

VWA Harassment Free Sport Policy

Policy Statement

1. The Victorian Weightlifting Association is committed to providing a sport and work environment free of harassment. It believes that anyone working for, representing or dealing with, the VWA has the right to be treated with respect and dignity. The Victorian Weightlifting Association will not tolerate harassment within the organisation. All complaints of harassment will be taken seriously and dealt with promptly, sensitively and confidentially. The VWA asserts its right to take disciplinary action against any member found in breach of this policy.

Application of Policy

2. This policy applies to all athletes, coaches, employees, administrators, officials, volunteers and members of the Victorian Weightlifting Association.
3. This policy applies to behaviour occurring both within and outside the course of the Victorian Weightlifting Association business activities, and events, when the behaviour involves individuals associated with the VWA and affects relationships within the sport and the work environment.
4. This policy applies to harassment between any participants in the organisation. Harassment may occur, for example from:
 - a. Coach to athlete
 - b. Athlete to athlete
 - c. Administrator to employee
 - d. Athlete to coach
 - e. Administrator to coach
 - f. Coach to coach
 - g. Coach to administrator athlete to administrator

Unlawful Harassment

5. Sexual harassment and other forms of harassment are unlawful under certain state, territory and federal anti discrimination law applying to the Victorian Weightlifting Association. (see following table). People engaging in harassment may be subject to legal action under these laws. In some cases legal action may be taken against the organisation, which the individual represents.

NAME OF STATUTE	ADMINISTERED BY
Racial Discrimination Act 1975 (Commonwealth)	Human Rights and Equal Opportunity Commission
Sex Discrimination Act 1984 (Commonwealth)	
Disability Discrimination Act 1992 (Commonwealth)	

Workplace Relations Act 1996 (Commonwealth)	Australian Industrial Relations Commission
Victorian Equal Opportunity Act 1995	Equal Opportunity Commission Victoria.

Definitions

6. For the purposes of this policy, **harassment** is defined as:

Harassment (general)

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or persons, usually because they are different, or perceived to be different, from the harasser. The difference may be gender, race, disability, sexual orientation, age, power, (relative to the harasser) or other characteristic. It is behaviour that is unwelcome and could be presumably be expected to upset the person or people to whom it is directed.

7. For the purposes of this policy, **sexual harassment** is defined as:

Sexual Harassment

Sexual harassment is behaviour that has a sexual element, that is unwelcome and that could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate, or intimidate the person or people to whom it is directed.”

Sexual harassment can involve behaviour that violates the criminal law, including indecent exposure, sexual assault, sex with a minor and obscene telephone calls or letters. These are criminal offences and should be reported to the police.

8. Behaviour constituting harassment can take many forms and may be explicit or implicit, verbal or non-verbal. Examples include but are not limited to:
- a. Abusive behaviour aimed at humiliating or intimidating someone in a less powerful position
 - b. Jokes or comments directed at a person’s body, looks, age, race, religion, sexual orientation or disability
 - c. Unwelcome remarks including teasing, name calling, or insults
 - d. Innuendo and taunting
 - e. Homophobic comments and / or behaviours
 - f. Uninvited touching, kissing, embracing, massaging
 - g. Staring, leering, ogling
 - h. Smutty jokes and comments
 - i. Persistent or intrusive questions about a person’s private life
 - j. Repeated invitations to go out, especially after prior refusal
 - k. Sexual propositions
 - l. The use of promises or threats to coerce someone into sexual activity
 - m. The creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material or by the use of offensive mail, email, faxes, letters or notes

- n. Sexual insults, taunts, name-calling.
9. Jokes and behaviour, which are genuinely enjoyed and consented to by everyone present, are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship and which is consensual or invited is not sexual harassment. However, it is the responsibility of all people covered by this policy to err on the side of caution in situations where people act as though they accept or 'consent' to behaviour, which, in fact they do not like. (This may apply to peers who are 'different' from the majority group, or who are younger or in a subordinate position.)
 10. Everyone also has a responsibility to be sensitive to the impact of their behaviour on the feeling of all persons witnessing it, not only on the person or people to whom it is directed.

General

It is important to remember that not everyone views behaviour in the same way. In assessing whether particular behaviour constitutes harassment, the intention of the alleged harasser is not the determining factor. Instead the focus is on the impression of the person harassed and whether or not the behaviour could reasonably have been expected to harass. It is crucial that all members of the VWA be sensitive to how their behaviour is being received by others.

However, harassment in sport must not be confused with legitimate comment or advice, including relevant negative comment and feedback, from coaches or supervisors on work or athletic performance, or on the work or sport-related behaviour of an employee or athlete. Feedback differs from harassment in its intent to assist the athlete or employee to improve performance or standard of behaviour.

