

KCU Anti-harassment Policy

Harassment, including sexual or racial harassment, is unwelcome, unsolicited and unreciprocated behaviour by a person or group that may offend, humiliate or intimidate another. Harassment can take different forms including oral, written, physical or other non-verbal forms. Such behaviours are considered harassment when they are repeated of such a significant nature that they have a detrimental effect on the recipient's ability to engage in normal activities within the club environment.

If a complaint is made, KCU will ensure allegations are responded to promptly and all parties will be treated fairly and in line with natural justice.

Informal Resolution

The member should appropriately make the person aware that the behaviour or material is unwelcome and /or offensive in the first instance. For more serious issues, or if it is too difficult to inform the person, or if the unacceptable behaviour continues, the member should report the complaint to a contact person/ team manager and or club representative. Where the complainant wishes, the contact person/ team manager/ or club representative may speak to the alleged harasser on their behalf. This may result in issues being resolved, or mediation or reconciliation may be suggested as an option.

Mediation should treat the complaint not as an offence but as a breakdown in a relationship. The aim of mediation is not to establish whether the harassment allegations are true, or to apportion blame, or to supply justice for a wronged person. Rather, mediation focuses on repairing the relationship, especially on forging an agreement between the parties over how they will act towards each other in the future. The person selected to carry out the mediation/reconciliation shall be agreed to by both parties.

Formal Resolution

Formal resolution may be appropriate where: the nature of harassment is serious; or informal resolution is not considered appropriate or has failed. Should a formal investigation be deemed appropriate an investigator may be appointed. An investigator may be a committee member or an external person. Parties should be offered external support.

A formal investigation is likely to involve the following:

1. A formal written complaint is received by the team manager/ club representative. The investigator (either the committee member or an external person) interviews and obtains from the complainant a detailed account of the allegations, identifying any potential witnesses; physical evidence of harassment
2. All parties should be advised against discussing the case openly.
3. The alleged harasser is notified that a complaint of harassment has been made and of the identification of the complainant.
4. The investigator will meet with the alleged harasser, provide them with a copy of the complainant's allegations and ask them for their response; any alternative explanation he or she has; potential witnesses; any physical evidence that may refute the allegation.
5. Additional information may be gathered if necessary and this may include interviewing of other names relevant parties, recording dates, times, dates and alleged events using the witnesses words and checking with the witness to ensure accuracy
6. All parties involved in the investigations should be advised that the complaint is to be treated in strict confidence
7. All parties should be invited to bring a support person to the interview.

Following a formal investigation a formal report shall be prepared and shall include a finding as to whether harassment has occurred or not. There may be little direct proof that what was alleged did happen. On the balance of probabilities, the investigator should be satisfied that the allegations are correct before making a decision that the complaint is well founded. The investigator may feel unable to decide one way or the other on the evidence. In this case the decision will be that the complaint cannot be established. If harassment is found to have occurred, the Chairperson will determine the appropriate course of action. All meetings, discussions and interviews should be fully documented throughout the investigation.

If the allegation is of a sexual nature, involving a minor, the NZ Police must be notified immediately.