



## **GNL Member Respectful Communications and Harassment Policy**

Date Accepted: February 19, 2018

Effective Date: February 20, 2018

Issuing Authority: GNL Board of Directors

Gymnastics Newfoundland and Labrador (GNL) is committed to creating and maintaining a community free of harassment, and committed to respectful communications and interactions. All members have a shared responsibility to ensure a culture of fairness, dignity and respect is maintained. GNL is also committed to ensuring that its obligations under relevant legislation, including human rights legislation, are met.

The Respectful Communications and Harassment Policy (the "Policy") shall apply to:

- All Members (clubs, employees, athletes, parents, coaches and judges)
- All GNL Employees
- All GNL Volunteers (including Team NL managers, chaperones)
- GNL Board of Directors

### **Respectful Communications**

GNL encourages all individuals to strive to create and maintain a healthy and positive environment, which includes taking personal responsibility for communicating in a respectful manner with others. Regardless of personal opinions, disagreements, or emotional concerns, all correspondence and interactions (whether written, verbal or non-verbal) must remain professional and polite. Any communication that is rude, or sarcastic in nature, will not be tolerated. The receiver of such correspondence holds the right to decline this correspondence on the grounds that the communication is not respectful in nature.

### **Harassment**

Harassment is a behaviour, especially a course of conduct, that is known or should reasonably be known to be unwelcome and can occur between parties. For the purpose of this Policy, harassment is defined as the following:

- Behaviour directed toward an individual that is offensive and may include threats, humiliation, insults, racist, sexist, or otherwise demeaning language, intimidation, or behaviour which creates a hostile or toxic work environment.
- Sexual harassment is any unwelcome sexual advance, request for sexual favours, or verbal and/or physical conduct which is sexualized in nature. It may also include an expressed or implied threat or reprisal for refusal to comply with a sexually oriented request by a person who is, or who is perceived to be, in a position to confer or deny a benefit. Sexual harassment includes displays of pornographic or offensive pictures, jokes, innuendos, or taunting about sex, gender, or a person's appearance, and sexualized or suggestive touching, patting or pinching.
- Abuse of authority, which includes such blatant acts as threats, blackmail, and coercion,

Harassment is **NOT**:

- Chit-chat or good natured jesting when both parties find the conduct acceptable;
- Flirtation when it is a voluntary relationship to which neither objects;
- Normal exercise of supervisory responsibilities including training, counselling, communication of negative results, discipline or a particular supervisory style;
- Personality differences between people.

## **Guidelines for Resolution**

Where reasonable and practical, Respectful Communications violations should be handled first by Informal Resolution Procedures. The Formal Resolution procedures are also available, including when the violations are severe and/or repetitive. If there have been two or more Respectful Communications Policy violations, or the nature of the violation harassment (meaning that it has caused significant emotional stress) the issue will be addressed by Formal Resolution Procedures.

All occurrences of Harassment violations will be addressed by Formal Resolution Procedures.

## **Informal Resolution Procedures**

- In the case of a written communication which the recipient believes to be in violation of the Respectful Communication provisions of this Policy, the receiver should provide a short, succinct reply indicating that they will not be responding to the aforementioned correspondence because it violates the Respectful Communications and Harassment Policy and provide a copy of such Policy to the sender.
- Informal resolution may also take the form of a discussion. Where the recipient of an objectionable communication is willing to do so, a discussion may occur between the recipient and sender, with or without the assistance or involvement of the GNL Executive Director (GNL ED) or other appropriate person, after which both parties agree that the issue has been resolved to their mutual satisfaction.

## **Formal Resolution Procedures**

- When informal resolution procedures have failed or are not appropriate based on the nature of the allegation, a formal complaint shall be referred to the GNL ED, who shall act as a Facilitator. The following exceptions apply:
  - The violation involves the GNL ED or member of the GNL Board of Directors. This will be referred to the HR committee and GNL Executive, who shall act as the Facilitator.
  - The violation involves an individual on the HR committee or GNL Executive. The individual will temporarily recuse his/herself for the purposes of addressing the violation. In such circumstance, another member of the GNL Board of Directors will be temporarily appointed to the committee to address such violation.
- The complaint and supporting correspondence shall be submitted in writing to the Facilitator. Details should include the name of the involved person or persons, dates, times, places, witnesses, circumstances surrounding the incident(s), and any other relevant information.
- Submitting a formal complaint should occur as soon as possible following the alleged incident or series of incidents, but no later than (6) months after the last alleged incident. Events prior to the six month period may be referenced if the incident(s) is alleged to be part of a series of incidents. Events which were the subject of a previous Formal Resolution Procedure resulting in the GNL Board of Directors taking action against the individual may also be referenced.
- Upon receiving the formal complaint, the Facilitator will be responsible for ensuring the issue is investigated. The Facilitator may conduct the investigation him/herself, or may engage the services of an outside investigator in appropriate circumstances.

