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Harassment and violence prevention policy for sport organisations

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Objective

Sport organizations should strive to produce and preserve an environment in which employees, athletes, coaches, members and other interested persons are treated with dignity, decency and respect. The environment of the sport organization should be considered by common faith and the absence of intimidation, oppression and exploitation. Sport organization should not accept dishonest and illegal discrimination or harassment of any kind. Through implementation of policy and by teaching of employees, athletes, coaches, members and other interested persons, sport organization will seek to stop, correct and discipline behaviour that violates this harassment and violence policy.

All athletes, coaches, members and other interested persons, regardless of their positions, are covered by and are expected to comply with this harassment and violence policy and to take suitable actions to guarantee that prohibited behaviour does not happen. Suitable disciplinary action will be taken against any person which disrupts this harassment and violence policy. Based on the importance of the felony, disciplinary action may include verbal or written warning, suspension, termination from any connection to sport organization, as well as, legal consequences according the national laws.

Administrative staff, athletes, coaches, members and other interested persons who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to primary contact point which is dealing with harassment and violence policy implementation, advocacy and progress in sport organization, are in violation of this policy and subject to discipline.

Regulatory aspects

EU-level legislation

In Directive 2002/73/EC, harassment is defined as a situation ‘where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’. Sexual harassment is said to take place where any form of ‘unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’.

International Labour Organization convention

In June 2019, the General Conference of the International Labour Organization adopted the Violence and Harassment Convention, which defines ‘violence and harassment’ in the world of work as ‘a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, [including] gender-based violence and harassment’. The convention defines ‘gender-based violence and harassment’ as ‘violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, [including] sexual harassment’.

EU Gender Equality Strategy

On 5 March 2020, the European Commission presented its Gender Equality Strategy 2020–2025. This strategy covers all sources of gender inequality and violence against women. It contains various references to combating sexual harassment. The Commission intends to extend the areas of criminal activity where harmonisation is possible at European level to specific forms of gender-based violence, including sexual harassment and abuse of women. It encourages Member States to ratify the International Labour Organization convention, to implement the existing EU rules on protecting workers from sexual harassment and to raise people’s awareness of these rules. As an employer, the Commission also intends to adopt a ‘comprehensive legal framework’ to combat all forms of sexual harassment in the workplace.

Forbidden behaviour under harassment and violence policy

Sport organisation, in compliance with all appropriate European Union, national and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines.

Discrimination

European Observatory of Working Life defines discrimination as: different treatment of individuals or groups based on arbitrary ascriptive or acquired criteria such as sex, race, religion, age, marital or parental status, disability, sexual orientation, political opinions, socio-economic background, and trade union membership and activities. Also, this policy is intended to comply with the prohibitions stated in national anti-discrimination laws.

Therefore, it is a violation of Sport organization’s policy to discriminate in the provision of employment, engagement, support opportunities, benefits or privileges and to create discriminatory conditions. Also, to use prejudiced values in employment, engagement, support opportunities if the basis of that prejudiced behaviour is, in whole or in part, the athlete’s, coaches’, member’s and other interested person’s race, colour, national origin, age,

religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination from any connection to sport organization and (if applicable) legal consequences according the national laws.

Harassment

European Observatory of Working Life defines violence and harassment at work as: unacceptable behaviour by one or more individuals [that] can take many different forms, some of which may be more easily identified than others harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work. Violence occurs when one or more worker or manager are assaulted in circumstances relating to work. Harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager's or worker's dignity, affecting [their] health and/or creating a hostile work environment.

Consequentially Sport organisation bans harassment of any kind, including sexual harassment, and will take suitable and instant act in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any spoken or physical behaviour intended to threaten, intimidate or force an athlete, coach, member and other interested person working for or on behalf of Sport organization. It could be two harassment types: verbal and nonverbal.

Verbal harassment contains comments that are aggressive or undesirable regarding a person's national origin, race, colour, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, insults and negative stereotyping.

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, colour, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment

According European Institute for Gender Equality sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. It could be three harassment types: verbal, nonverbal and physical.

Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual proposals, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "joking" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Well-mannered, mutually respectful, agreeable, noncoercive interactions between the athlete's, coaches', member's and other interested persons in that are appropriate in the Sport organization and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Prevention steps handling harassment and violence in sport organization

Maintain a strong policy

All sport organizations need a complete harassment and violence policy no matter of their size resources and/or organizational structure. Each sport organization has to follow the policy with reliability. There should be considerations not only regarding on sexual harassment and include the following:

- What is considered prohibited conduct with examples;
- The reporting procedure (preferably with more than one colleague listed as a resource);
- A notice regarding investigation procedures
- A non-retaliation policy
- A notice for disciplinary action, including disciplinary action for false claims

Prime contact point in sport organization

Sport organisation's harassment and violence policy should explain how to file a complaint and, accurately named primary contact point (person). In bigger sport organizations, the contact point may be an Equal Employment opportunity officer or a Harassment officer. In smaller organizations, the contact point may be Human resource manager or supervisor. The contact point should not be the same person who is responsible for investigating or making decisions about a complaint.

The contact point must:

- be available to listen to an employee's, athlete's, coach's, member's and other interested person's concerns about discrimination or harassment;
- not form a view of the merit of any allegations;
- provide information about the internal complaint procedure;
- advise the person that in some situations where serious allegations are raised (*for example, allegations that may expose the organisation to legal liability – the issue may need to be reported to management and dealt with as a formal complaint*);
- where suitable, offer support for an individual if she or he wants to attempt and resolve the problem personally;
- offer information about available support services (*if sport organization have it, for example, inhouse counselling services*);

- outline other possibilities accessible to the complainant, such as list a complaint of discrimination or harassment with an external agency.

As well as, if complaint involves felonies under the criminal code for example sexual assault, rape, indecent exposure, attack, stalking or obscene communication which has occurred in the premises of the Sport organisation or while engaged in Sport organisation's organized and/or related activity primary contact point have to deliver information to the President/Director of the SO, report the situation to the police and provided the information to the Office of the Equal Opportunities Ombudsman in addition to any other options under these procedures.

'Zero Tolerance' - communication

Notify employees, athletes, coaches, members and other interested persons 'what is' and 'what is not' acceptable conduct and behaviour in the sport organization. Remind them of the possible consequences of harassment and violence. It may be that they are unaware that their actions are harassing someone, so please explain with harassment and violence related actions, which includes:

- Offensive jokes;
- Lewd comments;
- Unwanted physical contact;
- Offensive pictures;
- Speculation about someone's private life;
- Threats of sexual violence;
- Deliberately isolating a colleague.

Require training across all people involved in organisation

Promote a safe organization culture through concrete policies, in depth training and responsiveness. Provide this training and ensure it is repeated regularly. This will explicate employees, athletes, coaches, members and other interested persons with your sport organization's harassment and violence policies. Subsequently, as employees in management positions oversee others in organization, it's important that they receive additional guidance. Conduct training updates every year or after making any policy changes. Create an environment where your employees, athletes, coaches, members and other interested persons feel comfortable participating in the sport organizations daily life and events.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employees, athletes, coaches, members and other interested persons in response to:

- filing or responding to a bona fide complaint of discrimination or harassment;
- appearing as a witness in the investigation of a complaint;
- serving as an investigator of a complaint.

Lodging a bona fide complaint in no way has to be used against the employee, athlete, coach, members and other interested person or have a contrary impact on the individual' status in Sport organisation. However, filing groundless or malicious complaints is an abuse of this policy and should be treated as a violation.

Any person who is found to have violated this aspect of the policy should be subject to discipline up to and including termination from any connection to sport organization and (if applicable) legal consequences according the national laws.