Responsibilities

11. The Victorian Weightlifting Association is responsible for taking all reasonable steps to prevent harassment in the organisation and for ensuring the policy is known throughout the association. That is that all associated with the association know
 - a. What harassment means
 - b. That is against the law
 - c. That it will not be tolerated.
12. While the President has ultimate responsibility for ensuring the organisation is free of harassment, a senior official will accept day-to-day responsibility for implementing this policy. The Implementation Officer is the Chief Executive Officer.
13. Administrators, officials, managers, supervisors and coaches have a direct responsibility to ensure that members, employees, volunteers, parents and athletes are aware of this policy and adhere to it. They have been trained in this policy and its implementation by means of seminars, briefings, educational materials, workshops and so on.

14. Members, employees and volunteers will be informed of this policy by advertisements of the policy in the Victorian Weightlifting Association Newsletter 'VicLift' and on the VWA website.
15. The VWA will ensure that the policies are monitored and reviewed regularly.
16. It is the responsibility of all employees, officials, coaches, volunteers and members to:
 - a. Comply with this policy
 - b. Offer support to anyone who is being harassed and inform them of where to receive help and advice
 - c. Maintain confidentiality of any information supplied or received pursuant to a complaint
 - d. Avoid gossiping or spreading rumours about harassment.

Intimate Relationships

17. The Victorian Weightlifting Association believes that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the athlete involved, on other athletes and coaches and on the sports public image. The disparity between coach and athlete in terms of authority, maturity, status and dependence suggest that their relationships tend to be exploitative. The Victorian Weightlifting Association takes the view that such relationships are to be avoided by coaches working at all levels.
18. Should a sexual relationship develop between a coach and athlete, the VWA will investigate to determine whether action should be taken against the coach. Factors to be taken into consideration include the age and maturity of the athlete, the disparity between the ages of coach and athlete, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having an adverse impact on the athlete. If the sexual relationship is deemed inappropriate, action may be taken to terminate the coaching relationship. Action may include transfer or, if this is not appropriate a request for resignation or dismissal from employment / coaching duties.
19. In the event of a coach and athlete being either married or in a de facto relationship, the VWA shall use its discretion as to their accommodation arrangements while they are representatives in competition or training away from their home.
20. A coach must take personal responsibility for discouraging attempts, by an athlete, to initiate an intimate relationship, explaining the ethical basis for such action.
21. Sex with a minor, of either the same or the opposite sex, is a criminal offence.

Harassment Complaints.

22. The VWA will deal promptly, seriously, sensitively and confidentially with any complaint under this policy.
23. The VWA will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints. Refer to Appendix 1 for details.
24. In the first instance, the Harassment Complaints Officer (HCO), appointed by the VWA Committee, can provide advice and assistance.
25. The HCO are able to offer the following help:
 - a. Listen and provide support
 - b. Clarify whether the behaviour being complained of constitutes harassment, another form of unacceptable behaviour that requires other solutions, or legitimate supervisor / coaching behaviour.
 - c. Explain the courses of action and mechanisms available to deal with the harassment.
 - d. Give information, where applicable, on self-help, measures, such as suggesting the harassed person approach the harasser and explain that the behaviour is unacceptable and upsetting
 - e. Provide referral to other people or bodies charged with taking formal complaints
 - f. Accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures.
 - g. Follow up with the person after appropriate action has been taken, to ensure that they are satisfied with the resolution
26. The name and contact details for the HCO are available from the VWA. More details are available on the VWA Website.
27. While it is recommended that the HCO be approached in the first instance, the person experiencing the harassment may seek advice and support elsewhere, for example:
 - A supervisor, coach manager
 - An officer designated to take responsibility for resolving harassment complaints
 - The President, as the signatory to the Anti-harassment policy, or other official of the organisation.

Informal Resolution

28. Informal resolution of complaints is the most common avenue for finding resolution. Informal solutions may occur to the complainant while he or she is talking to the HCO. The complainant with or without the assistance of the HCO may carry these out. Resolution of complaints at this level allows for complete confidentiality for both parties and can result in an improved working relationship.

29. The second level of informal resolution involves mediation by a third party. The mediator may be the Complaints Officer or an executive member of the Board, President, supervisor, coach or official, agreed to by both parties.

Formal Resolution

30. Should the complainant decide to take formal action the complaint must be in writing to the Complaints Officer, the Chief Executive Officer of the VWA.
31. On receiving a written complaint the Complaints Officer will make every attempt to mediate the matter between the parties unless this is in appropriate in the circumstances. If mediation fails, or is not attempted, the Complaints Officer will proceed to investigate the complaint. He will make such inquiries or investigations as he deems necessary, which may include interviewing the complainant and the alleged harasser, requiring the production of documents, obtain reports and ask for proposals and recommendation from any persons.
32. Should the Complainant withdraw his complaint at any time. The Complaints Officer will determine if the alleged harassment is serious enough to warrant further investigation, which may be carried out without revealing the identity of the complainant.
33. The Complaints Officer may recommend to the Board that one or more of the following remedies be applied:
 - a. Require the person to give a written undertaking to refrain from continuing the conduct
 - b. Reprimand the person
 - c. Fine the person
 - d. Suspend the person for such period as the Committee deems appropriate
 - e. Dismiss the person
 - f. Withdraw coaching or officiating accreditation
 - g. Expel the person from membership of the VWA.
34. Both parties to a complaint have the right to appeal any decision taken under this policy if a matter of procedure, bias or fairness is called into question. An appeals panel independent of the Complaints Officer and the VWA Board will handle appeals.

