to achieving a sport environment free of discrimination and harassment. The NWTSA must present a positive role model.

NWTSA participants should:

- communicate the NWTSA's objective to create and maintain a sport environment free of harassment and discrimination and with a view to discouraging harassment; and
- exercise good judgment and initiate appropriate action under this policy, if they become aware that discrimination or harassment may have occurred.

5.1 Responsibilities of the People in Charge

The Board Members and those acting on behalf of the NWTSA are expected to contribute positively to the development of an environment in which harassment does not occur.

The Executive Committee is responsible for:

- ensuring that investigation of formal complaints of harassment is conducted in a sensitive, responsible and timely manner;



- imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- supporting and assisting any employee or member of the NWTSA who experiences harassment by someone who is not an employee or member of the NWTSA;
- ensuring that this policy is posted on the web-site and made available to all members;
- appointing Harassment Prevention Officers and investigators and (with the exception of third party professionals), providing the training and resources they need to fulfil their responsibilities under this policy;
- appointing case review panels and appeal bodies and providing the resources and support they need to fulfil their responsibilities under this policy; and
- maintaining records as required under this policy.

5.2 Coach/Athlete Sexual Relations

The NWTSA takes the view that intimate sexual relations between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the NWTSA's public image.

The NWTSA, therefore, takes the position that such relationships are unacceptable for coaches and their coaching staff in any way with a developmental or high performance team. Should a sexual relationship develop between an athlete and a coach, the NWTSA will investigate, in accordance with this policy, and take action, where appropriate, which could include reassignment, or if this is not feasible or appropriate, a request for resignation or dismissal.

Member Associations and Leagues are encouraged to adopt a similar policy.

6.0 Disciplinary Action

Employees, members or registrants of the NWTSA against whom a complaint of harassment is substantiated may be subject to discipline, according to the severity of the substantiated conduct, up to and including dismissal from employment, termination of membership or registration, or a life time suspension from all soccer activities for a limited time period or permanently, depending on the nature of the conduct.

7.0 Confidentiality

The NWTSA 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. The NWTSA recognizes the interests of both the complainant and the respondent and, to the extent practicable and appropriate under the circumstances, will maintain confidentiality through the process. However, if required by law to disclose information, the NWTSA will do so.

8.0 Harassment Prevention Officers



The NWTSA Board of Directors shall appoint four (4) appropriately qualified persons, two male and two female, to serve as Harassment Prevention Officers. These Board members serving as Harassment Prevention Officers will be identified on the nwtkicks.ca website.

The role of Harassment Prevention Officers is to receive complaints, assist in informal resolution of complaints and preparation of formal written complaints that are referred to the Executive Committee for further investigation. The Harassment Prevention Officers shall deal with complaints affecting all members of the NWTSA. In carrying out their duties under this policy, Harassment Prevention Officers shall be directly responsible to the NWTSA Executive Committee.

All Harassment Prevention Officers will be required to have a Canadian Police Information Centre (“CPIC”) check to ensure that their suitability for this role has not been compromised by a conviction in offences concerning children.

The NWTSA shall ensure that Harassment Prevention Officers receive appropriate training and support for carrying out their responsibilities under this policy.

In the event that all duly appointed NWTSA Harassment Prevention Officers are unavailable, one of the National Harassment Prevention Officers may be appointed on a temporary basis to handle a complaint.

9.0 Complaint Procedures

For the purpose of this section of the policy a person who experiences harassment is referred to as the “complainant” even where no formal complaint is filed.

1. A person who considers that they have been subjected to harassment is encouraged to make it known to the person responsible for the conduct that the behaviour is unwelcome, offensive and contrary to NWTSA policy.
2. If the complainant does not wish to confront the person responsible for the conduct directly or if the conduct continues after it is brought to the attention of the person responsible for the conduct, the complainant should:
 - speak to a Harassment Prevention Office; or
 - report the matter to an “official” of the NWTSA, for the purpose of this section, an official is any person in a responsible staff or volunteer position. In that event, the official should then refer the matter to a Harassment Prevention Officer.
3. The Harassment Prevention Officer shall inform the complainant of:
 - the options to pursue an informal resolution of his or her complaint;
 - the right to make a formal written complaint under this policy when an informal resolution is inappropriate or not feasible;
 - the availability of support provided by the NWTSA;
 - the confidentiality provisions of this policy;



- the right to be represented by a person of choice at any stage in the complaint process including legal counsel at the complainant's own expense;
- the right to withdraw from any further action in connection with the complaint at any stage (even though the NWTSA might continue to investigate the complaint); and
- other avenues of recourse, including the right to file a complaint with a human rights commission or, where appropriate, to contact the police to have them lay a formal charge under the Criminal Code.