Management of harassment and violence in sport organization

Features of internal complaint process

Sport organizations can establish a detailed process for harassment and violence complaints. Nevertheless, it is important to address that discrimination and harassment complaints can be complex, sensitive and may potentially involve external agencies, such as Office of the Equal Opportunities Ombudsman or other legal authorities. Therefore, it is significant that those responsible for dealing with internal complaints have the suitable skills. Consequently, these people should follow appropriate complaint process:

- Fair – This means that both the persons the complainant (the person reporting the complaint or the subject of the harassment) and respondent (person alleged to have engaged in the conduct) person being complained about should have the chance to present their version of events, deliver supporting material and respond to any potential negative decisions. Furthermore, the individual examining and/or making decisions about the complaint should be neutral; that is, she or he should not favour the complainant or the respondent or prejudge the complaint in any way;
- Confidential – This means that information about a complaint is only provided to those people who need to know about it, in order for the complaint to be actioned properly;
- Transparent – The complaint procedure and the possible consequences of the complaint should be clearly explained and those involved should be kept informed of the development of the complaint and the details for any verdicts;

- Accessible – The complaint procedure should be easy to access and comprehend, and everyone should be able to contribute alike;
- Efficient – The complaint procedure should be conducted without unnecessary postponements, because retention could cause relevant information deteriorate which would impact on the fairness of the process. Furthermore, unsolved complaints could have a harmful and constant effect on a sport organisation.

Early resolution option

In some circumstances, it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit. Early Resolution is a possibility which could help sport organizations and employees, athletes, coaches, members and other interested persons resolve a discrimination or harassment matter early, quickly and informally, before it becomes too serious or needs a more formal process. It aims to resolve a dispute in the initial stages or help progress a disagreement that has stalled. It is a flexible process which could be conducted by a primary contact point described in harassment and violence policy in sport organization or experienced mediator.

This approach may be useful where:

- the complainant indicates a wish to sit down and discuss the matter with the respondent informally and this seems appropriate in the particular circumstances;
- the information on hand supports a view that the complainant has arisen from a misinterpretation or miscommunication;
- the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by the organisation's policy.

Early resolution may involve:

- a direct private discussion between the complainant and the respondent;
- an impartial third person (primary contact point) conveying information among involved individuals;
- an impartial third person (primary contact point) helping those involved to talk to each other and find a solution.

In some cases, the impartial third person may need to be someone external to the organization, such as a professional mediator.

Usually, early resolution efforts should be completed within thirty (30) calendar days of receipt of the complaint. If it is mutually agreeable among involved individuals, this timeframe may be extended. If at any point during this process, the reporter, complainant, respondent or primary contact point wishes to stop early resolution process and

proceed through formal resolution procedures, a formal process has to start. Early resolution is not available in cases involving sexual assault.

Formal resolution process

Sport organization's employee, athlete, coach, member and other interested person who have experienced harassment, violence and sexual harassment or other degrading incident may choose to make a formal resolution along with any further explanation as appropriate about the incident that has taken place. Formal resolution process is intended to provide with prompt, fair, and effective means of addressing complaints. Formal resolution has to be filled according to the agreed in Sport organization's harassment and violence policy form, and outline the events, when and how they occurred and the impact of any situation on the employee concerned, any action the complainant may have taken to stop the behaviour, and an indication of the desired outcome the complainant is seeking.

The complaint is to be lodged with the appropriate person – primary contact point. Primary contact point who receives a complaint must deal with it promptly.

If the complaint has sufficient substance, the primary contact point in sport organization has to initiate an investigation. Where it appears that there has been an incident of misconduct or serious misconduct (and possibly a criminal offence to be referred to appropriate external authorities), an investigation has to be performed in accordance with the Sport organization's harassment and violence policy and/or employee, athlete, coach, member and other interested person contract/agreement and the principles of natural justice (*According to the Oxford Languages - Natural justice is principles, procedures, or treatment felt instinctively to be morally right and fair*).

The complaint has to be filed within thirty (30) calendar days of the most recent alleged violation regardless if it's discrimination and harassment.

On receipt of a formal complaint, the complainant has to be informed of how the investigation will proceed and be provided with an indicative timeframe for the investigation. The complainant will be kept informed during the investigation.

During the investigation it may be necessary to gather information and interview other individuals. Content of any interviews have to be documented and verified by the individual supplying the information for the purposes of being included in the investigation and the investigation report.

Where a formal complaint is submitted for investigation, the complaint together with any supplementary information obtained during the course of the investigation will, in line with the principles of natural justice, be given to the respondent who is the subject of the complaint, to answer.

If an employee, athlete, coach, member and other interested person who have experienced harassment, violence and sexual harassment or other degrading incident in sport organization wants to proceed with a formal complaint the following steps are recommended.

