

NLSA HARASSMENT PREVENTION POLICY

1. POLICY STATEMENT ON DISCRIMINATION AND HARASSMENT

- 1.1 The Newfoundland and Labrador Soccer Association (NLSA) 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.
- 1.2 Whether the harasser is a director, supervisor, employee, coach, volunteer, parent or athlete, harassment is an attempt by one person to assert abusive, unwarranted power over another.
- 1.3 The NLSA 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.
- 1.4 In keeping with this policy, the NLSA 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.
- 1.5 Notwithstanding this policy, any person who experiences harassment continues to have the right to seek assistance from the provincial human rights commission.

2. NLSA PARTICIPANTS

- 2.1 This policy applies to all employees as well as to all directors, officers, volunteers, coaches, athletes, officials, administrators, members and participants who are under the jurisdiction of the NLSA.
- 2.2 This policy applies to harassment which may occur during the course of all NLSA 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 NLSA's work and sport environment.
- 2.3 Harassment may occur in a number of ways, e.g. a staff member by a member of the Board of Directors, or of an athlete by a staff member, or of a staff member of an athlete, or of an athlete by an athlete.

3. DISCRIMINATION

- 3.1 Discrimination is any distinction, whether intentional or not but 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.
- 3.2 The prohibited grounds of discrimination under the NLSA Policy include 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

- 4.1 Harassment is a form of discrimination. Harassment is prohibited by the Canadian Charter of Rights and Freedoms and by human rights legislation in Newfoundland and Labrador. Harassment

is offensive, degrading and threatening and in its more extreme forms, harassment, in particular, sexual harassment can be an offence under Canada's Criminal Code.

4.2 Definition of Harassment:

- 4.2.1 Harassment is improper behaviour related to one or more prohibited grounds that are offensive and which the person knew, or ought to 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.
- 4.2.2 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.
- 4.2.3 This policy will deal with harassment that fits the definition "to disturb persistently; torment, bother continually; persecute; to trouble by repeated attacks or hostilities".

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;
- threats of retaliation designed to dissuade an individual from reporting discrimination or harassment.
- The display of visual material which is offensive or which one ought to know is offensive.
- Leering or other suggestive or obscene gestures.

Racial and/or religious harassment is deemed to include but it 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.

4.3 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.

4.4 Sexual Harassment

In this policy sexual harassment means unwelcome sexual remarks or advances, request 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; or
- 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;
- acts of retaliation to punish an individual who has rejected sexual advances;
- threats of retaliation if sexual advances are rejected.

For the purpose 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. RESPONSIBILITIES

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

- communicate the NLSA'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

- 5.1.1 The Officers, Board Members, NLSA Provincial Representatives are expected to contribute positively to the development of an environment in which harassment does not occur.
- 5.1.2 The Executive Committee is responsible for the implementation of this policy. In addition, they are responsible for:
- discouraging and preventing harassment within the NLSA;
 - 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 NLSA who experiences harassment by someone who is not an employee or member of the NLSA;
 - ensuring that this policy is posted on the web-site and the information is contained in the Guide:
 - 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 unbiased 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.
- 5.1.3 Every member organization and registrant of the NLSA has a responsibility to play a part in ensuring the NLSA sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy. In addition, any member organization or registrant of the NLSA who believes that a fellow registrant has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

5.2 COACH/ATHLETE SEXUAL RELATIONS

- 5.2.1 Coaches are often viewed by the courts to be in a position of trust. Consequently, relationships between coaches and athletes under 18 years of age should be strictly prohibited.
- 5.2.2 Should any registrant of the NLSA become aware of a sexual relationship between a team official and an athlete under 18 years of age, the local police service or child welfare agency shall be notified immediately.
- 5.2.3 The NLSA takes the view that intimate romantic or sexual relations between team officials and athletes over 18 years of age, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the NLSA's public image. The NLSA, therefore, takes the position that such relationships are unacceptable for coaches coaching or assisting in any way with a Newfoundland and Labrador team or for all coaching staff involved with Regional Training Centres.
- 5.2.4 Should a romantic or sexual relationship develop between an athlete and a coach, the NLSA 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 from the position. If applicable, the case will be referred to the Child, Youth and Family Services

Section of Child Protection of the Health and Community Services Branch or the local police in the area.

5.2.5 Member Associations are encouraged to adopt a similar policy.

6. DISCIPLINARY ACTION

6.1.1 Employees, members or registrants of the NLSA 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. CONFIDENTIALITY

7.1.1 The NLSA 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 NLSA recognises 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.

7.2.2 The NLSA shall not disclose to outside parties the name of the complainant, the circumstances giving rise to a complaint, or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.

7.2.3 Once a complaint has been filed, and in order that an impartial investigation and assessment process is conducted, the complainant, the respondent and all other parties involved must respect and adhere to the confidentiality of this policy. All correspondence or email communication must be restricted only to those directly involved in the complaint. Failure to do so can result in further action being taken by the NLSA.

