

## Harrasment Free Netball Policy

*Approved by HCNC Board – November 2023*

**Whatever the form, and wherever it takes place, Harassment and  
Discrimination are not acceptable in Netball.**

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## Harassment Free Netball Policy Purpose

1. The purpose of the Harassment Free Netball Policy is to protect the health, safety and well-being of any person who participates, spectates and/or is involved in any way in any activity held at HCNC's facilities or is involved in any activity under the auspices of HCNC.
2. HCNC will not tolerate harassment, discrimination, or abuse of those involved in its activities.
3. HCNC believes everyone who participates in its activities has the right to be treated with respect and dignity.
4. HCNC relies heavily on the goodwill of volunteers in many roles. An increase in incidents of inappropriate and abusive behaviour is leading to a decline in those willing to volunteer.
5. This policy and regulations shall apply to any person who participates, spectates and/or is involved in any way in any activity held at HCNC's facilities or is involved in any activity under the auspices of HCNC.
6. Harassment Free Netball does not intend to stifle or diminish healthy supportive cheering or the ability of players or spectators to enjoy netball.
7. This policy supplements the Netball New Zealand General Code of Conduct and Ethics and Harassment Free Regulations which uphold the same "no tolerance policy" for inappropriate and abusive behaviour.
8. The following policy and regulations are to be read in conjunction with:
  - HCNC Constitution
  - HCNC Complaints Policy
  - HCNC Safe Netball for Children Policy
  - HCNC Competition Structure and Regulations
  - NNZ Regulations
  - NNZ General Code of Conduct and Ethics
  - World Netball Rules of Netball

# Harassment Free Netball

## Harassment

1. Harassment is any behaviour by a person which is offensive, abusive, belittling or threatening and is directed at any other person or group of people and which refers to a particular characteristic of that person or group of people on the basis of an attribute or personal characteristic. This may include but is not limited to:
  - a. Age
  - b. Disability
  - c. Marital status
  - d. Parental/carer status
  - e. Physical feature
  - f. Political belief/activity
  - g. Pregnancy
  - h. Race
  - i. Religious belief/activity
  - j. Sex or gender
  - k. Sexual orientation
2. Harassment includes:
  - a. Abuse
  - b. Discrimination
  - c. Sexual Harassment
3. Whether or not the behaviour is “Harassment” is to be determined from the point of view of the person receiving the Harassment and assessed objectively in that it must be the type of behaviour which a reasonable person would find unwelcome. The recipient must also consider the behaviour to be unwelcome. It does not matter whether or not the person harassing intended to offend.
4. Harassment can be expressed or implied, physical, verbal or non-verbal. Examples include, but are not limited to:
  - a. abusive behaviour aimed at humiliating or intimidating;
  - b. jokes or comments directed at a person’s body, looks, age, race, religion, sexual orientation or disability (this may also be Discrimination);
  - c. unwelcome remarks including teasing, name calling or insults
  - d. innuendoes or taunting;
  - e. offensive emails, letters, notes;
  - f. displaying offensive materials e.g. posters, computer screen savers;
  - g. sexual propositions (see also Sexual Harassment).

## Abuse

1. Some forms of Abuse may constitute a criminal offence, for example assault. If you consider that a criminal offence has or may have been committed, you should notify the Police.
2. Abuse means:
  - a. physical abuse (e.g. assault);
  - b. emotional abuse, (e.g. blackmail, repeated requests or demands);

- c. neglect in relationships (i.e. failure to provide the basic physical and emotional necessities of life);
  - d. abuse of power which the harasser holds over the harassed. Examples of relationships that involve a power disparity include a coach-player, manager-player, employer-employee, doctor-patient. People in such positions of power need to be particularly wary not to exploit this power;
  - e. use of Technology to degrade, threaten or humiliate others.
3. Examples of Abuse include:
- a. bullying and humiliation of players by coaches;
  - b. abuse and insults directed by players or parents at opposing participants;
  - c. abuse of umpires by players and coaches;
  - d. physical intimidation of other players while in competition; eg Rough play
  - e. physical action or threat of a physical action of violence to another person
  - f. practical jokes which cause embarrassment or which endanger others' safety.

## Discrimination

1. Discrimination, save for any exceptions expressly set out in this Harassment Free Policy, is not permitted in any circumstances.
2. Discrimination means treating or proposing to treat a person less favourably than someone else on the basis of an attribute or personal characteristic which may include:
  - a. age
  - b. disability – this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, slow learning difficulties
  - c. marital status – this covers whether the person is single, married, de facto, married but living separately from one's spouse, divorced, or widowed
  - d. parental/carer status – this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents)
  - e. physical features – this includes a person's weight, size, height and other physical features
  - f. political belief/activity
  - g. pregnancy
  - h. race
  - i. religious belief/activity
  - j. sex or gender
  - k. sexual orientation
3. Discrimination is unacceptable in that it denies or may limit opportunities to participate (by judging the person on the basis of stereotypes or having assumptions about what they can or cannot achieve).
4. Discrimination also includes indirect Discrimination. This is where a person imposes or intends to impose a requirement, condition or practice which on its face is not discriminatory, but it has the effect of discriminating against a person(s) with a particular attribute.
5. Discrimination also includes victimisation. This is where a person is subject to or suffers any detriment or unfair treatment, because that person has or intends to pursue their legal rights under any legislation or this Harassment Free Policy.

6. Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination, is also Discrimination.
7. In addition to the description of Discrimination in this policy, any behaviour or conduct which is discrimination under the Human Rights Act 1993 and its amendments or the Employment Relations Act 2000 and its amendments is discrimination for the purposes of this Harassment Free Policy.
8. Discrimination is a breach under this Harassment Free Policy and will be dealt with in accordance with this Harassment Free Policy and the *HCNC Complaints Policy and Procedures*.
9. Discrimination is permitted if one of the exemptions under the Human Rights Act and its amendments applies. These include the following:
  - a. in relation to participating in any competitive sporting activity (such as netball) discrimination on the basis of a person's sex is permitted if the strength, stamina and physique of the competitors is relevant. However, this exception cannot be used to discriminate against the coaching, umpiring or administering of a competitive sporting activity (eg netball);
  - b. for reasons of health and safety, Discrimination because of a person's disability is permitted if there would be a risk of harm to that person or to others if they were to take part in the competitive sporting activity, and it is not reasonable to take that risk (for example a risk of infecting others with an illness).

#### Transgender Players

1. Transgender players may be granted exemptions under Netball NZ Regulation 3.3

#### Religious or cultural adornments and or clothing exemptions

1. Exemptions may be made for clothing and/or adornments that have a particular medical, religious, cultural significance;
  - a. Exemptions must ensure the safety of the applicant/participant and those participating in the associated competition.
  - b. Adornments worn for medical, cultural or religious reasons should be taped securely to the body and if possible in order to ensure the safety of the participant and those participating in the associated competition.
  - c. For further details see the *HCNC Uniform Policy*

#### Male participation in Netball

1. The Human Rights Act and its amendments stipulates that it is illegal to discriminate by sex prior to 12 years of age. This means that all boys may play Netball alongside females till the age of 12. Some competitions may have limited numbers of male players on court or in certain areas of the court at any one time.
  - a. For further details see the *HCNC Competition Structure and Guidelines* for the relevant year
2. In relation to participating in any competitive sporting activity (such as Netball) discrimination on the basis of a person's sex is permitted (if over 12 years of age) if the strength, stamina and physique of the competitor is relevant. However, this exception cannot be used to discriminate against the coaching, umpiring or administering of a competitive sport (e.g. Netball) Human Rights Act 1993 and its amendments (section 49)
3. To provide ongoing participation opportunities for males in netball, HCNC will offer where possible, competitions such as; mixed and men's competitions,

- a. Safety and fairness are key considerations, including the suitability and age appropriateness of competitions.
- b. HCNC needs to balance the needs of females participating in netball alongside being inclusive across other demographics such as race, religion and gender.

## Sexual Harassment

1. Sexual Harassment may be a criminal offence. Examples of such an offence would be indecent assault, rape, sex with a minor, obscene telephone calls or letters. If you consider that a criminal offence has or may have been committed, you should notify the Police.
2. Sexual Harassment means:
  - a. an unwelcome sexual advance
  - b. an unwelcome request for sexual favours
  - c. unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature), in circumstances where a reasonable person would have anticipated that the person being harassed would be offended, humiliated, or intimidated.
3. Sexual Harassment is often, but need not be, behaviour which either:
  - a. involves blackmail or a quid pro quo, in that the harassment is accompanied by a direct or implied threat, promise or benefit.
    - i. For example: - a coach who implies that a player's selection in a team is dependent on compliance with a sexual proposition.
    - ii. For example: a coach who creates a hostile or sexually permeated environment in that the harassment consists of crude remarks, jokes, the display of offensive material or making the environment uncomfortable.
4. Examples of Sexual Harassment may include:
  - a. uninvited touching, kissing, embracing, massaging;
  - b. staring, leering, ogling;
  - c. smutty jokes and comments;
  - d. persistent or intrusive questions about people's private lives;
  - e. repeated invitations to go out, especially after prior refusal;
  - f. sexual propositions;
  - g. the use of promises or threats to coerce someone into sexual activity;
  - h. the display of sexually explicit material e.g. internet use, computer screen savers;
  - i. getting undressed in front of others of the opposite sex;
  - j. invading the privacy of others while showering or toileting;
  - k. photographing or filming others while undressing, showering or toileting;
  - l. sleeping in close quarters with children without other adults present;
  - m. the use of offensive emails, letters, faxes, notes;
  - n. sexual insults and name calling.

## Harassment Free Netball Policy Breaches

1. HCNC will follow the procedures in the *HCNC Safe Netball for Children Policy* to identify and report abuse and concern for safety of a child or young person, to meet our obligations under the Children's Act 2014.
2. Any player, coach or team manager in a game who displays harassment, inappropriate or abusive behaviour will in the first instance be subject to World Netball Rules - 13. Game Management
  - a. A player, coach or team manager can be asked to leave the immediate vicinity and/or the Centre.
  - b. A complaint may be started following the HCNC Complaints Policy and Procedures.
3. Any person who is not a player in a game, but who displays harassment, inappropriate or abusive behaviour while at the Hamilton City Netball Centre can be asked to leave the immediate vicinity and/or the Centre.
  - a. No warning need be given and failure to leave when asked will result in a Centre representative taking appropriate action to ensure the safety of all others.
  - b. A complaint may be started following the *HCNC Complaints Policy and Procedures*.
4. All other breaches of HCNC Policies and Regulations which are received in the form of a complaint will follow the procedures in the *HCNC Complaints Policy and Procedures*.
5. Repeated inappropriate behaviour by any person may impact the playing, coaching, managing future of the participant or future spectating and activity involvement of any person.
6. A person who has been asked to leave the immediate vicinity or the Centre may be trespassed from the Centre.
7. All appeals can be made as outlined in the *HCNC Complaints Policy and Procedures*.