



Archery Victoria			
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Author:	Chief Executive Officer - Trevor Filmer		
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## 0502. Member Protection

### 1. Philosophy

- 1.1. Archery Victoria is committed to providing a sport and work environment free of harassment and discrimination. It is believed that anyone who works for or represents Archery Victoria and everyone with whom we deal, has the right to be treated with respect and dignity.
- 1.2. Archery Victoria will not tolerate harassment in our organisation. We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially.
- 1.3. Disciplinary action shall be taken against a person who is found in breach of this policy.

### 2. Application Of Policy

- 2.1. This policy applies to all athletes, coaches, employees, administrators, officials, volunteers and members of Archery Victoria. This policy applies to behaviour occurring both within and outside the course of Archery Victoria business, activities, and events, when the behaviour involves individuals associated with Archery Victoria and negatively affects relationships within our sport and work environment.
- 2.2. In an effort to assist members, clubs and officials to identify and eliminate harassment and discrimination, Archery Victoria has developed this Member Protection Policy and Procedures. This policy is intended as the principle tool to be used within Archery Victoria to overcome and eliminate harassment and discrimination.
- 2.3. Where possible, clubs should appoint a Member Protection Officer (MPO) who will be the principle point of contact for any member that raises a concern. Member Protection Officers (MPO's) can gain support and assistance from either the Archery Victoria Chief Executive Officer (CEO ) or the National Member Protection Officer (NMPO).

### **3. Definitions**

This policy applies to harassment occurring between any participants in the organisation. Harassment may occur, for example, from:

- 3.1. Coach to archer
- 3.2. Archer to archer
- 3.3. Administrator to employee
- 3.4. Archer to coach
- 3.5. Administrator to coach
- 3.6. Coach to coach
- 3.7. Coach to administrator
- 3.8. Archer to administrator

It is the legal and moral responsibility of all members to provide a safe, harassment and discrimination free environment.

### **4. Unlawful Harassment**

- 4.1. Sexual harassment and various other forms of harassment are unlawful under federal and state/territory anti-discrimination laws applying to Archery Victoria.
- 4.2. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, Archery Victoria has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

### **5. Harassment (general)**

This definition of harassment has been adopted by Archery Victoria for the purpose of this policy. It includes what is prohibited by law and does not distinguish between the various different types of harassment.

- 5.1. Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or persons, because of a particular characteristic of that person or persons (including the person or persons' level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.

## **6. Sexual harassment**

- 6.1. The particular form of harassment known as sexual harassment is variously defined in federal and state/territory legislation. The Sex Discrimination Act 1984 (Commonwealth) provides that;
- 6.1.1. A person sexually harasses another person (the person harassed) if;
- 6.1.1.1. The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed.
  - 6.1.1.2. Engages in unwelcome conduct of a sexual nature in relation to the person harassed.
- 6.2. In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.
- 6.3. Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

## **7. Unlawful Harassment**

- 7.1. Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:
- 7.1.1. Abusive behaviour aimed at humiliating or intimidating someone in a less powerful position.
  - 7.1.2. Jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability.
  - 7.1.3. Unwelcome remarks including teasing, name calling or insults.
  - 7.1.4. Innuendo or taunting.
  - 7.1.5. Homophobic comments and/or behaviours.
  - 7.1.6. Uninvited touching, kissing, embracing, massaging.
  - 7.1.7. Staring, leering, ogling.
  - 7.1.8. Smutty jokes and comments.
  - 7.1.9. Persistent or intrusive questions about people's private lives.
  - 7.1.10. Repeated invitations to go out, especially after prior refusal.

## **7. Unlawful Harassment (continued)**

### **7.2. Sexual propositions;**

7.2.1. The use of promises or threats to coerce someone into sexual activity.

7.2.2. The creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes.

7.2.3. Sexual insults, taunts, name-calling.

## **8. Clarification**

8.1. 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.

8.2. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

## **9. Responsibilities**

9.1. Archery Victoria is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in the organisation knows;

9.1.1. What harassment means.

9.1.2. That it is against the law.

9.1.3. That it will not be tolerated.

9.2. While the Chief Executive Officer of Archery Victoria has ultimate responsibility for ensuring the organisation is free of harassment; a clubs committee must accept the day-to-day responsibility for implementing this policy.

9.3. The Club Member Protection Officer, or in their absence the Club President, shall be the main communicator with, and point of contact for, the Archery Victoria Chief Executive Officer.

9.4. Administrators, official, managers, supervisors, and coaches have a direct responsibility to make sure that members, employees, volunteers and athletes know about this policy and adhere to it and that the correct procedures as outlined in this document are followed.

9.5. Members, employees, volunteers and athletes will be informed about this policy throughout Archery Victoria and its member clubs.

## **9. Responsibilities (continued)**

- 9.6. It will be the responsibility of all employees, officials, coaches, volunteers, athletes and members to;
- 9.6.1. Comply with this policy and procedures.
  - 9.6.2. Offer support to anyone who is being harassed and let them know where they can get help and advice.
  - 9.6.3. Maintain complete confidentiality.
  - 9.6.4. Avoid gossiping or spreading rumours about harassment (outside giving information as part of a legitimate investigation process). Such behaviour can result in legal action for defamation.

## **10. Intimate relationships**

- 10.1. Archery Victoria takes the view that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on sports public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, Archery Victoria takes the position that such relationship should be avoided by coaches working at all levels.
- 10.2. Should a sexual relationship develop between an athlete and a coach Archery Victoria will investigate whether any action against the coach is necessary. Factors that it may consider relevant are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete. If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer, or if this is not feasible, a request for resignation or dismissal from employment/coaching duties.
- 10.3. In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach Archery Victoria Chief Executive Officer, if they feel harassed.
- 10.4. The law is always the minimum standard for behaviour within Archery Victoria, and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence.