7.2.4 The NLSA and its Provincial Harassment Officers have a duty to report all incidents if required by law to do so.

8. HARASSMENT PREVENTION OFFICERS

8.1.1 The NLSA Board of Directors shall appoint four appropriately qualified persons, two male and two female, to serve as Provincial Harassment Prevention Officers.

8.1.2 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 Provincial Teams, Regional Training Centre programs and in any provincial events under the auspices of the NLSA. In carrying out their duties under this policy, Harassment Prevention Officers shall be directly responsible to the NLSA Executive Committee.

8.1.3 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.

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

8.1.5 Each Regional Association is encouraged to appoint "Regional Harassment Prevention Officers" who shall deal with complaints arising from within their Regional Association(s). In the event of an absence of a duly appointed Regional Harassment Prevention Officer, one of the Provincial Harassment Prevention Officers may be appointed on a temporary basis to handle a complaint.

9. 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.

- 9.1.1 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 NLSA policy.
- 9.1.2 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:
- (a) speak to a Harassment Prevention Officer; or
 - (b) report the matter to an “official” of the NLSA, 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.
- 9.1.3 Complaints must be made within 60 days of the incident, except for assault and sexual offenses. Other matters will be investigated at the discretion of the Provincial Harassment Officer.
- 9.1.4 The NLSA has the right to suspend from all soccer related activities any registrant who has been charged with a criminal offence. Notice of a suspension will be sent by registered mail.
- 9.1.5 If the Provincial Harassment Officers either during the investigation of a complaint determines that the police should be notified or is aware that the complaint has already been reported to the police, the Provincial Harassment Officer will not investigate the complaint until such time that it does not interfere with the police investigation.
- 9.1.6 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 NLSA;
 - 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 NLSA 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.
- 9.1.7 There are four possible outcomes to a meeting between the complainant and a Harassment Prevention Officer.
1. The complainant and Harassment Prevention Officer agree that the conduct does not constitute harassment.

(a) If this occurs, the Harassment Prevention Officer will take no further action and will make no written record other than reporting to the NLSA Executive on a monthly basis the number of such incidents the Officer has dealt with.
 2. The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint.

(a) 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 NLSA. If desired by the parties and if appropriate, the Harassment Prevention Officer may appoint a neutral mediator to be agreed upon by the parties. In that event, the expense of the arbitrator shall be borne by the NLSA.

(b) 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 NLSA Provincial 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, and the Harassment Prevention Officers. 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.

(c) If informal resolution fails to resolve the complaint, the complainant retains the option of making a formal written complaint.

3. The complainant brings evidence of harassment but does not wish to lay a formal complaint.

(a) If this occurs, the Harassment Prevention Officer must decide whether or not to make a formal written complaint, even if it is against the wishes of the complainant.

(b) 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.

(c) 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 the Harassment Prevention Officer decides to speak to the person whose conduct has caused offence.

4. The complainant brings evidence of harassment that result 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. FORMAL COMPLAINT INVESTIGATION

10.1 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;

- 10.2 The person against whom the complaint is made shall also:
- (a) be given a copy of this policy;
 - (b) be 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 ten (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.
- 10.3 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.
- 10.4 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 NLSA, or may be third party professionals retained by the NLSA as the Executive Committee deems appropriate for the circumstances.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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 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 NLSA;
 - (i) the Harassment Prevention Officer may attend the hearing at the request of the panel.

- 10.9 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 allegation 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.
- 10.10 A copy of the report of the Case Review Panel shall be provided, without delay, to both the complainant and the respondent.

11. DISCIPLINARY SANCTIONS

- 11.1 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.
- 11.2. 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;
 - a written apology;
 - a letter of reprimand from the NLSA;
 - 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.
- 11.3 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.

- 11.4 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 NLSA.
- 11.5 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 Commission.

12. REPORTS

- 12.1 Where the proceedings under this policy result 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.

The Executive Committee, in its discretion, where the conduct is minor, may direct the destruction of these records at an earlier date.

- 12.2 Where 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 and the Harassment Prevention Officers.

13. APPEALS

- 13.1 Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the NLSA within 30 days of the complainant or respondent receiving the panel's report.

- 13.2 The Executive Committee may, at its own discretion, accept an appeal that was not lodged within the required 30 days.

- 13.3 Permissible grounds for an appeal are:

- the panel did not follow the procedures laid out in the policy;
- members of the panel were influenced by bias; or
- the panel reached a decision which was grossly unfair or unreasonable.

- 13.4 In the event that a notice of appeal is filed, the Executive Committee shall appoint an appeal body consisting of a minimum of three persons of whom at least one shall be a woman and at least one shall be a man. These individuals must have no significant personal or professional involvement with either the complainant or respondent and no prior involvement in the harassment complaint which forms the basis of the appeal dispute between them.

