



Sexual Harassment Policy and Procedures

Statement of policy

Sexual harassment is unlawful. The HRCAV does not tolerate sexual harassment in any form. All HRCAV stakeholders have a responsibility to ensure that sexual harassment does not occur.

The objectives of this policy are to:

- (a) outline the standards of conduct and behavior expected by the HRCAV, its affiliate Clubs and their members;
- (b) promote and support environments free from sexual harassment;
- (c) encourage the reporting of behavior which breaches this policy; and
- (d) describe the obligations on HRCAV and the Clubs in responding to allegations of sexual harassment.

Scope

This policy applies to HRCAV, its officers, employees, contractors, volunteers, officials (**Personnel**) and to its associated Clubs and their members (**members**). It applies to communications and interactions with every person that comes into contact with:

- (a) in the case of personnel, during their engagement with HRCAV in the conduct of their duties, voluntary or otherwise: and
- (b) in the case of members, during their participation and involvement in HRCAV and/or Club sanctioned events, competitions, activities and lessons/rallies.

The policy applies to communications via mobile phones, email and other electronic communications (including social media).

The policy also extends to behaviour on the part of Personnel and members which has the potential to be injurious to the reputation of HRCAV and/or the Clubs and negatively affect the safety and enjoyment of the sport by other members.



Responsibilities

You have a responsibility to:

- (a) comply with this policy in the course of your involvement with HRC AV and/or its member Clubs;
- (b) treat everybody that you come into contact with during the course of your involvement in a professional, fair and respectful manner; and
- (c) offer support to anyone who feels they have been exposed to sexual harassment and encourage them to seek help.

Sexual Harassment

Sexual harassment is where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment may take the form of:

- (a) physical contact (ie. touching, brushing, pinching, kissing, embracing);
- (b) smutty jokes, comments, teasing or innuendo;
- (c) demands for sexual favours under the guise of promise or threat;
- (d) continued requests for dates
- (e) displays of sexually graphic material including posters, pinups, cartoons or graffiti;
- (f) staring or leering at a person or parts of their body; or
- (g) offensive e-mail messages or screen savers.

Victimisation

Victimisation is subjecting or threatening to subject another person to a detriment because they have engaged in a form of activity (or propose to) including:

- (a) having made a complaint of sexual harassment; and
- (b) participated in or assisted in an investigation into sexual harassment.



Responding to Sexual Harassment

Could your behaviour be considered inappropriate?

Sexual harassment is not always intentional. If you are unsure whether your behaviour is offensive or inappropriate, then ask a Contact Officer.

What to do if you are being subjected to sexual harassment

If you are comfortable in doing so, make it clear to the person that their behaviour is unwelcome and/or offensive and ask them to stop. If the behaviour continues or you feel you are unable to directly approach the person who is behaving offensively, then seek the help of a Contact Officer.

Contact Officer role

At all times, HRCAV and the Clubs covered by this policy must have a nominated Contact Officer. It is the responsibility of the Club to ensure that the Contact Officer is aware of the requirements of this policy as amended or replaced from time to time. HRCAV should take all reasonable steps to ensure its Personnel are aware of and can access the Contact Officer's contact details at all times. The same obligation applies to Clubs in respect of its members.

The Contact Officers have volunteered their time to assist Personnel and members who have reported alleged sexual harassment. The relevant Contact Officer will consider your report and the various options available to you to resolve your concerns. They will maintain neutral and impartial to everyone throughout the process.

Who should you make a report to?

If you are a member (as defined by this policy), a complaint relating to sexual harassment involving members of a Club should be addressed to the Club's Contact Officer and dealt with under the Club's disciplinary or grievance rules. However, if you consider that circumstances preclude you from referring the matter to your Club Contact Officer, you may submit a complaint to the Club President or directly to the HRCAV. HRCAV may, at its discretion, determine whether it is appropriate to resolve the complaint in accordance with the Club's disciplinary or grievance rules or HRCAV's Complaint Handling rules.

If your complaint relates to sexual harassment in the wider HRCAV community, it should be addressed to HRCAV's Contact Officer (the Chief Administrative Officer), unless there are circumstances which prevent you from doing so, in which case you should notify your complaint to the HRCAV President. Depending on the content of your complaint, it may be addressed by under HRCAV's Complaint Handling Rules.

Complaints relating to Personnel shall be notified to the HRCAV Contact Officer (or other person if the HRCAV Contact Officer is not an appropriate person) and will be managed in accordance with the Complaint Handling rules.



