

**BASKETBALL
NOVA SCOTIA**



Basketball Nova Scotia Harassment Policy

For convenience, this policy uses the term “Complainant” to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint.

The term “Respondent” refers to the person against whom a complaint is made.

POLICY STATEMENT

1. Basketball Nova Scotia is committed to providing opportunities for all individuals in the sport of basketball to reach their potential in fitness and excellence. In keeping with the spirit of this statement, Basketball Nova Scotia is committed to providing safe and respectful sport and work environments.
2. Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in Canada.
3. Harassment is offensive, degrading and threatening. In its most extreme forms harassment can be an offense under Canada’s Criminal Code. Any incidents or instances of extreme harassment (I.e. Assault, Sexual Assault) will be reported and referred to the appropriate law enforcement branch (RCMP, Halifax Regional Police).

APPLICATION

4. This policy applies to all members of Basketball Nova Scotia, as well as to all individuals engaged in activities with or employed by Basketball Nova Scotia, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).
5. This policy applies to harassment which may occur during the course of Basketball Nova Scotia business, activities and events, including but not limited to: basketball competitions, training camps, exhibitions, meetings and travel associated with these activities. It also applies to harassment between individuals associated with Basketball Nova Scotia but outside of Basketball Nova Scotia’s business and events when such harassment adversely affects relationships within Basketball Nova Scotia’s work and sport environment.

6. Harassment arising within the business, activities and events of member organizations of Basketball Nova Scotia shall be dealt with using the policies and mechanisms of such organizations.

DEFINITIONS

7. Harassment can generally be defined as comments or conduct, directed toward an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive. Bullying, of any type (cyber, physical, emotional, verbal), is a form of harassment.
8. For the purposes of this policy, sexual harassment in a workplace, or other professional or social situation, involves the making of unwanted sexual advances or obscene remarks when:
 - a) submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; or
 - b) such conduct has the purpose or effect of interfering with an individual's performance; or
 - c) such conduct creates an intimidating, hostile or offensive environment.
9. Types of behaviour which constitute harassment include, but are not limited to:
 - a) written or verbal abuse or threat;
 - b) the display of visual material which is offensive or which one ought to know is offensive
 - c) unwelcome remarks, jokes, comments, innuendo or taunting about a person's looks, body, attire, age race, religion, sex or sexual orientation
 - d) leering or other suggestive or obscene gestures
 - e) condescending, paternalistic or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
 - f) practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
 - g) unwanted physical contact including touching, petting, pinching or kissing
 - h) unwelcome sexual flirtations, advances, requests or invitations
 - i) any form of hazing
 - j) physical or sexual assault

CONFIDENTIALITY

10. Basketball Nova Scotia 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.

Basketball Nova Scotia recognizes the interests of both the complainant and the respondent in keeping the matter confidential, except where such disclosure is required by law or is in the best interests of the public. This shall not preclude publication of the final outcome of any matter.

COMPLAINT PROCEDURE

11. 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.
12. If approaching the harasser is not possible, or if after approaching the harasser the harassment continues, the complainant should request a meeting with an official of Basketball Nova Scotia who is not a party to the complaint (for the purposes of this policy, and “official” may be a member of the Basketball Nova Scotia Board, the Executive Director or a senior staff person, the chair of any Basketball Nova Scotia committee or any member of the coaching staff including coach, assistant coach, team manager, or team therapist).
13. Once 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/she is unable to act in this capacity, the complainant shall be referred to another Basketball Nova Scotia official.
14. There are three possible outcomes to this meeting of complainant and the official:
 - a) It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter will be closed;
 - b) The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to mediate an acceptable resolution of the complaint; or
 - c) The complainant may decide to make a formal written complaint to Basketball Nova Scotia in which case the official shall advise the President of Basketball Nova Scotia who may appoint an independent individual to conduct an investigation of the complaint.
15. Ideally, the Investigator should be a person experienced in harassment matters and investigation techniques and may be an outside professional. He/she shall carry out the investigation in a timely manner and at the conclusions of the investigation shall submit a written report to the President.
16. Within 7 days of receiving the written report of the Investigator, or within 7 days of the receipt of the formal complaint if no investigation is ordered under Section 14 (c), the President shall appoint three individuals to serve as a Panel.

17. Harassment complaints occurring within competitions may be dealt with immediately, if necessary, by a Basketball Nova Scotia representative in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy. This review does not replace the appeal provisions of this policy. This policy shall not prevent a person in authority taking immediate, information corrective disciplinary action in response to behaviour that, in their view, constitutes a minor incidence of harassment.

This policy was approved by the Basketball Nova Scotia Board of Directors on February 20th, 2018.