- The Facilitator shall respond to the complainant, confirming the complaint has been received within a reasonable time after receipt of the complaint, and in any event within ten (10) business days.
- The accused and the complainant will be notified when an investigation into the formal complaint has begun. Other parties may be notified at the discretion of the GNL Board of Directors. Investigations should commence as soon as practical after notification that the complaint has been received.
- The Facilitator will notify the accused and the complainant that witnesses may be asked for their recollection and as such may become aware of some elements of the complaint through the interview process.
- The Facilitator will complete or provide a report detailing the investigation findings, including a recommendation as to how to proceed, ("Findings Report") no later than one month after the written complaint was received by GNL.
  - In addition to suggesting appropriate remedial action to be taken by the GNL Board of Directors, the Facilitator may make the following recommendations in the Findings Report:
    - that the individual has engaged in harassment;
    - that the individual has not been established to have engaged in harassment; or
    - that the investigation was unable to gather sufficient evidence to determine the outcome of the complaint.
- The Findings Report will be presented to the GNL Board of Directors. The GNL Board of Directors may accept or decline to accept the Facilitator's recommendation(s), in its sole discretion.
- In the event that the GNL Board of Directors finds that harassment has occurred, the Board shall determine the appropriate action in response to the Formal Complaint. Actions may include, but are not limited to:
  - Written reprimand
  - Loss of privileges/accreditation within GNL
  - Loss of privileges to travel or participate with Team NL for a specified time frame
  - In the case of a parent violation, the child may face disciplinary action
  - Loss of GNL funding
  - Suspension of GNL Membership for a specified time
  - Revoking GNL Membership
  - Amendments to GNL policies, practices, or procedures
  - Another remedy which the GNL Board of Directors finds to be appropriate in the circumstances
- When the appropriate action in response to the Formal Complaint has been decided by the GNL Board, the involved parties will be notified by the GNL Board, or by the Facilitator, that the investigation has concluded, and the course(s) of action to be taken in response to the Formal Complaint. The GNL Board of Director's decision shall be communicated, in writing, to the parties as soon as reasonably possible after the presentation of the Findings Report.
- The Facilitator, or other designate, may follow up periodically to ensure desired resolution has taken place. If GNL becomes aware of a failure to comply with a remedy directed by the GNL Board, this may be treated as a new complaint under this Policy.

### **Frivolous or Vexatious Complaints**

Frivolous, vexatious, and/or malicious complaints, or excessive numbers of unfounded complaints, may constitute grounds for disciplinary action against the complainant. Such disciplinary action will be determined by the GNL Board of Directors. However, no person shall be subject to retribution or retaliation for filing a complaint which is ultimately dismissed. GNL encourages individuals who believe they are the subject of harassment to bring their concerns forward in accordance with this Policy.

### **Confidentiality**

All matters relating to Respectful Communication and Harassment Policy must be handled with confidentiality. All persons involved in any process are expected to maintain confidentiality. The individual who is the subject of a

complaint must be made aware of the identity of the complainant. A complainant under this Policy must be informed that his/her identity will be revealed to the subject of the complaint, for the purpose of facilitating the investigation.

The Board of Directors has discretion to decline to investigate a complaint for which the complainant is not willing to be identified.

A breach of confidentiality by any individual with respect to a complaint may be subject to disciplinary or other appropriate action as determined by the GNL Board of Directors.

Confidentiality may not apply to persons where disclosure is permitted by law, or where the health, safety and security of a person or persons is a concern. In serious circumstances, the Board of Directors may make a report to law enforcement agencies, where threatening behaviour or the safety of persons or property is engaged, or in another appropriate case, without regard to the confidentiality requirements of this Policy.

### **Retaliation**

No person shall retaliate against another for bringing forward a complaint or for being involved in any process related to this Policy. GNL considers retaliation at any stage to be a serious offence, which may result in disciplinary action as determined by the Board of Directors.

A breach of confidentiality may constitute retaliation.

### **Appeals**

Individuals have the right to appeal Formal Resolution decisions made pursuant to this Policy in accordance with GNL's Appeal Process. Informal Resolutions shall not be subject to appeal by either party.

### **Legal**

This Policy does not restrict the right of individuals to file a complaint with the Newfoundland and Labrador Human Rights Commission, make use of the Criminal Code of Canada or take other legal action. The GNL Board of Directors has discretion to decline to pursue, or to hold in abeyance indefinitely regardless of the timelines set out above, any complaint filed under this Policy, the subject matter of which is the subject of another legal proceeding.