## **11. Harassment complaints**

- 11.1. Archery Victoria will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy. Archery Victoria will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints.
- 11.2. In the first instance, advice and assistance can be provided by the Club MPO, the Club President or the Archery Victoria Chief Executive Officer.
- 11.3. Clubs should advise Archery Victoria of their MPO after each Club AGM.
- 11.4. Club MPO's are able to offer help in several ways. They can;
  - 11.4.1. Listen and provide moral support.
  - 11.4.2. Clarify whether the behaviour being experienced constitutes harassment, another form of unacceptable behaviour that requires another solution, or a legitimate supervisory/coaching behaviour.
  - 11.4.3. If it appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal/internal measures through to formal/external complaints.
  - 11.4.4. Give information, where appropriate, on self-help measures, such as suggesting that the harassed person approach the harasser and explain that the behaviour is unacceptable and upsetting.
  - 11.4.5. Provide referral to other people or bodies charged with taking formal complaints.
  - 11.4.6. Accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures.
  - 11.4.7. Follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.
- 11.5. While it is recommended that the Club MPO be approached in the first instance, the person experiencing harassment also may seek advice and support from another trusted person such as;
  - 11.5.1. The Club President.
  - 11.5.2. A supervisor, coach, manager.
  - 11.5.3. An Archery Victoria Board Member designated to take responsibility for resolving harassment and/or complaints within a designated area/zone.
  - 11.5.4. The Archery Victoria Chief Executive Officer.
  - 11.5.5. The National Member Protection Officer.

## **12. Informal Resolution**

- 12.1. 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 MPO. These may then be carried out by the complainant with or without the assistance of the MPO. Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an approved working relationship.
- 12.2. The second level of informal resolution involves mediation by a third party. The mediator may be a Complaints Officer or could be a director, president, supervisor, coach or official agreed to by both parties for this purpose.

## **13. Formal Resolution**

- 13.1. The complainant may decide, however, after talking to the MPO or other person, or after an informal resolution has failed, to go to the stage of lodging a formal written complaint. A Complaints Officer will be designated to receive formal written complaints about harassment. This person shall be the Archery Victoria Chief Executive Officer.
- 13.2. On receiving the complaint, the Complaints Officer will attempt to sort out the matter between the complainant and the alleged harasser by mediation, unless this is inappropriate in the circumstances. If mediation fails, or is not attempted, the Complaints Officer will proceed to arrange a fair investigation of the complaint. The purpose of the investigation will be to establish whether harassment occurred, and if so, what action should be taken to resolve the matter.
- 13.3. A complainant can withdraw from the complaint process at any time. However, this does not absolve Archery Victoria from its obligation to pursue a complaint of harassment of a serious nature. The bottom line is that Archery Victoria has a legal responsibility to maintain a harassment-free work and sport environment. If a complainant does not wish to pursue a formal complaint, it is up to the Complaints Officer to determine if the alleged harassment is serious enough to warrant an investigation by the organisation and whether that can be carried out without revealing the complainant's identity.

## **14. Right To Appeal**

- 14.1. After an internal investigation of a complaint has occurred, a decision has been reached and action recommended, both parties to the complaint have the right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question.
- 14.2. Formal appeals will be handled by an appeals panel made up of the members other than those who formed the original review panel.

## **15. Disciplinary Action**

- 15.1. Archery Victoria can take disciplinary action against any person in Archery Victoria who is found guilty of harassment.
- 15.2. Archery Victoria can also take disciplinary action against anyone who victimises a person who has complained of harassment.
- 15.3. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/official accreditation and any other penalty Archery Victoria may deem necessary.
- 15.4. Archery Victoria will take similar disciplinary action against any person in Archery Victoria who is found to have made false, vexatious or frivolous charges of harassment.

## **16. Other Avenues**

- 16.1. Apart from these internal ways of making a complaint, complainants may at any time, contact the relevant State/Territory or Federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination.

## **17. Breaches Of The Code - General**

- 17.1. The Victorian Government has legislated serious punishments for breaches of the Code Of Conduct being a maximum fine of up to \$5,000 and up to 2 years jail. Depending on the seriousness of the breach the Victorian Police may lay additional charges thereby attracting further potential fines and jail sentences.

## **18. Breaches Of The Code - Individuals**

- 18.1. Sanctions may include:
  - 18.1.1. Counselling of the person
  - 18.1.2. Issuing a formal warning
  - 18.1.3. Imposing a fine on the person
  - 18.1.4. Imposing a ban on the person, player, official or spectator
  - 18.1.5. Denying membership to the person, player or official
- 18.2. In rare and serious cases, where a breach of the Code constitutes unlawful behaviour, it may be necessary to involve the Police.



## **19. Breaches Of The Code - Clubs**

19.1. Sanctions may include:

19.1.1. Counselling of the club executive

19.1.2. Issuing a formal warning

19.1.3. Imposing a fine on the club

19.1.4. Denying the club membership to Archery Victoria

## **20. Making A Complaint**

20.1. Trying to sort the matter out yourself

20.2. Informal discussions with the other party

20.3. Mediation

20.4. Lodging a formal written complaint at the level the incident occurred (Refer Policy 533)

20.5. Appealing to the next level if you believe the outcome was;

20.5.1. Biased

20.5.2. That you have been denied natural justice

20.5.3. That the process didn't follow Archery Victoria's procedures

## 21. Making A Complaint Flowchart

