



INTERNATIONAL
TAEKWON-DO
FEDERATION



ITF Policy

HARASSMENT

A policy for the Protection and Safety of Adult ITF Individual Members and Staff

1. Definitions

1.1. What is harassment?

In this policy, unless the context otherwise requires or stipulates, the term “harassment” is used to refer to objectionable act(s), comment(s) or display(s) by a person or group that is directed at another person or group, and that is known or ought reasonably to be known by the individual or group¹, to be unwelcome, unwanted, annoying, abusive, offensive, embarrassing, humiliating, demeaning, derogatory, discriminatory, disparaging, disturbing, distressing, intimidating, upsetting, perturbing, alarming, tormenting, terrorizing, or harmful to the other individual or group.

One single incident can constitute harassment when it is demonstrated that it is severe and has a significant and lasting physical or psychological impact on the individual who was allegedly harassed. Typically, however, more than one act or event is needed to constitute harassment. In such cases, it is the repetition that generates the harassment, regardless of the question whether the allegedly harassed individual expressly objected the event(s) or remained passive and did not object nor reacted. Let it be noted that there are cases where each occurrence of the behaviour viewed individually may seem inoffensive; in these cases, it is the synergy and repetitive characteristic of the behaviours that produce harmful effects. For information concerning the criteria that need to be met to demonstrate that the alleged harassment constitutes harassment, refer to Annex A of this policy.

There are many forms of harassment. Those include, but are not limited to, the following (listed in alphabetical order):

- **Bullying** (intentional and repeated use of physical violence, verbal mockery, threats, and rumours spread either orally or by other means of communication such as the internet, to dominate an individual or a group).

¹ The insertion of the phrase “ought reasonably to be known” in the definition of harassment is important because it introduces an objective element to the test of whether the act constitutes harassment. This means that the person or group conducting the act cannot claim to not have known the conduct was unwelcome or offensive as a defence against an allegation. If a “reasonable” third party (e.g., an investigation and decision authority committee) is able to conclude that the act on its own was unwelcome or offensive, this would mean that harassment has occurred. Let it be noted, however, that determining the point of view of a “reasonable” third party must take into account the perspective of the person or group who is harassed.

- **Discrimination** (treating unjustly or badly a person or a particular group of persons because of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics).
- **Emotional abuse** (any act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may diminish the sense of identity, dignity, and self-worth. Emotional abuse is also known as psychological abuse).
- **Physical mistreatment/abuse** (imposition of strenuous tasks/exercises/activities that humiliates, degrades, or abuses, or endangers an individual or members of a group or team, regardless of the person's or persons' willingness to participate).
- **Ostracism** (the act of excluding individuals by deliberately ignoring, avoiding, leaving out, paying little or no attention to them).
- **Quid pro quo harassment** (a Latin term which means "this for that" – in harassment cases, it means a benefit for a favour).
- **Sexual harassment** (any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to an individual or a group). There are many forms of sexual harassment. Scholars² who study sexual harassment distinguish three forms of sexual harassment:
 - One is *sexual coercion* – legally termed "quid pro quo sexual harassment" – referring to implicit or explicit attempts to make a benefit or a favour contingent upon sexual cooperation. Sexual coercion can also happen when someone is in fear of the negative consequences of refusing someone's sexual advances. The classic "sleep with me or you're fired" scenario is a perfect example of sexual coercion. It is the most stereotypical form of sexual harassment, but also the rarest.
 - A second, and more common, form of sexual harassment is *unwanted sexual attention*: unwanted touching, hugging, stroking, grabbing, fondling, kissing; relentless pressure for dates; flirting; leaving unwanted gifts of a sexual or romantic nature. Note that romantic and sexual overtures come in many varieties, not all of them harassing. To constitute unlawful sexual harassment, the sexual advances must be unwelcome and unpleasant to the recipient. They must be sufficiently severe or pervasive to create an abusive environment. Unwanted sexual attention can include sexual assault.³ For example, if a man were to forcibly kiss and grope a woman without her consent, this would be an example of both unwanted sexual attention and sexual assault.
 - The third and most common manifestation of sexual harassment is *gender harassment*, a conduct that disparages people based on gender, but that implies no sexual interest. Gender harassment can include crude sexual terms and images (for example, degrading comments about bodies or sexual activities). It can encompass noncontact acts like catcalls and whistles, which

² Cook, S. L., Cortina, L. M., Koss, M. P. (2018). What's the difference between sexual abuse, sexual assault, sexual harassment and rape? <https://theconversation.com/whats-the-difference-between-sexual-abuse-sexual-assault-sexual-harassment-and-rape-88218>

³ The term "sexual assault" is used to describe a range of criminal acts that are sexual in nature, from unwanted touching and kissing, to rubbing, groping or forcing the victim to touch the perpetrator in sexual ways. It also includes rape. Unlike sexual assault, sexual harassment is a civil matter. However, if the type of sexual harassment someone experiences is particularly aggressive, it may cross the line into sexual assault, depending on the circumstances. Sexual assault, on the other hand, is always a criminal offense.

can make people feel objectified and victimized. It also includes non-consensual electronic sharing of explicit images, exposure of genitals and surreptitious viewing of others naked or during sex. More often than not, though, it is purely sexist, such as contemptuous remarks about women being ill-suited for leadership or men having no place in childcare. Such actions constitute “sexual” harassment because they are based on the person’s gender, not because they involve sexuality.