In the event of an inconsistency between this policy and the terms of HRCav's Complaint Handling Rules or the Club's disciplinary or grievance rules, this policy will prevail to the extent of the inconsistency.

What will happen if you make a report?

- (a) The Contact Officer (or other appropriate senior person to whom the complaint is made) will discuss various options with you in a sensitive, timely and confidential manner.
- (b) If reasonable efforts have been made to settle the matter informally and depending on the circumstances, HRCav or the Club may formally investigate your complaint. If this occurs, HRCav or the Club will notify all of the relevant parties that an investigation has commenced which will be handled in accordance with the procedure under the next subheading.
- (c) Depending on the seriousness of the alleged sexual harassment and the parties involved, HRCav or the Club may decide that an external party ought to investigate the complaint. HRCav or the Club may decide to investigate allegations even if you decide that you do not wish to make a formal complaint.
- (d) The person who makes the complaint and the person who the complaint is made against will have the same rights throughout the process to accord with principles of natural justice and procedural fairness.

What if there is an investigation?

If a formal **internal investigation** is initiated by HRCav or the Club in accordance with the applicable disciplinary rules or procedures, the following steps will be implemented so far as they are relevant to the determination of that complaint.

Those are set out as follows.

The person/committee/panel (**Investigator**) conducting the internal investigation shall:

- (a) interview the complainant and respondent separately ;
- (b) at the Investigator's discretion, interview any witnesses separately who the Investigator considers relevant to the determination of the complaint;
- (c) keep records of the interviews and investigation;
- (d) seek to preserve the confidentiality of both the complainant and the respondent (though this may not always be possible);
- (e) make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of sexual harassment as defined by this policy has occurred; and



- (f) report their findings to the HRCAV and/or the Club (as appropriate), who will then determine what action to take, if any, in accordance with the next subheading.

If a complainant or respondent is unwilling to participate in the investigation process, the investigation may nevertheless proceed and findings made on the basis of the evidence available to him or her.

Where HRCAV and/or the relevant Club determines that a complaint is sufficiently serious to warrant the commencement of **an external investigation**, the external third party investigator will be guided by the process outlined in this document and the applicable HRCAV or Club rules and/or disciplinary procedures.

What Are the Likely Outcomes Of You Making A Report?

If you report the alleged inappropriate behaviour and it is investigated and later substantiated, some of the possible outcomes might include:

- (a) the offensive behaviour stops;
- (b) an apology;
- (c) agreed forms of behaviour between you and the perpetrator are formalised and noted on your respective personnel files;
- (d) counselling support for one or both parties from, for example, including from an external Employee Assistance Program, where relevant;
- (e) the perpetrator undertakes refresher training in respect to this policy; and/or
- (f) disciplinary measures against the perpetrator, up to and including:
 - i. in the case of Personnel termination of their employment or engagement with HRCAV; and
 - ii. in the case of members, dismissal or loss of membership or suspension from HRCAV activities.

Where an allegation cannot be substantiated to the required standard, HRCAV and/or the relevant Club may still take action to ensure the proper functioning of the workplace or Club. They will also continue to closely monitor the situation and provide retraining where required



Will You Be Disadvantaged by Making A Truthful Report?

No. HRCAV and the Clubs covered by this policy encourage you to report alleged sexual harassment immediately or as soon after the offending behaviour occurs. The Contact Officers are expected to deal with all reports in a timely, sensitive and impartial manner.

It is also unlawful for anyone to victimise or discriminate against a person who makes a complaint concerning sexual harassment or another person who assists that person to make a complaint concerning sexual harassment.

If you intentionally make a false complaint of inappropriate behaviour, you may be subject to disciplinary action, up to and including termination of your employment or engagement (in the case of Personnel) or dismissal or loss of membership (in the case of members).

Making A Complaint to An External Organisation

HRCAV and the Clubs aim to provide an environment where your concerns are addressed and resolved internally. However, it is recognised that, depending on the circumstances, you may choose to make a complaint of unlawful behaviour to an external organisation

Victorian Equal Opportunity and Human Rights Commission

If Personnel or a member has been sexually harassed, they may choose to take their complaint to the Victorian Equal Opportunity and Human Rights Commission (**VHREOC**). Contact for VHREOC: 1300 292 153

The Australian Human Rights Commission

If Personnel or a member has been sexually harassed, they may choose to take their complaint to the Australian Human Rights Commission (**AHRC**). Contact for the AHRC is 1300 656 419