- 13.5 The appeal body shall base its decision solely on a review of the documentation surrounding the complaint,

- the complainant's statements
- the respondent's statements
- the reports of the Provincial Harassment Officer
- the Case Review Panel Report
- the Notice of Appeal

- 13.6 Within 10 days of its appointment, the appeal body shall present its findings in a report to the NLSA. The appeal body shall have the authority to:
- uphold the decision of the Case Review Panel
 - reverse the decision of the Case Review Panel
 - modify any of the Case Review Panel's recommendations for disciplinary action or remedial measures.
- 13.7 A copy of the NLSA's final report shall be provided, within 15 days, to the complainant and the respondent.

Appeals are governed by the Appeals Procedure of the NLSA.

14. DISCIPLINARY ACTION REVIEW

- 14.1 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 NLSA's final decision, the Executive Committee may, at its discretion, consider a review of the disciplinary measures imposed.
- 14.2 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.
- 14.3 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.
- 14.4 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 NLSA.
- 14.5 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.

15. COMMUNICATIONS

- 15.1 NLSA is required to regularly review all of its coaching education material to include appropriate updated information and guidance on the issue of protecting its youth from any potential sexual abuse or breach of NLSA Harassment Prevention Policy.
- 15.2 NLSA is required to create a special page on the NLSA Website outlining the philosophy, the guidelines on procedures for dealing with a case of harassment along with the names and telephone numbers of the Provincial Harassment Prevention Officers and the Regional Harassment Prevention Officers where applicable, and a notation that the full Harassment Prevention Policy is available upon request.

NLSA VOLUNTEER SCREENING POLICY

1. Policy Statement on Volunteer Screening:

The Newfoundland & Labrador Soccer Association (NLSA) is committed to creating and maintaining a sport environment in which all participants are provided some protection against known child abusers or people with serious criminal records. Implementation of the following policy will also help minimize liability for volunteer directors at all levels of soccer in Newfoundland and Labrador.

In keeping with this policy, the NLSA requires that all Regions, Clubs and Leagues join with the NLSA in mandating that by 2004 any staff person listed on an official team sheet/roster of any team in Newfoundland & Labrador seeking permission from their Region to travel outside their local community/district must be Canadian Policy Information Computer cleared, with respect to both charges and occurrences hereinafter referred to as 'CPIC' cleared.

NLSA also encourages Regions and Clubs to consider implementing the mandatory CPIC requirement at all levels by a reasonable target date.

The NLSA has approved the requirement for mandatory CPIC clearances in the following situations and timelines:

- 1.1 That all NLSA Provincial Coaches and staff working with Provincial Teams or Regional Training Centres are to be CPIC cleared and a copy of the current NLSA Harassment Policy will be attached to all future staff contracts;
- 1.2 That, effective with the 2002 CSA Competitions, all staff persons listed on a team roster of an NLSA Provincial All Star Team going to a CSA National Championship must have been CPIC cleared prior to the starting date of the respective CSA Competition. For this purpose a CPIC clearance is valid for a maximum of 36 months.
- 1.3 That, effective with 2003 Competitions, all staff persons listed on a team roster of a Provincial Club Team going to a CSA National Championship must have been CPIC cleared prior to the starting date of the respective CSA Competition. For this purpose a CPIC clearance is valid for a maximum of 36 months.
- 1.4 That, effective with 2004 Competitions, all staff persons listed on a team roster for a team going to any age/gender competitive level Provincial or Regional Championship must have been CPIC cleared prior to the starting date of the respective Provincial Competition. For this purpose a CPIC clearance is valid for a maximum of 36 months.

2. Implementation

Provincial Level:

The NLSA will create its own appeals committee consisting of three people with an appropriate level of expertise to deal with any appeals arising from a CPIC clearance of a member of any NLSA coaching staff member. All Appeal hearings must be held in absolute strict confidence. The appellant would be responsible for providing any documentation or police presence needed to explain why his or her past record/behaviour should be a non-issue in determining his or her continuing ability to participate in the sport. There should also be a final right of appeal to the NLSA Appeals Committee.

Regional/Club Level:

All Regional/Club Associations are encouraged to establish appropriate procedures for implementing the Policies described above. It is acknowledged that there is more work to be done in the areas of both logistics and costs at the local level. All Regional/Club Associations are encouraged to review the detailed

material generated by the Burlington Youth Club experiment sponsored by to Ontario Soccer Association. However, these are only guidelines. As a minimum, each Region/Club will be required to establish an Appeal process for those individuals who are not CPIC cleared but who wish to contest their status. The Appeals Committee should consist of three people with an appropriate level of expertise and should be established on a Regional basis. All Appeal hearings must be held in absolute strict confidence. The appellant would be responsible for providing any documentation or police presence needed to explain why his or her past record/behaviour should be a non-issue in determining his or her continuing ability to participate in the sport. There should also be a final right of appeal to the Provincial Appeals Committee.

3. Education:

The NLSA is required to regularly review all of its coaching education material to include appropriate updated information and guidance on the issue of protecting its youth from any potential sexual abuse or breach of NLSA Harassment Policy.

The NLSA is required to create a special page on the NLSA Website dealing with the topic of how to avoid potential child abuse in soccer and the mandatory CPIC Clearance Policy.