- **Stalking** (the act of following a person, watching or spying on the person, or forcing contact with the person through any means, including social media).

For examples of behaviours that may or may not constitute harassment, refer to Annex B of this policy. Please note that this presentation of examples is not meant to be exhaustive or fully comprehensive, and that each case is unique and should be examined in its own context and according to the surrounding circumstances as a whole.

1.2. Other key definitions

In this policy, unless the context otherwise requires or stipulates:

- **“Adult”** means anyone 18 years of age and older.
- **“Behaviour”** means manner in which a person or a group acts or reacts, be it verbally or physically.
- **“Board”** means the ITF Board of Directors.
- **“Complaint”** means an incident(s) of alleged harassment reported in accordance to the terms of this policy.
- **“Complainant”** means a person who has been subjected to alleged harassment and who has reported the incident(s) in accordance to the terms of this policy.
- **“Directors”** means members of the ITF Board of Directors.
- **“Disciplinary Committee”** means the body or the individual that is given the authority to review, investigate, adjudicate complaints of harassment, and make recommendations to the Board with respect to sanctions or measures to be taken in cases where the policy is found to have been violated. The body may be a disciplinary committee, a sub-committee of a disciplinary committee, or an “ad hoc” committee. In the case of the ITF, all appointments concerning the Disciplinary Committee as defined here shall be made by the ITF Board of Directors; in the case of the organizational members of the ITF, all appointments shall be made by the local board.
- **“Gender”** means a person’s gender and refers to where the person sees themselves in the male and female spectrum. A person’s gender identity is not restricted to being either a man or a woman. Some people do not identify with any gender, while others identify with multiple genders. There are many types of gender identities (e.g., agender, bigender, cisgender, gender queer or “nonbinary gender”, gender fluid, gender expansive, omnigender, pangender or polygender, transgender).
- **“Individual member(s)”** means all instructors, umpires, coaches, students, competitors, and any other individual members of the ITF.
- **“Instructor”** means a person who teaches Taekwon-Do, and includes instructors, Masters, Grand Masters, and all teaching assistants regardless of degree or grade.

- **“Members”** (when used without the qualifier “organizational” or “individual”) means organizational and individual members of the ITF.
- **“National Association”** means the organization representing the ITF in a country.
- **“Organizational member(s)”** means all National Associations (NAs), Allied Associations (AAs), Specified Allied Associations (SAAs), Recognized Taekwon-Do Schools, Club and/or Training Centers that are members of the ITF.
- **“Respondent”** means a person who is alleged to have harassed a complainant.
- **“Safeguarding”** means protecting from harm with an appropriate measure and refers to measures to protect the health, well-being and human rights of individuals, which allow them to live free from harassment, abuse, exploitation, injustice, harm, and neglect.
- **“Staff”** means employees, contractors, volunteers, and any other persons who work or are a volunteer for the ITF (e.g., administration, organization of events or activities) at the local, national or international level.
- **“Subdiarity”** means a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level. It refers to the principle that decisions should always be taken at the lowest possible level, or closest to where they will have their effect (for example, locally rather than nationally, or nationally rather than internationally).
- **“Zero tolerance”** means no form and no level of harassment are acceptable at any time under any circumstances.

2. Purpose

2.1. Aim and scope of application

- a) The purpose of the ITF policy against harassment is to assist all ITF members and staff in identifying and preventing harassment within the ITF, and to provide procedures for reporting, investigating, and resolving incidents and complaints. This policy expresses ITF’s commitment to maintain within the ITF an environment that is free of harassment, abuse and discrimination so all its adult individual members and staff can feel safe, welcome, respected, and valued. It aims to protect all adult members and staff of the ITF against all forms of harassment, regardless of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
- b) Without derogating from the generality of the personal scope of this policy when referring to "staff" as defined in art. 1.2 above, and in order to be clear and accurate regarding the personal scope of this policy, this ITF anti-harassment policy applies to and must be adopted and complied with by all staff members of the ITF and the ITF organizational members without exception.
- c) Without derogating from the generality of the personal application as set out above, this policy applies and will be complied with by:
 - i. ITF and ITF organizational members' employees: all persons engaged in full or part-time service with the ITF under a contract of employment (whether on a permanent, fixed-term or other basis) or any other type of relations such as self-contractors and service providers. This includes, without limitation, the Presidents, Secretary Generals, Board members, Directors, Chairs and

members of committees and all other staff members of the ITF and of all ITF organizational members.