Disciplinary Action

35. The Victorian Weightlifting Association may take action against any member or employee found guilty of harassment. The Victorian Weightlifting Association can take disciplinary action against anyone who victimises a person who complains of harassment. The Victorian Weightlifting Association will take action against any person who is found to have made false, vexatious or frivolous charges of harassment.
36. Nothing in this policy constrains any complainant from obtaining information or lodging a complaint of discrimination with any of the relevant state / territory or federal anti discrimination / human rights organisations.

Appendix 1 – Complaints Procedures

Basic Principles:

Any system dealing with complaints for harassment should contain the following elements:

- A documented procedure that is easy for staff, athletes and members to access and use
- Informal and formal options for dealing with complaints
- A guarantee that complaints will be handled promptly, seriously, sensitively and confidentially
- Clear guidelines on investigating complaints in accordance with the principles of natural justice
- Administration by trained personnel
- Guidelines on record keeping procedures
- An appeals mechanism

Natural Justice

It is recommended that the procedures provide the complainant with the opportunity to resolve the matter informally with as little fuss as possible, and the principles of natural justice (procedural fairness) be observed when dealing with formal complaints. This is particularly important in cases that could potentially result in the dismissal of an employee.

Although a complex area of law, the basic principles of natural justice are:

- A person subject to a complaint must be fully informed of the allegations against them
- A person subject to a complaint must be given full opportunity to respond to the allegations and raise any matters in his / her own defence.
- The allegations should be properly investigated, all parties heard and all relevant submissions considered
- A person making an allegation cannot be involved in determining its accuracy
- The decision maker must act fairly and without bias

Internal Process for the Resolution of Sport Harassment Complaint

Informal Process

1. The person being harassed makes an initial approach to their choice of one of the following people, who then provided information about whether the behaviour constitutes harassment and about options for resolution. They are:
 - a. The Harassment Contact Officer (HCO)
 - b. A supervisor, coach or manager
 - c. A colleague
 - d. An officer designated to take responsibility for resolving harassment complaints (Complaints Officer), or
 - e. An official of the organisation (as appropriate)
2. If the person approached is the HCO, he/she may offer to be a support person to the complainant in whatever steps they may wish to take to resolve the complaint
3. If the person approached has some management / supervisory responsibility for the complainant, or is nominated by the organisation as a Complaints officer, they must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant wants them to help resolve the complaint, they will do this at an informal level. In their management role, they must do so in an impartial manner with respect to both parties. No written complaint is involved at this stage.

Formal Process

- If the matter is not resolved with the support and advice of the HCO or other person initially approached, the complainant may make a formal complaint in writing about the alleged harassment to the Complaints Officer.
- The Complaints Officer should attempt to resolve the matter between the parties concerned by mediation, unless this has been already attempted without success or is clearly not appropriate in the circumstances. (For example the complainant is too distressed to face the alleged harasser)
- If mediation fails, or is not feasible, the Complaints Officer must ensure that there is a fair and impartial investigation of all allegations and that appropriate actions is taken to resolve the complaint and, where necessary, deal with the harasser.
- A fairly constituted panel, or a suitably skilled and impartial individual from within or outside the organisation then conducts the investigation. Natural justice is to be observed.

The typical steps for investigation consistent with the principles of natural justice are:

1. The complainant is interviewed and the complaint documented in writing
2. The allegations are conveyed to the alleged harasser in full
3. The alleged harasser is given the opportunity to respond

4. If there is a dispute over facts, statements from witnesses, documents and other relevant information if gathered
5. A finding is made as to whether the complaint has substance
6. A report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the decision maker
 - Both parties are entitled to support throughout this process
 - If the report is endorsed by the decision maker, the organisation then carries out the recommendation of the report
 - Both the complainant and the respondent have the right to appeal the findings of the investigator, the panel or against the resulting recommended action if they have concern about the procedure, bias or fairness. Appeals are handled by an appeal panel made up of independent persons not involved in the conduct of the original investigation.
 - The appeal body can uphold the decision, reverse the decision and / or modify any of the recommendations.
 - If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation, he / she may choose to approach one of the sport dispute resolution bodies (for example the National Sport Dispute Centre)