

SEXUAL HARASSMENT POLICY

Rationale

The South West Sydney Academy of Sport is committed to providing a sport and work environment free of sexual harassment, where individuals are treated with respect and dignity.

The Academy will not tolerate sexual harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches the policy.

This policy applies to all employees, directors, officers, volunteers, coaches, players, officials, professional personnel and members of the Academy.

This policy applies to behaviour occurring both within and outside the course of Academy business, activities and events, when the behaviour involves individuals associated with the Academy and negatively affects relationships with the organisation's sport and work environment.

Definitions

For the purpose of this policy, sexual harassment is defined as behaviour that has a sexual element, that is unwelcome, and in the circumstance, a reasonable person would have expected the behaviour would offend, intimidate or humiliate the person to whom it is directed.

Behaviour constituting sexual harassment can take many different forms, including unwelcome physical contact, the display of offensive materials, or sexual comments, jokes and propositions.

The behaviour may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, the behaviour should stop.

Responsibilities

The Academy is responsible for taking all reasonable steps to prevent sexual harassment and ensuring its position is widely known through all levels of the organisation's activities.

The Academy will ensure that appropriate procedures are identified to handle sexual harassment complaints. It is further responsible for ensuring that:

- Harassment Contact Officer (Chief Executive Officer) is identified to provide information, support and to mediate/conciliate grievances
- Should the complaint be against the Chief Executive Officer, the Chairperson will act as the Harassment Contact Officer
- Complaints are treated in an impartial, sensitive, fair, timely and confidential manner
- Sexual harassment reporting is encouraged, regardless of who the offended might be
- Appropriate training is provided to those who manage and implement the policy
- Widespread awareness and understanding of sexual harassment is provided

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The policy and procedures are monitored and reviewed regularly.

All employees, members, professionals and other persons associated with the Academy are responsible for complying with this policy.

Disciplinary Action

Disciplinary action will be taken by the Academy against anyone who is found to be in breach of this policy.

Disciplinary action will also be taken against anyone who victimizes or retaliates against a person who has complained of sexual harassment.

The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other form of action.

Confidentiality

The Academy's management and officers who are responsible for implementing this policy will keep confidential the names and details related to sexual harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

Complaint Procedures

The most effective complaint procedures offer a range of options for dealing with sexual harassment.

The Academy recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

Sexual harassment complaints can be handled through a variety of mechanisms. The Academy recognises that, as a highly sensitive complex matter, sexual harassment is best dealt with informally through discussion between the parties or with some assistance from an independent third party, so as to minimise its damaging and disruptive effects.

An informal resolution is not always possible and it may be necessary to resort to formal procedures to resolve the complaint.

The Academy encourages individuals who experience sexual harassment to inform the alleged harasser that the behaviour is unwelcome, unacceptable and contrary to policy, and ask that the behaviour stop. Individuals should also keep notes documenting incidents of the behaviour, time, place and any witnesses.

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If it is possible to confront the alleged harasser, or if this course of action fails to stop the behaviour, then the matter should be brought to the attention of a Harassment Contact Officer for advice.

The role of the Harassment Grievance Officer as a first-line-of-contact is to serve in an unbiased/impartial capacity to listen to the complaint, offer support, provide advice on procedures and to try to resolve the grievance.

The role of a Harassment Grievance Officer is to determine whether a complaint has substance, inform the person accused of harassment of the nature of the complaint, inform both parties of their rights and responsibilities in proceeding with a grievance, act as a mediator/conciliator between the parties to resolve the complaint, follow up after a complaint has been resolved to ensure there is no recurrence and refer serious matters to management, or to an external agency.

The Academy recognises the importance of providing a choice of reporting mechanisms and officers (male and female) to complainants in order to make them feel comfortable enough to come forward and discuss or report on an incident. It also recognises that in some instances, the manager or supervisor may be too close to the problem to serve without bias. The Academy will ensure access to a network of Harassment Contact Officers named either from within the organisation or as identified by the NSW Office of Sport.

The complaint may be resolved informally between the complainant and the alleged harasser through discussion, an apology, and a commitment to stop the behaviour. In this case, the Harassment Grievance Officer assisting an informal resolution will establish a follow up date to ensure the behaviour does not recur; otherwise no further action is necessary.

In the event that the complaint cannot be resolved informally, the complainant may lay a formal complaint. In this case, the complainant is required to prepare and sign a formal written complaint to the Harassment Grievance Officer who, in turn will ensure the alleged harasser is provided with a copy of the complaint.

The Chief Executive Officer responsible for this policy is responsible for ensuring the complaint is investigated and mediated or conciliated professionally and confidentially, in an unbiased and prompt manner. The organisation will fulfil this responsibility either by (a) establishing a comparable grievance mechanism within its own structure to handle the complaint, or (b) utilising the Harassment Grievance Officer pool through the NSW Sports Federation.

The review panel will comprise three members, at least one female and one male. Decisions of findings and recommendations of disciplinary action are the responsibility of the review panel.

The Academy will ensure that all steps in the complaints procedure are handled promptly, and that the period given to investigation, hearing and release of the decision does not exceed eight weeks.

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Right to Appeal

Both parties to a complaint have the right to appeal the decision and recommendation of a panel if a matter of procedure, bias, or fairness is called into question. An appeals panel, made up of members other than those who formed the original review panel should handle formal appeals.

External Action

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. In NSW, the Anti-Discrimination Board is the authority responsible for receiving complaints of sexual harassment.

The Human Rights and Equal Opportunities Commission is the authority responsible for receiving complaints under Commonwealth jurisdiction, and in some instances, may be the appropriate body.

Policy Reference and Review

This policy has been copied from “Sexual Harassment – Policy and Guidelines for the NSW Sport and Recreation Community” NSW Office of Sport. Published 1/1/2000. This document also contains additional information including guidelines, examples and scenarios, a checklist, and a glossary of terms.

The Academy will review the policy periodically, and be guided by best practises in policy development produced and distributed by NSW Office of Sport, Sport & Recreation.

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