- ii. All persons who are elected, appointed, authorized and/or assigned by the ITF-and the ITF organizational members to carry out a function and/or who otherwise represent the ITF in an official capacity and all persons appointed to exercise an official function for, or on behalf of, the ITF or any organizing body at any competition, function, course or other events organized by the ITF or by any of its members, and any volunteers engaged by the ITF or by any of its members, directly or indirectly, in connection with its events and competitions.
- d) This ITF anti-harassment policy applies to all members and staff of the ITF without exception. Each and every one of them is required and expected to comply with the policy and promote it through exemplary behaviour. Furthermore, while this policy is specifically written for the abovementioned persons, the ITF also expects all contractors, consultants, service providers and others who may be temporarily engaged in the performance of work or services for the ITF or any of its members to follow the policy in connection with their work for the ITF or its members. Any failure of an ITF contractor, consultant or other service provider or any staff person of these entities to follow this policy may result in the termination of their relationship with the ITF without any compensation or remuneration or payment of damages.
- e) It is the responsibility of each ITF organizational member to educate any of the above parties or individuals acting within the scope of the ITF organizational member about the correct treatment of others within the ITF and the impact of the use of those words. Unless very exceptional circumstances, no excuse will be accepted, and no defense will be allowed based on the allegation that the person in question was or is unaware of causing offence or committing harassment verbally (e.g., due to whatever explanation, including cultural differences or because they are not aware of the correct meaning of certain words in other languages).

2.2. Why does the ITF have a policy on harassment?

Harassment is a problem not only in the workplace, but also in sports and martial arts, including Taekwon-Do. There is currently no existing literature on the incidence of harassment within the martial arts. However, court cases and media reports reveal that the problem is real. For example, there are instructors and coaches who are convicted of sexual harassment, not to mention sexual assault. To make matters worse, it has been found that a significant number of convicted sex offenders resumed martial arts coaching following initial law enforcement intervention.⁴

Harassment detrimentally affects a work or living environment and can have extremely serious and long-lasting consequences on the health, well-being, and performance of those who are harassed. Foremost amongst the effects of harassment are the emotional effects of such behaviour, which can include fear, anxiety, depression and even symptoms mimicking those seen in post-traumatic stress disorder. The impact of harassment on individuals will vary from person to person and will be influenced by the duration and severity of the offensive behaviour as well as other personal and social factors.

⁴ Murphy, W. F. (2019). Investigating the incidence of sexual assault in martial arts coaching using media reports. *Digital Investigation*, Volume 30, September 2019, pages 90-93. Retrieved from <https://doi.org/10.1016/j.diin.2019.07.001>.

It is crucial for the ITF to have a clear and effective policy about harassment to ensure the safety and the protection of its members and staff. A well-designed anti-harassment policy acts as a deterrent by discouraging inappropriate/unacceptable behaviour, and as a safeguard by protecting the rights of individuals and groups if something happens. With a written policy in place that forbids harassment, identifies behaviour that would constitute harassment, describes what happens to those who violate the harassment policy, and provides appropriate methods by which alleged harassment can be reported, the ITF can raise awareness and communicate that the practice will not be tolerated at all.

3. Behavioural compliance with the policy

3.1. Individual compliance

There are many ways for ITF individual members and staff to demonstrate compliance with the ITF policy on harassment and promote it through exemplary behaviour. Here are some examples:

- a) We show respect to all members and staff of the ITF, regardless of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
- b) We show respect for the knowledge, insight, experience, and areas of expertise of all members and staff of the ITF, regardless of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
- c) We show respect for cultural perspectives and values of others, including those that are different from our own, limited only by those that seriously contravene the tenets and the moral culture of Taekwon-Do.
- d) We treat members and staff of the ITF with dignity at all times.
- e) We treat all members and staff of the ITF with fairness and respect at all times. We work and act in a spirit of fair treatment to all members and staff of the ITF, regardless of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
- f) We strive at all times to use language that conveys respect for the dignity of persons in all spoken, written, electronic, or printed communications with members and staff of the ITF.
- g) We act to stop or correct practices that are unjustly discriminatory.
- h) We abstain from all forms of harassment.
- i) We do not collaborate with any form of harassment.
- j) When we witness an act of harassment carried out by an ITF member or staff person, we act to stop it:
 - When there are reasons to believe that the activity causes or could cause serious harm, this may include encouraging the person(s) being harassed to file a complaint or reporting the activity to the appropriate ITF authority or committee for action.
 - When the harm is not serious or the activities appear to be primarily a lack of sensitivity, knowledge, or experience, this may include talking informally with the

person(s) who are behaving inappropriately and, if possible and relevant, obtaining the assurance that the harassment will stop and the behaviour will be corrected. If in a vulnerable position with respect to the harassing person(s) (e.g., student vs instructor, lower rank vs higher rank), it may include asking someone in less vulnerable position to intervene.