9.1 There are four possible outcomes to a meeting between the complainant and the Harassment Prevention Officer:

1. The complainant and Harassment Prevention Officer agree that the conduct does not constitute harassment.
 - If this occurs, the Harassment Prevention Officer will take no further action and will make no written record other than reporting to the NWTSA Executive on a monthly basis the number of such incidents the Officer dealt with.
2. The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.
 - If this occurs, the complainant may ask the Harassment Prevention Officer to speak with the person whose conduct has caused offence with a view to assisting the parties to negotiate a solution acceptable to the complainant, the person against whom the complaint is made and the NWTSA.
 - If informal resolution yields a result which is acceptable to the parties, the Harassment Prevention Officer will make a written record that a complaint was made, the nature of the complaint, the fact that it was resolved informally to the satisfaction of the parties and no further action will be taken. A copy of the written record will be maintained by the Executive Committee at the NWTSA National Office for a period of 7 years in the Harassment Prevention Officers' files which shall be kept confidential and access to them shall be restricted to the Executive Committee. The Executive Committee, in its discretion, may direct the destruction of records at an earlier date, or the retention of records for a longer period of time, as may be appropriate in the circumstances of each case.
 - If informal resolution fails to resolve the complaint, the complainant retains option of making a formal written complaint.
3. The complainant brings evidence of harassment but does not wish to lay a formal complaint.
 - if this occurs, the Harassment Prevention Officer must decide whether or not to make a formal written complaint, even if it against the wishes of the complainant.
 - when the Harassment Prevention Officer decides that the evidence and surrounding circumstances require a formal written complaint, the Harassment Prevention Officer will prepare a formal written complaint.



- if the Harassment Prevention Officer decides not to make a formal complaint a written record will be maintained only:
 -
 - with the consent of the complainant; or
 - where there Harassment Prevention Officer decides to speak to the person whose conduct has caused offence.
- 4. The complainant brings evidence of harassment that results in a formal written complaint.

Where a decision is made to lay a formal written complaint:

- the Harassment Prevention Officer will assist the complainant in drafting a formal written complaint, to be dated and signed by the complainant; or
- where the Harassment Prevention Officer files the complaint on his or her own initiative without the complainant's consent, if such action's believed to be necessary, the Harassment Prevention Officer will draft a formal written complaint; and
- the written complaint must set out the details of the incident(s), behaviour or conduct alleged to constitute harassment and the names of any witnesses to the incident(s).

10.0 Formal Complaint Investigation

- (1) The Harassment Prevention Officer will give copies of the complaint without delay to:
 - (a) the person against whom the complaint is made;
 - (b) the complainant; and
 - (c) the Executive Committee;
- (2) The person against whom the complaint is made shall also:
 - (a) be given a copy of this policy;
 - (b) reminded of their right to retain outside counsel at their own expense, or otherwise be accompanied by a person of their choice at any stage in the proceedings under this policy;
 - (c) be advised that they may, within (10) days of receipt of the complaint file a written response with the Harassment Prevention Officer at their option; and
 - (d) be advised that an investigation will be undertaken.
- (3) Where a formal complaint is filed, the Harassment Prevention Officer may also meet with the complainant with a view to obtaining an apology or otherwise resolving the complaint to the satisfaction of the parties.
- (4) Where the meeting in section 10(3) is not appropriate in the circumstances, or does not result in resolution of the complaint, the Executive Committee shall promptly appoint someone to investigate the complaint. Where sexual harassment is alleged the Executive Committee shall appoint two individuals, a male and a female to



investigate the complaint. A complaint shall be investigated by people who are independent and neither personally or professionally associated with the parties to the complaint. The investigators may be employees, members or registrants of the NWTSA, or may be third party professionals retained by the NWTSA as the Executive Committee deems appropriate for the circumstances.

- (5) The results of the investigation shall be contained in a written report which may include material obtained during the course of the investigation and may also include recommendations based on the results of the investigation. A copy of the investigation report shall be provided to:
- (a) the Executive Committee;
 - (b) the complainant; and
 - (c) the person against whom the complaint is made.

Within fourteen (14) days of receiving the investigation report the Executive Committee shall appoint a Case Review Panel comprised of three (3) independent persons. This panel shall consist of at least one female and one male. To ensure freedom from bias, no member of the panel shall have a personal or professional relationship with either the complainant or the respondent.

