

4/7/2024

TKDNS 7.0

Harassment and Abuse Policy



Approved: September 2018

Revised: April 2024

7.0 - Harassment and Abuse Policy

1. Purpose

- 1.1. TKDNS is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. Everyone has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.
- 1.2. Harassment is a form of discrimination and TKDNS is committed to providing an environment free from harassment based on race, nationality or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, or disability. Harassment based on any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada.
- 1.3. Harassment is offensive, degrading and threatening. In its most extreme forms, harassment can be an offense under Canada's Criminal Code.

2. Scope

- 2.1. This policy applies to all categories of Member in TKDNS, as described in Section 7 of the By-laws, as well as to all individuals engaged in activities with or employed by TKDNS, including, but not limited to, directors, officers, coaches, athletes, referees, volunteers, medical and paramedical personnel. It applies to harassment that may occur during all TKDNS business, activities, and events.
 - 2.1.1. For this policy, "TKDNS business" is defined as, but not limited to, any activity endorsed, insured, sanctioned, or organized by TKDNS or that takes place within the day-to-day or extraordinary activities of TKDNS affiliate clubs and any activity that any reasonable person would see as reflective of the TKDNS or sport of Taekwondo.
 - 2.1.2. Questions of jurisdiction of this policy will be decided by the Executive Committee of TKDNS at its sole discretion and may not be appealed.
- 2.2. When non-affiliated organizations or businesses related to, doing business with, or otherwise engaging with TKDNS do **not** have formal policies and mechanisms in place to address Harassment and Abuse, the policies of TKDNS shall apply.
- 2.3. When non-affiliated organizations or businesses related to, doing business with, or otherwise engaging with TKDNS **do** have formal policies and mechanisms in place to address Harassment and Abuse, the policies of the non-affiliated organizations or businesses shall apply.

3. Definitions

- 3.1. This policy uses the term "Complainant" to refer to the person or group who experiences harassment, even though not all persons who experience harassment will make a formal complaint.
 - 3.1.1. A complaint may be made by any Individual and is not limited to the person experiencing the Harassment.
 - 3.1.2. TKDNS may act as Complainant in any case where such actions are considered appropriate by the Executive.
- 3.2. The term "Respondent" refers to the person against whom a complaint is made.

- 3.3. Harassment can generally be defined as comment or conduct, directed toward an individual or group of individuals that is insulting, intimidating, humiliating, malicious, degrading, or offensive. Types of behaviour that constitute harassment include, but are not limited to:
- 3.3.1. Written or verbal abuse or threats.
 - 3.3.2. The display of visual material which is offensive or which one ought to know is offensive.
 - 3.3.3. Unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation.
 - 3.3.4. Leering or other suggestive or obscene gestures.
 - 3.3.5. Condescending, paternalistic, or patronizing behaviour, which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions.
 - 3.3.6. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance.
 - 3.3.7. Any form of hazing.
 - 3.3.8. Unwanted physical contact including touching, petting, pinching, or kissing.
 - 3.3.9. Unwelcome sexual flirtations, advances, requests, or invitations.
 - 3.3.10. Physical or sexual assault.
 - 3.3.10.1. For the purposes of this policy the definition of assault does not need to meet the standard of the Criminal Codes of Canada or the Province of Nova Scotia.
- 3.4. Behaviours 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
- 3.5. Retaliation or threats of retaliation against an individual who reports harassment.
- 3.6. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:
- 3.6.1. Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - 3.6.2. Such conduct has the purpose or effect of interfering with an individual's performance; or
 - 3.6.3. Such conduct creates an intimidating, hostile or offensive environment.
- 3.7. Physical Abuse is defined as non-accidental use of force that results in bodily injury, pain, or impairment. This includes, but is not limited to, being slapped, burned, cut, bruised, or improperly physically restrained.
- 3.8. An "official" of TKDNS is any person in a responsible staff or volunteer position with TKDNS.

4. Confidentiality

- 4.1. TKDNS 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 of harassment. TKDNS recognizes the interests of both the Complainant and the Respondent in keeping the matter confidential, except where such disclosure is required by law.

5. Complaint Procedure

- 5.1. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this policy.
- 5.2. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the Complainant has two options:

- 5.2.1. The Complainant may request a meeting with an official of TKDNS.
- 5.2.2. The Complainant may submit a formal Complaint to TKDNS as per TKDNS 9.0 - Discipline and Complaints policy
- 5.3. If contacted by a complainant, the role of the official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the official considers that he or she is unable to act in this capacity, the Complainant will be referred to another TKDNS official.
- 5.4. There are three possible outcomes to this meeting of Complainant and official:
 - 5.4.1. It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed.
 - 5.4.2. The Complainant may decide to pursue an informal resolution of the complaint; in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint. If an informal resolution of the complaint is not appropriate or possible, the Complainant may decide to lay a formal written complaint; or
 - 5.4.3. The Complainant may decide to lay a formal written complaint, in which case the official will advise the TKDNS Executive Committee, and the TKDNS 9.0 - Discipline Complaints Policy will come into effect.
- 5.5. The Executive Committee may determine that the alleged conduct is of such seriousness as to warrant suspension of the individual from TKDNS pending the hearing and decision of the Discipline Panel.