3.2. Organizational compliance: Duties, compliance controls, and disciplinary consequences in case of non-compliance

3.2.1. Duties

- a) The duty to respect and abide to this policy is mandatory upon all ITF members and staff as stipulated in art. 2.1 above.
- b) All organizational members of the ITF shall include this policy as a mandatory policy within their fundamental documents (statutes and/or regulations and/or rules). Yet, in case that a member will not comply with this duty to include the policy within its fundamental documents, the member and all its staff shall still remain obliged to obey and respect this policy pursuant to art. 2.1 above.
- c) Each organizational member of the ITF shall submit an annual report of harassment activity to the Board of Directors of the ITF.

3.2.2. Compliance controls

The ITF shall perform at its own discretion periodic compliance inspections with respect to the compliance with this policy. These compliance controls shall include, but shall not be limited to, the following:

- a) Random checks of the website of each organizational member of the ITF to ensure that the ITF harassment policy is publicized and supported on their website.
- b) Random audits of the records of complaints or incidents of harassment to ensure the records are accurate and complete.
- c) Random review of the qualifications of the individuals appointed by ITF organizational members to serve on committees mandated to review and adjudicate complaints of harassment as required by the policy.

3.2.3. Disciplinary consequences in case of non-compliance

Cases of non-compliance with the duty to include the policy in the members fundamental documents shall be treated as an independent violation (regardless of the question whether a case of harassment was reported or took place within the framework of same member) by the ITF Board or by the ITF Disciplinary Committee (if the ITF Board chooses in specific cases to subrogate its powers of investigation and sanctioning to the Disciplinary Committee).

4. Process

4.1. Reporting

4.1.1. The right to file a complaint

- a) Any ITF member, any ITF staff person and any ITF practitioner who believes to be or to have been the target of harassment has the right to file a complaint.

- b) Complaints of harassment may be initiated by the person who experienced the harassment or by any other ITF member or staff person on behalf of the allegedly harassed person or any such person that witnessed an alleged harassment.
- c) While the accused person must be a member or a staff person of the ITF at the time of the incident, one does not need to be a member or a staff person of the ITF to submit a complaint and be regarded as a complainant.
- d) The ITF encourages the reporting of all incidents of harassment, regardless of who the alleged offender(s) and the accused may be.
- e) The ITF and any of its affiliated members shall provide assistance to all reporting persons who need help in making a report.

4.1.2. Protection from reprisals, retaliation, threats, and intentional false complaints

- a) Any acts of retaliation, including threats, intimidation, reprisals, or hostile action, against a person who has filed a formal complaint, reported or disclosed an incident, or has participated in any manner in the investigation or resolution of a report of harassment are prohibited.
- b) Intentional false accusations of harassment (e.g., reports or complaints that are filed in bad faith) are also prohibited. Such accusations occur when a person purposefully misrepresents the facts or makes accusations maliciously, without regard for the truth. Intentional false accusations do not include reports made in good faith, even if the facts alleged in the report or formal complaint cannot be substantiated by an investigation.
- c) Allegations that a complaint has been made in bad faith or that retaliation has occurred may be investigated using the same procedure that is used to investigate complaints or reports of harassment under this policy. Individuals who are found to have engaged in retaliation or made intentionally false accusations may be subject to sanctions and/or disciplinary action following disciplinary proceedings.

4.1.3. The need for strict confidentiality

- a) The ITF understands that it can be extremely difficult for someone to come forward with the complaint of harassment and that it can be devastating for someone to be wrongly convicted of harassment.
- b) The ITF recognizes the interests of both the complainant and the accused/respondent in keeping the matter confidential during all stages of the reporting and investigations and will also be subject to such duty after the termination of the proceedings if and in line with the instructions given by the Disciplinary Committee once a final decision within the ITF proceedings is made.. The privacy and reputation of all parties must be protected at all times. However, the Disciplinary Committee may decide to unveil facts related to the case, in full or partially, if the interest of the public and/or of the ITF so requires.
- c) Any complaint received pursuant to this policy shall be considered to be strictly confidential, and all persons involved in its handling shall have the duty to take all necessary measures to maintain and protect such confidentiality.

4.1.4. The complaint

- a) The complainant shall use the form in Annex C to submit a complaint of harassment.

- b) To ensure a full and timely review of the complaint, the complainant shall provide the following information:
- Name(s) of the complainant(s) and contact information.
 - If not the same person(s) as above, name(s) of the person(s) who allegedly experienced harassment.
 - Name(s) of the alleged harasser(s), position, rank and contact information (if known)
 - Name(s) of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
 - Details of what happened including date(s), frequency and location(s) of the alleged incident(s).
 - Any supporting documents the complainant(s) may have in their possession that are relevant to the complaint.
 - List of any documents a witness, another person or the alleged harasser(s) may have in their possession that are relevant to the complaint.
- c) In case that any part of the requested information is not provided, the complainant shall explain the reasons for the missing information.