Obtain information from the complainant

- The primary contact point - person which handling the complaint must:
- provide information about the complaint process, potential outcomes, options for assistance/support and protections from victimisation;
- ensure the allegations are documented, either by the complainant or the primary contact point;
- explain that the process is confidential, what this means and why it is important;
- explain what records of the complaint will be kept, for how long and where;
- explain the action that may be taken if the complaint is found to be vexatious or malicious;
- ask the complainant to provide relevant documents or details of witnesses that may support the allegations.
(If the concern appearing regarding the supporting information being destroyed or compromised, the primary contact point should try to obtain this information before taking any further action).

Advise the respondent about the complaint

The primary contact point should:

- advise the respondent that a complaint has been made against him or her and provide as much information as possible about the allegations and supporting information (where applicable);
- confirm that he or she will be given the opportunity to respond to the allegations in writing or through an interview;
- provide information about the complaint process, potential outcomes and options for assistance/support;
- explain that the process is confidential, what this means and why it is important;
- explain what records of the complaints will be kept, for how long and where;
- explain that it is unacceptable to victimise someone who has made a complaint.

Assess the information

If the respondent confirms that he or she did what is alleged to have occurred, and if this behaviour would be considered discrimination or harassment as defined in the organisation's policy, the next step is to consider an appropriate outcome (see below). It is recommended that the respondent is provided with the opportunity to comment on any proposed decision and outcome before a final decision is made.

If there is disagreement about what happened, the primary contact point should consider whether there is other information that will help to determine what happened. It is generally understood that the person making the decision should be satisfied that it is ‘more probable than not’ that what is alleged to have happened did happen.

Given the nature of discrimination and harassment, there may often be no direct witnesses or documents to support the complainant’s version of events. This does not mean that the allegation is untrue. In these circumstances, the complainant should be given the opportunity to comment on the information that has been provided by the respondent and to provide any other information to support his or her allegations before a final decision is made.

Potential consequences from the resolution process

If accusations are admitted or validated

Potential consequences for the respondent may include (one or several action might be used):

- disciplinary counselling;
- an official warning;
- a requirement to attend discrimination and harassment awareness training;
- a requirement to provide a formal apology to the complainant;
- disciplinary action (e.g., demotion, transfer, suspension, probation or dismissal)
- participation in mediation to restore relationships in the workplace.
- Potential consequences for the complainant may include (one or several action might be used):
- supportive counselling;
- re-crediting of any leave taken as a result of the discrimination or harassment;
- a change in the sport organization environment, as requested, for example, a change in work teams or location;
- participation in mediation to restore relationships in the sport organization environment.

It is important that the complainant is provided with complete information about the consequence of a complaint, as this may affect their verdict to pursue the matter with an external agency. The level of details provided should be balanced compared to the requirement to respect the confidentiality of the respondent.

If accusations are not admitted or validated

Where accusations have not been admitted or validated, it may still be suitable for the sport organization to take some action as a result of the complaint. It may be suitable to:

- deliver updated training for all employees, athletes, coaches, members and other interested persons regarding suitable behaviour in sport organisations regarding the prevention of the harassment and violence; and/or
- re-issue the Sport organisation's harassment and violence policy of conduct to all employees, athletes, coaches, members and other interested persons.

If such action is taken, it is significant that it is not completed in a means which might be understood as singling out or punishing the respondent, especially where there has been no finding that he or she has breached the Sport organization's harassment and violence policy.

Investigate complaints

Effective investigations of complaints are prompt, organized and consistent. Discuss with managerial staff a plan for the investigation. Keep the complainant in the loop on the investigation progress and results. Harassment and violence complaints must be reacted quickly and follow a set process without delay. Even if you feel that there is no genuine complaint or no substance to a complaint, you should not ignore it. In order to examine the complaint, it can be can appointed internal investigator or could be hired external assistance – organization providing legal services. Below is listed set of tips for investigating the a complain of harassment and/or violence:

- *Listen to their concerns:* if an employees, athletes, coaches, members and other interested persons alleges that they have been harassed, sport organization should deal with their concerns sensitively and sympathetically, reassuring them that their concerns will be investigated systematically.
- *Obtain details:* sport organization should meet with the complainant and try to get as much detail as you can from them - such as where, when and how, as well as details of any witnesses. This will enable to carry out a thorough investigation.
- *Ask questions:* sport organization must have a Q&A session with any witnesses identified. These meetings should take place in private and it is important to keep a detailed record of the conversation (it could be in written form).
- *Approach the respondent:* sport organization need to speak to the alleged respondent. It's important that you explain to them that the purpose of the Q&A session is not to accuse but to hear their version of events.
- *Make adjustments:* do the complainant and the alleged respondent involved into the same activities together? If so, is it vital for them to be completely separated in order for them to continue participation in sport organizations activities, pending a full investigation.
- *Consider suspension:* if it is not possible to separate them and if there is a risk of a further incident occurring, it is need to consider suspending the alleged respondent. This should be confirmed in writing.

- *DO NOT suspend the victim*: in this situation sport organization **MUST** avoid suspending the complainant or requiring them to move to another organizations location as this could be viewed as victimization.
- *Withhold judgement*: avoid making or communicating any judgments before the investigation has been completed.

What if the complaint is unfounded?

If during investigation it becomes apparent that there is no substance to the complaint – it is needed to meet with the complainant and explain in a sensitive way your findings.

Responsible person – which is appointed by the sport organization (Management board, Executive Committee, Director) to deal with harassment and /or violence cases should confirm whether any further action or some sort of mediation is necessary.

However, if the allegations are well founded, sport organisation need to take a different approach and dealt with in accordance with organisations’ disciplinary procedure.

Support the Complainant

It is important for the complainant to be kept informed of the situation. Reassure her / him that organization taking their concerns seriously and are addressing them. Complainant need to know that the matter has been dealt with appropriately. Responsible person should also look at ways to support the complainant moving forward.

Please note that if the complainant has raised the complaint as a formal grievance, the process must be followed and concluded in full. This remains the case even if they go off sick during the process. Responsible person, should maintain contact and reassure the complainant that their concerns are being taken seriously. Conversations should also take place in terms of how the sport organization can help or support them in returning back.

Record keeping and file management

Sport organization’s is committed to maintaining the privacy of personal information. All personal information collected during the Early resolution option or Formal resolution process have to be held and used in accordance with the Sport organization’s privacy policy, if such a policy does not exist the data have to be kept according the European Union [General Data Protection Regulation](#) (*regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC -General Data Protection Regulation*)

Sport organization’s employees, athletes, coaches, members and other interested persons should be informed that:

1. Primary contact point has to keep confidential original records and other working papers created or used in relation to inquiries or complaints on a file. This file has to be marked *Confidential* and stored in locked cabinets to which only primary contact point has access.
2. Records kept on files are the property of Sport organization's not the complainant and/or respondent or the primary contact point and as such are subject to privacy regulation written in Sport organization's privacy policy or according the GDPR.
3. Records have to be kept only in hard copy format and not on computer hard drive or on *external hard drive's* which can be removed from the sport organisation.
4. Complainant and/or respondent has the right to access their file on request in accordance with the provisions of privacy policy.
5. Primary contact point is encouraged to keep notes to a smallest stating only facts and appropriate details as described by the complainant and/or respondent. Primary contact point should record the outcome of each interview and where suitable have the complainant and/or respondent initial these as a correct record. The outcome recorded could include the complainant's and/or respondent's preferred course of action (if any) and any undertaking the primary contact point makes to the complainant and/or respondent.
6. Any additional information or subsequent links with the complainant and/or respondent should be recorded in the same way.
7. These files have to be kept by the Primary contact point for the number of days described in the Sport organization's privacy policy or according the GDPR.

Confidentiality

All complaints and investigations in Sport organization are treated privately to the extent possible, and data is revealed strictly on a need-to-know basis. It limits contact to and distribution of material, enquiring that data is accessible only to a restricted number of approved persons (generally the assigned person, primary contact point and/or senior management) of the Sport organization for the purpose of closing required investigations. All information concerning a complaint or investigation under this policy will be maintained in secure files within designated in accordance with the Sport organization's internal rules.

Reference

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