- (6) Within twenty-one (21) days of its appointment, the Case Review Panel shall:
- (a) if appropriate in the circumstances and at its discretion, make a finding based on the information contained in the investigation report that harassment has or has not occurred; or
 - (b) convene a hearing.
- (7) In respect of a hearing convened by the Case Review Panel:
- (a) the proceedings shall be governed by such rules and procedures as the panel may decide;
 - (b) the complainant and respondent shall be given fourteen (14) days notice, in writing, of the day, time and place of the hearing and a copy of the rules and procedures governing the hearing;
 - (c) members of the panel shall select a chairperson from among themselves;
 - (d) a quorum shall be all three panel members;
 - (e) decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
 - (f) the hearing shall be held in camera;
 - (g) both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint but the Harassment Prevention Officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed in their absence;



- (h) the complainant and respondent may be accompanied by a representative or advisor and, where necessary, by a certified translator, at the expense of the NWTSA;
 - (i) the Harassment Prevention Officer may attend the hearing at the request of the panel.
- (8) Within fourteen (14) days of the conclusion of the hearing the case review panel shall present its findings in a written report to the Executive Committee which shall contain:
- a summary of the relevant facts;
 - a finding as to whether the acts complained of constitute harassment as defined in this policy; and
 - recommended measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment;
 - in the event that the acts complained of do not constitute harassment as defined in this policy, a finding as to whether the allegations of harassment were unsupported, false, vexatious or retaliatory, as may be appropriate; and
 - in that event, recommended measures, as may be warranted, to remedy or mitigate the harm or loss suffered by the individual against whom the complaint was made, if the acts do not constitute harassment and were false, vexatious or retaliatory.
- (9) A copy of the report of the Case Review Panel shall be provided, without delay, to both the complainant and the respondent.

11.0 Disciplinary Sanctions

(1) When determining appropriate disciplinary action and corrective measures, the Case Review Panel may consider factors including, but not limited to:

- 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 complainant and harasser;
- the age of the complainant;
- whether the harasser had been involved in previous harassment incidents;
- whether the harasser admitted responsibility and expressed a willingness to change;
- and
- whether the harasser retaliated against the complainant.

(2) In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- a verbal apology



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- a written apology
 - a letter of reprimand from the NWTSA
 - a fine or levy
 - removal of certain privileges of membership or employment;
 - temporary suspension with or without pay;
 - termination of employment or contract; or
 - expulsion from membership; or
 - any other remedy as may be appropriate.
- o Within seven (7) days of receipt of the report of the Case Review Panel, the Executive Committee shall consider the recommendations of the Case Review Panel and make a decision as to the appropriate sanction which shall be contained in a Final Report.
 - o Where no appeal is made as provided for in the following section on Appeals, then the decision will be implemented by the Executive Committee of the NWTSA.
 - o The complainant will be informed of the outcome of the proceedings and of any discipline or other action taken by the Executive Committee. If the complainant is not satisfied with the outcome of the investigation, the complainant will be reminded of the continuing right to file a complaint with the provincial Human Rights Commissions.

12.0 Reports

1. Where the proceedings under this policy results in a finding of harassment, a copy of the report of the Case Review Panel and the Final Report shall be placed in the personnel or membership file of the person against whom the complaint was made. Unless the findings of the panel are overturned upon appeal, these reports shall be retained for a period of ten (10) years unless new circumstances dictate that the reports should be kept for a longer period of time.
 - o The Executive Committee, in its discretion, where the conduct is minor, may direct the destruction of these records at an earlier date
2. Where the proceedings result in a finding that a complaint of harassment is not proved, any record of the complaint shall be removed from the personnel or membership file of the person against whom the complaint was made. A copy of the report of the Case Review Panel and the Final Report shall be placed in the Harassment Prevention Officers' files which shall be kept confidential and access to them shall be restricted to the Executive Committee.

13.0 Disciplinary Sanction Review

1. On written request from an individual who has been subject to disciplinary action under this policy, and provided that at least one year has elapsed since receiving the



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- Association's final decision, the Executive Committee may, at its discretion, consider a review of the disciplinary measures imposed
2. The Executive Committee shall appoint a review body consisting of a minimum of three persons of whom at least one shall be a female and at least one shall be a male. These individuals must have no personal or professional involvement with either the complainant or respondent and no prior involvement in the dispute between them
 3. Within ten (10) days of its appointment, the review body shall present its findings in a report to the Executive Committee. The review body shall have the authority to recommend changes to lessen the disciplinary measures currently in place
 4. The Executive Committee shall accept, reject or vary the recommendations of the review body and issue a written report which shall be the final decision of the NWTSA.
 5. A copy of the written report shall be provided, without delay, to the complainant and respondent and shall be retained in the files together with the Case Review Report.