4.1.5. Filing a complaint

Harassment is serious. To protect the confidentiality of the report, it is important that the complainant reports the alleged incident(s) directly to the proper authority.

- a) The complainant shall report the alleged harassment to the instructor in charge of their school/club. In this case, the complaint shall be investigated and resolved by the school/club, using this policy as guidance.
- b) If the instructor in charge of the school/club is the alleged harasser, or if no action is taken within a period of 60 days, then the complainant shall report directly to the President of the National Association (NA) in the country where the alleged harassment took place. In this case, the President of the NA shall decide whether the complaint is to be investigated and resolved by the Allied Association (AA), the Specified Allied Association (SAA) or the Taekwon-Do School (School) (if applicable) or whether the National Association is to take over the investigation and decision over the matter. In any case the investigation and decision will be made and taken using this policy as guidance.
- c) If the alleged harasser is either the President, the Secretary General or one of the members of the Board of Directors of the ITF affiliated member, or if no action is taken within a period of 60 days, then the complainant shall report directly to the ITF President who shall decide whether and when to inform the Board. The President in consultation with the Secretary General or the Board of Directors of the ITF shall decide how to proceed for the investigation and the resolution, using this policy as guidance.

In the case of a sexual assault allegedly committed by an individual member or staff of the ITF, the complainant shall be advised to consult a professional of their choice in their country (being either an educational authority or a social/welfare worker or a lawyer), and to decide on the duty or the need to file a complaint to the local police department in addition to reporting the incident to the proper ITF authority as per the above.

4.1.6. Time limit to file a complaint

- a) Ideally, a complaint of harassment should be filed as soon as the alleged harassment or the last event of alleged harassment leading to the complaint has occurred. It

makes it easier for the Disciplinary Committee to conduct a more valid investigation and make a more informed decision. However, the ITF recognizes that the difficulty of coming forward with a complaint of harassment can lead to delay in filing a complaint. This is why the ITF encourages complainants to file their complaint whenever possible within a period of twelve months, depending on the circumstances of the event leading to the filing of their complaint.

- b) Complaints of alleged harassment can go back further than twelve months in time to describe incidents or events if the complainant can demonstrate and testify that event of alleged harassment that led to the filing of the complaint indeed occurred. This is especially necessary in cases where the complainant intends to demonstrate a pattern of events, and in cases where the complainant was in a position too vulnerable with respect to the alleged harasser to come forward sooner without running the risk of suffering serious harmful consequences, or where the complainant was too overwhelmed by the psychological impact of the event of alleged harassment to file a complaint sooner.
- c) Each allegation of harassment shall be taken seriously and treated with care by the authority designated in this policy to receive it, regardless of when the last event of alleged harassment leading to the complaint has occurred.
- d) All complaints of harassment shall be considered for investigation and adjudication, regardless of when the last event of alleged harassment leading to the complaint has occurred. In the event that the complaint was filed more than 12 months after the last alleged harassment has occurred, the decision to proceed or not to proceed with a formal investigation shall be made after taking into consideration the circumstances that led the complainant not to come forward sooner.
- e) Periods of limitation under national or local laws shall not apply and will not derogate from the right to file a complaint, to investigate the complaint and to adjudicate the complaint under this policy.

4.1.7. The right to withdraw a complaint

A complainant who files a formal complaint has the right to withdraw their complaint at any time. However, the instance responsible for the complaint process (e.g., school/club, National Association, ITF) may continue to act on the issue identified in the complaint in order to comply with its obligation under this policy.

4.2. Investigating

All necessary measures shall be taken to ensure that an investigation appropriate in the circumstances is conducted into complaints of harassment. An investigation of a complaint of harassment appropriate in the circumstances should:

- a) **Be undertaken promptly.** It would be reasonable for the Disciplinary Committee to complete the investigation and issue its decision within 60 days of receiving a complaint unless there are compelling reasons why a longer investigation is needed (e.g., there are multiple witnesses, a key witness is unavailable due to illness).
- b) **Be undertaken in a manner that ensures due process.** The investigation shall be conducted in a way that protects the rights of all the parties involved, including those of the alleged harasser. It shall include serving upon the accused an initial letter asserting a violation of this policy and committing an harassment followed by an detailed written application in an appropriate form that shall include: (a) The facts; (b) The legal arguments; (c) The Applicable Rules; (d) The Source for the Disciplinary Committee jurisdiction; (e) The alleged violated rules and terms of this policy; (f) The

Prayers for relief including any request for provisional measures; and (g) The full contact details of the Disciplinary Committee.

