

OLD BRIGHTON GRAMMARIANS FOOTBALL CLUB

SEXUAL HARASSMENT POLICY

Aim

The Old Brighton Grammarians Football Club ("the Club") aims to provide young males and females with the opportunity to play an enjoyable and competitive game Australian Rules Football in a safe environment.

Policy

Sexual harassment is unlawful. The Club will not tolerate sexual harassment in any form.

Every player, official, volunteer, member or supporter of the Club has a responsibility to ensure sexual harassment does not occur.

Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counselling, transfer of duties, suspension or expulsion from the Club.

Reports of sexual harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.

The alleged harasser also has the right to have a supporter or representative chosen by them present when he/she responds to the allegations made.

No person will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimises or retaliates against someone who has made a complaint of sexual harassment.

The Club will afford natural justice to any person involved in a dispute.

Definition of Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal or non-verbal as well as situations which create an environment which is hostile, intermediary or humiliating for the recipient.

Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct:

- unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling or inappropriate touching;
- the use of threats or rewards to solicit sexual favours;
- physical violence, including sexual assault.

Verbal conduct:

- unwelcome sexual advance;
- a request for sexual favours;
- sexual comments, stories or jokes;
- comments on a person's appearance, age, private life etc.;
- repeated and unwanted social invitations for dates;
- insults based on the sex of the person;
- condescending or paternalistic remarks;
- sending sexually explicit messages or images (by phone, email or social media).

Non-verbal conduct:

- display of sexually explicit or suggestive material;
- sexually suggestive gestures;
- whistling;
- leering.

These examples are not exhaustive.

All sexual harassment is prohibited whether it takes place at the Club House or ground or outside at other grounds or at social events.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

Sexual Harassment Contact(s)

The Club has nominated the following persons as their "sexual Harassment Contacts"

Leanne Sargent
0418 454 740

John McKell
0411 474 341
jmckell@aitken.com.au

A Complainant may wish to first raise the complaint in confidence with a third party. With the consent of the Complainant such person may bring the matter to the attention of one or both of the nominated Sexual Harassment Contacts.

Complaints

(Victims of sexual harassment may want to resolve the matter in different ways. Some may be happy with an informal resolution and for the matter to stop, others may want more formal measures.)

A player, official, volunteer, member or supporter who believes they have been harassed (the complainant) should:

- if comfortable to do so, inform the alleged harasser the behaviour is offensive unwelcome, against the Club's policy and should stop;
- make a note of the date, time location, nature of, and participants in the incident(s);
- if not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report to the nominated "Sexual Harassment Contact".

When a complaint is received the "sexual harassment contact" will:

- immediately record the dates, times and facts of the incident(s);
- ascertain the views of the complainant as to what outcomes he/she wants;

- ensure that the complainant understands the Club's procedures for dealing with the complaint;
- discuss and agree next steps, either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the complainant from pursuing a formal complaint, if he/she is not satisfied with the outcome;
- keep a confidential record of all discussions;
- respect the choice of the complainant.

Informal Complaints Mechanism

If the complainant wishes to deal with the matter informally, the Sexual Harassment Contact will:

- give an opportunity to the alleged harasser to respond to the complaint;
- ensure that the alleged harasser understands the complaints mechanism;
- facilitates discussion between both parties to achieve an informal resolution which is acceptable to the complainant;
- ensure that a confidential record is kept of what happens;
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped;
- ensure that the above is dealt with expeditiously.

Formal Complaints Mechanism

If the Complainant wishes to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter.

The Sexual Harassment Contact carrying out the investigation will:

- interview the complainant and the alleged harasser separately;
- interview other relevant third parties separately;
- decide whether or not the incident(s) of sexual harassment took place;
- produce a report detailing the investigation, findings and any recommendation;
- if the harassment took place, decide what the appropriate remedy for the Complainant is;
- follow up to ensure the recommendations are implemented, that the behaviour has stopped and that the Complainant is satisfied with the outcome;
- if it cannot be determined that the harassment took place he/she may still make recommendations to ensure proper outcome;
- keep a record of all actions taken;
- ensure that all records concerning the matters are kept confidential;
- ensure the matter is dealt with expeditiously.

The findings as to whether sexual harassment has occurred will be determined on the basis of the evidence and in the balance of probabilities.

Outcomes

On the basis of the findings, possible outcomes of the investigations may include, but will not be limited to, any combination of the following:

- counselling;
- disciplinary action against the harasser e.g.; demotion, suspension, expulsion;
- official warning;

- formal apologies and undertaking that the behaviour will cease;
- conciliation/mediation.

On completion of the investigation, all parties will be informed about the investigators findings and the outcome of the investigation.

Outcomes will depend upon factors such as:

- the severity and frequency of the harassment;
- the weight of evidence;
- the wishes of the person who was harassed;
- whether the harasser could have been expected to know that such behaviour was a breach of policy;
- the level of contrition;
- whether there have been any prior incidents or warnings.

Criminal Behaviour

Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

While the Club is committed to treat most sexual harassment complaints at a Club level as far as practical, this type of conduct may not be suited to internal resolution. Such complaints should be treated by the criminal justice system.

Any victim of such action should be advised of the option of police support or intervention. It is not the obligation or duty of the Club to report such matters to the police on behalf of the complainant.