- c) **Be objective and impartial.** The person conducting the investigation should not be involved in the incident and should not be under the direct control of the alleged harasser.
- d) **Maintain confidentiality.** Information about the incident or complaint, including information about the people involved, should not be disclosed unless the disclosure is necessary to protect ITF members and/or staff or is needed to investigate the incident or complaint, take corrective action and/or is otherwise required by law.
- e) **Be thorough.** Reasonable efforts should be made to interview the person who allegedly was harassed, and any witnesses, as appropriate in the circumstances and assure that the right to be heard of the alleged harasser was respected. Furthermore, all relevant documents from the complainant, alleged harasser, witnesses are collected and reviewed.

4.3. Resolving/Deciding

- a) The ITF policy on harassment is meant to be preventive and remedial rather than punitive, and this should be reflected in the outcomes of substantiated complaints which should include consideration for actions to be taken to prevent or remedy the problem.
- b) Based on the findings of the investigation, a decision shall be made about whether an act of harassment indeed occurred and whether the alleged act of harassment constitutes a violation of the present policy. If it was violated, steps shall be taken to address the violations and prevent future occurrences.
- c) ITF individual members and staff who are convicted of violation of this policy can be subject to following sanctions and/or disciplinary measures:
 - i. Apology (either verbal or written);
 - ii. Education and training;
 - iii. Counselling;
 - iv. Reprimand (verbal or written);
 - v. Suspension of activity within the ITF for a period of time;
 - vi. Suspension of ITF membership for a period of time;
 - vii. Permanent termination of activity within the ITF;
 - viii. Expulsion from the ITF;
 - ix. Any other advisable sanction or measure.
- d) Disciplinary sanctions or measures may be "suspended sanctions (probate)". A sanction suspension of more than five years or a sanction of expulsion may include (at the sole discretion of the Disciplinary Committee) the possibility of the convicted person to ask for Pardon. However, such request for pardon shall be permitted and dealt with only after the expiry of a period of time, and only if such period of time is designated in the decision. The decision on granting the Pardon shall be under the sole discretion of, and may be granted solely and exclusively by the President of the ITF.
- e) In determining the appropriate sanctions or disciplinary measures, the following shall be taken into consideration: the nature of the violation, its severity, the level of harm caused to the person or group who was harassed, and whether the individual has previously violated this policy.

- f) Where a violation of this policy is found, all reasonable steps shall also be taken to correct any resulting harmful effects of the incident(s) on the harassed person, and prevent any further recurrences of them.
- g) There may be cases where there is objective evidence to show that the complaint was maliciously filed, with deliberate intent to harm or mislead. Only where the evidence of malice in bringing a complaint is compelling and undeniable should disciplinary measures of any sort apply to complainants. However, in such cases, the complainants shall be informed in writing that they will be subject to disciplinary proceedings for submitting a complaint, maliciously and with deliberate intent to harm or mislead, and any decision in such case shall be made only following a due process providing and respecting the right to be heard of the complainants that became accused.
- h) A decision of Disciplinary Committee containing a sanction that does not include an expulsion or a suspension of 12 months or more shall be final and binding and not subject to appeal.
- i) A decision of Disciplinary Committee containing a sanction that of expulsion or a suspension of more the 12 months shall be subject to the right to appeal in front of the Court of Arbitration for Sport (CAS)⁵, and the appeal shall be dealt in accordance with the *Code of Sports-related Arbitration* of the Court of Arbitration for Sport. The appeals shall be conducted by a Sole Arbitrator. The language of the arbitration shall be English. The applicable law shall be the applicable ITF regulations (including this policy to be considered for the sake of the appeal as an inherent part of the ITF regulations) and, under the principle of subsidiarity, when there is no answer in the ITF regulations for a specific needed issue essential for the decision, the applicable law shall be the applicable law of the country in which the ITF is domiciled or according to the rules of a national law that the Arbitrator deems appropriate to apply. In the latter case, the Arbitrator shall give reasons for its decision.

4.4. Communicating

- a) The recipient of the complaint has to acknowledge to the complainant that he/she received the complaint, and notify the alleged harasser about the complaint, stating that the complaint will be investigated according to the policy.
- b) The complainant and the respondent(s) must be informed in writing of the results of the investigation, and in particular, whether the policy was found to have been violated, and whether any actions have been taken or shall be taken as a result.
- c) From the moment a written complaint is received and found to be in order, it would be reasonable to complete the investigation and submit a written report to the complainant and the respondent(s) within 60 days or less unless there are compelling reasons why a longer period of time is needed (e.g., there are multiple witnesses, a key witness or the respondent is unavailable due to illness).

4.5. Record-keeping

- a) Records of all complaints or incidents of harassment shall be kept at the ITF Headquarters (office) or, depending of the situation, the Headquarters of the ITF organizational member for at least five years from the conclusion of the investigation. To protect the confidentiality of these records, they should be sealed and access to

⁵ For information about CAS and the *Code of Sports-related Arbitration*, go to <https://www.tas-cas.org/>.

them should be restricted to the President and the Secretary General of the ITF or, depending on the situation, the ITF organizational member. At the end of this period, unless there is a recurrence, the file shall be destroyed.

- b) Records shall include: a copy of the complaint or details about the incident; a record of the investigation including notes; copy of witness statements, if taken; a copy of the investigation report, if any; a copy of the results of the investigation that were provided to the worker who reported workplace harassment and the alleged harasser; and a copy of any corrective action taken to address the complaint or incident of workplace harassment.
- c) The documents associated with a complaint of harassment, incident and/or investigation should be kept confidential unless disclosure is required by law.

5. Disciplinary Committee

- a) The Disciplinary Committee shall have the authority to review, investigate, and adjudicate complaints of harassment, and make recommendations to the Board of Directors regarding measures and/or sanctions to be taken in cases where the results of the investigation reveal that the present policy has been violated. Decisions regarding disciplinary sanctions shall be the prerogative of the Board of Directors.
- b) The Disciplinary Committee having the authority to review complaints of harassment shall report the results of its investigations and communicate its decisions and recommendations (if any) to the Board of Directors through the Committee Chair.
- c) All appointments concerning the Disciplinary Committee as defined in the present policy shall be made by the ITF Board of Directors; in the case of the organizational members of the ITF, all appointments shall be made by the local board.
- d) The Chair and the Members of the Disciplinary Committee mandated to review complaints of harassment shall be individuals who have relevant knowledge and experience, or relevant training, to serve on the Disciplinary Committee.

6. Approval and version control

This policy was approved by the Board of Directors on May 2nd 2021.

Date	Description	Version
02/05/2021	Harassment policy	1

ANNEX A

What criteria need to be met to establish whether there was harassment?

Harassment is serious. To substantiate harassment allegations, it must be demonstrated to the satisfaction of the Disciplinary Committee that, according to the balance of probability:

- a) The respondent displayed an **improper and offensive conduct** including objectionable acts, comments or displays, or acts of intimidation or threats, or acts, comments or displays in relation to the ITF policy on harassment.
- b) The behaviour was **directed at** the complainant or at another person and was witnessed by the complainant;
- c) The allegedly harassed person was **offended or harmed**, including the feeling of being demeaned, belittled, personally humiliated or embarrassed, intimidated or threatened Unless this policy otherwise provides or in cases where authority relations exist or the acts were addressed towards minors;
- d) The respondent **knew or reasonably ought to have known** that such behaviour would cause offence or harm; and
- e) There was a **series of incidents or one severe incident** that had a serious impact on the individual.

In order to make a finding of harassment, **each** of the above elements must be present. If even one of these elements cannot be proven, there will not likely be a finding of harassment.

ANNEX B

Examples of what may or may not constitute harassment

Please note that this presentation of examples is not meant to be exhaustive or fully comprehensive. Other examples of harassment could be provided to help discriminate between behaviours that may constitute harassment, and behaviours that may not.

Please also note that each case is unique and should be examined in its own context and according to the surrounding circumstances as a whole.

Examples of what generally constitute harassment

1. Serious or repeated rude, degrading, or offensive remarks, such as teasing related to a person's physical characteristics or appearance, put-downs or insults.
2. Displaying sexist, racist or other offensive pictures, posters.
3. Sending sexist, racist or other offensive e-mails or text messages.
4. Repeatedly singling out a person by assigning him/her with demeaning and belittling jobs that are not part of his/her regular duties.
5. Threats, intimidation or retaliation against a person who has expressed concerns about perceived unethical or illegal behaviours.
6. Unwelcome social invitations, with sexual overtones or flirting, with a colleague or a subordinate (e.g., assistant, lower rank).
7. Unwelcome or unwanted sexual advances which may or may not be accompanied by explicit or implicit threats or promises of rewards in exchange for sexual favours.
8. Commenting on someone's physical appearance (e.g., looks, dress) in a way that is objectifying or makes them uncomfortable.
9. Condescending, paternalistic or patronizing behaviour that undermines self-esteem diminishes performance or negatively affects the work or training environment.
10. Intimidation, threats, verbal abuse, blackmail, yelling or shouting.
11. Caressing, kissing or fondling someone against their will (could be considered assault if the harassment someone experiences is particularly aggressive).
12. Comments destroying a person's reputation, repeated insinuations or unfounded accusations.
13. Insults or humiliations, repeated attempts to exclude or isolate a person.
14. Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
15. Persistently asking someone out, despite being turned down.
16. Regularly following or constantly waiting for someone, watching that person's comings and goings.
17. Racist and discriminatory comments or offensive jokes.
18. Inappropriate questions, suggestions or remarks about a person's sex life.
19. Systematically interfering with normal work or training conditions, sabotaging places or instruments of work or training.

20. Abuse of a situation of formal or informal authority or power to threaten a person's job or undermine his or her performance.
21. Intentionally and repeatedly hurting, frightening, intimidating or humiliating someone smaller, less powerful, or more vulnerable in public to dominate the person or force the person to do what one wants.
22. Falsely accusing and undermining a person behind closed doors, controlling a person's reputation by spreading rumors controlling the person by withholding resources (time, budget, autonomy, training, promotion) necessary to succeed.
23. Humiliating a person in front of colleagues, smear campaigns.
24. Arbitrarily taking disciplinary action against a person or a group.
25. Preventing a person from expressing himself or herself: shouting or yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
26. Making rude, degrading or offensive remarks.
27. Making gestures that seek to intimidate.
28. Engaging in reprisals/retaliation for having made a complaint under this policy.
29. Discrediting a person by spreading malicious gossip or rumours.
30. Ridiculing or humiliating a person or a group because of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
31. Compelling a person to perform tasks that are inferior to their competencies and that demean or belittle them.
32. Setting a person up for failure.
33. Name calling in private or in front of others.
34. Isolating a person by no longer talking to them, denying or ignoring their presence, distancing them from others.
35. Mocking/making fun of a person' beliefs, values, religion, or disability.
36. Discriminating against a person or a group because of their gender, sexual orientation, race/ethnicity, nationality, culture, religion, age, physical or mental condition/disability, rank/degree/grade, function, status, and any other such individual or group characteristics.
37. Displaying or distributing offensive, derogatory, or sexually explicit pictures, photographs, cartoons, drawings, symbols, and other materials.
38. Unwanted and unnecessary touching, patting, stroking, or other physical contact.
39. Offensive remarks about sexual orientation.
40. Racist language, slurs, derogatory comments, and stereotypes.
41. The telling of racist or ethnic jokes that are by their nature embarrassing or offensive.
42. The display or distribution of racist cartoons, posters, graffiti, books, or pamphlets.
43. Making unwelcome remarks or jokes about someone's race, religion, sex, age, or disability.
44. Regularly making inappropriate comments to someone about their physical appearance.

45. Requiring that a person identifies themselves as either male or female (this may be a case of discrimination based on gender identity or expression).

Examples of what may constitute harassment

1. Criticizing, insulting, blaming, reprimanding or condemning a person or a group in public.
2. Exclusion from group activities or assignments without valid reason.
3. Statements damaging to a person's reputation.
4. Making sexually suggestive remarks.
5. Removing areas of responsibility for no real reason.
6. Inappropriately giving too little or too much work, responsibility, or visibility.
7. Unjustifiably monitoring everything that is done.
8. Blaming whenever things go wrong without just cause.

Examples of what does not generally constitute harassment

1. Day-to-day management such as allocating work or assigning tasks, setting and requiring performance standards, following-up on absences, reference checks, taking corrective or disciplinary measures when justified (up to and including termination) – While exercising these functions is not harassment, how such functions are exercised can risk giving rise to the potential for harassment or perceptions of harassment.
2. A single or isolated incident such as an inappropriate remark or having an abrupt manner.
3. Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job.
4. A social relationship welcomed by both individuals.
5. Friendly gestures among colleagues or friends such as a pat on the back.
6. Faux pas or unintentional mistake.
7. Difficult conditions inherent to work or training.
8. Difficult professional constraints such as a budget reduction exercise.
9. Organizational or operational changes.
10. Conflicts – conflicts in themselves do not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.
11. Stress or burden on one's emotional or mental well-being created by demands related to work or training – stress related to work and training in themselves do not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
12. Criticisms – criticism in itself does not constitute harassment if it is constructive criticism but could turn into harassment if it is directed at the person rather than their performance or solely focuses on the negatives.
13. Providing feedback or giving advice to someone on their performance appraisal when done in a respectful non-discriminatory manner.

ANNEX C

Form for reporting an incident of harassment

Name of the complainant:

Contact information of the complainant:

Name:

Degree (if applicable):

Organization/association:

Address:

E-mail address:

Telephone/mobile number:

In case the report was submitted by a third party:

Name:

Degree (if applicable):

Organization/association:

Address:

E-mail address:

Telephone/mobile number:

The alleged harasser(s):

Name(s):

Degree:

Position (if any):

Contact information (if known):

Witness(es) (if any):

Name(s):

Contact information (if known):

If you have any documents in your possession that could be relevant to the complaint, please attach them to this report.

List any documents a witness, another person or the alleged harasser(s) may have in their possession that could be relevant to the complaint:

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.....
.....

Note: All complaints of harassment should be sent to the proper authority as described in Section 4.1.5 of this policy.

This report was submitted to:

Name:

Title:

Organization/association:

Address:

E-mail address:

Telephone/mobile number:

Date:

Signature: