



ANZSLA

THE SPORTS LAW ASSOCIATION

Member Protection Policy

1 Policy Statement

1.1. ANZSLA is committed to providing a safe and enjoyable environment for its members and employees. ANZSLA believes that anyone who works for ANZSLA and/or represents ANZSLA, and everyone with whom ANZSLA deals, has the right to be treated with respect and dignity. ANZSLA will not tolerate harassment, discrimination and/or abuse in, or associated with it. ANZSLA will take all complaints of inappropriate behaviours seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action will be taken against a person who is found to be in breach of this policy.

2. Application of Policy

2.1. This policy applies to (a) all ANZSLA members and (b) all other persons or organisations which by agreement or otherwise are bound to comply with this policy (including but not limited to contractors, regional representatives, Board Members, employees, administrators, officials, volunteers and attendees at functions of ANZSLA).

2.2. This policy applies to behaviour occurring during the course of ANZSLA business, activities and events, when the behaviour involves individuals associated with ANZSLA and which adversely affects relationships within ANZSLA.

2.3. This policy applies between or amongst any participants in the organisation. Incidents giving rise to a breach of this policy may occur, for example, from:

- member to member,
- member to non-member,
- member to Board member / staff,
- non member to Board member / staff,
- staff to non member, and
- staff to members.

3. Definitions

3.1. For the purposes of this policy, **Harassment** is defined as follows:

Harassment (general)

Harassment is any behaviour by a person or organization to whom this policy applies which consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, usually because they are different, or perceived to be different, from the harasser.

The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser), religion, or some other characteristic. It is behaviour that is unwelcome and that a reasonable person would recognise as being unwelcome and likely to cause upset to the recipient and for them to feel offended, humiliated and/or intimidated.

Harassment is to be determined from the point of view of the recipient.

3.2. 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:

- abusive behaviour aimed at humiliating or intimidating someone in a less powerful position;
- jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability;
- unwelcome remarks including teasing, name calling or insults;
- innuendo or taunting;
- homophobic comments and/or behaviours;
- uninvited touching, kissing, embracing, massaging;
- staring, leering, ogling;
- smutty and/or rude jokes and comments;
- persistent or intrusive questions about people's private lives;
- repeated invitations to go out, especially after prior refusal;
- sexual propositions;

- the use of promises or threats to coerce someone into sexual activity;
- 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 phone calls, email, faxes, letters or notes; and
- sexual insults, taunts, name-calling.

3.3. Forms of Harassment include:

- a. Sexual Harassment (clause 3.4);
- b. Racial Harassment (clause 3.5);
- c. Sexuality Harassment (clause 3.6);
- d. Disability Harassment (clause 3.7);
- e. Abuse (clause 3.8);
- f. Vilification (clause 3.9); and
- g. Discrimination (clause 3.10).

3.4. For the purpose of this policy, **Sexual Harassment** is defined as follows:

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, threaten or intimidate the person or people at whom it is directed.

3.5. **Sexual Harassment** includes:

- a. An unwelcome sexual advance; or
- b. An unwelcome request for sexual favours; or
- c. Unwelcome conduct of a sexual nature (including a statement, orally or in writing, of a sexual nature).

3.6. **Racial Harassment** includes harassment based on colour, descent, national or ethnic origin, cultural activity and/or religion.

3.7. **Sexuality Harassment** includes harassment based on actual, assumed or perceived homosexuality, heterosexuality, bi-sexuality and/or transsexuality.

3.8. **Disability Harassment** includes harassment based on physical, mental or psychological disability or harassment of an associate, aide and/or carer of a person with a disability.

3.9. **Abuse** includes (a) physical abuse, (b) emotional abuse, (c) neglect and (d) abuse of power (involves a disparity of power between the parties in the relationship).

3.10. **Vilification** includes hatred incited, serious contempt or severe ridicule of a person, or group of persons by a public act. This includes any public act which involves a communication and/or conduct which is observable to the public.

3.11. **Discrimination** is treating or proposing to treat a person less favourable than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have.

Some forms of Harassment may constitute a criminal offence. For example, assault, indecent assault, child abuse, rape, sex with a minor, obscene telephone calls or letters and/or threats or acts of violence. If you believe that a criminal offence may have been committed you should seek legal advice and notify the police as soon as possible.

4. Responsibilities

4.1. ANZSLA will:

- (a) Adopt and comply with this policy;
- (b) Recognise and enforce any penalty imposed under this Policy; and
- (c) Publish, distribute and promote this Policy (and any amendments made from time to time) to everyone who works for ANZSLA and/or represents ANZSLA.

- 4.2. The Board will promote awareness of this Policy and its contents by:
- (a) Making a copy of the Policy available on the ANZSLA Website;
 - (b) Notifying participants in all ANZSLA activities and/or functions that they will be required to comply with this policy;
 - (c) Reminding members of the policy on membership renewal forms; and
 - (d) Notifying new members of the policy on membership registration forms.
- 4.3. While the Board has ultimate responsibility for ensuring that ANZSLA is free of harassment, the Board will appoint a Member Protection Officer (“MPO”), who will be responsible for the day-to-day implementation of this policy.
- 4.4. The Board is further responsible for ensuring that the policy is monitored and reviewed at least every two years.
- 4.5. It will be the responsibility of all members and all other persons or organisations which by agreement are bound to comply with this policy to:
- (a) Comply with this policy;
 - (b) Offer support to anyone who is being harassed and let them know where they can obtain help and advice;
 - (c) Maintain complete confidentiality if they provide information during the investigation of a complaint; and
 - (d) Avoid gossiping or spreading rumours about harassment (outside giving information as part of a legitimate investigation process).

5. Complaint Resolution Procedures

General

- 5.1. ANZSLA will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.
- 5.2. ANZSLA provides both formal and informal mechanisms for dealing with complaints.
- 5.3. It is a breach of this policy for any person or organization to whom this policy applies to fail to comply with any of the responsibilities set out in clause 4.
- 5.4. Any person or organization may make a complaint about a person or organization to whom this Policy applies, providing they consider that person or organization has, or may have, committed an act or behaved in a manner constituting a breach of any part of this Policy.

6. Level 1 – Informal Resolution

- 6.1. Advice and assistance can be provided by the MPO appointed by the Board. It is not necessary to make a written complaint in the first instance.
- 6.2. The MPO will keep the matter confidential and only discuss it with people whom the complainant has authorised them to speak to about the complaint and inform the relevant government authority (including the Police) if required by law.
- 6.3. The MPO may offer help in several ways, including:
 - Explaining the courses of action available to deal with the complaint, from informal measures through to formal complaints;
 - 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, inappropriate and upsetting; and
 - Follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.
- 6.4. The name and contact details for the ANZSLA MPO may be obtained from the Executive Manager of ANZSLA.
- 6.5. While it is recommended that the MPO be approached in the first instance, the person experiencing harassment also may seek advice and support in the first instance from another trusted person, for example another ANZSLA member or an ANZSLA employee, such as the Executive Manager, or a Board member.

- 6.6. 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 improved working relationship.
- 6.7. This level of complaint resolution may involve informal mediation by an agreed third party.

7. Level 2 - Formal Resolution

- 7.1. The complainant may decide, however, after talking to the MPO, or after informal resolution has failed, to lodge a formal written complaint. All formal written complaints about harassment must be lodged with the President (or if the President is unavailable or if the complaint relates to the conduct of the President, to the Secretary). The President or Secretary shall forward written details of the complaint to the MPO.
- 7.2. On receipt of the written complaint the MPO will attempt to resolve the matter between the complainant and the alleged harasser by mediation, unless this is inappropriate in the circumstances.
- 7.3. The mediator could be an ANZSLA Board member, President, member or other person agreed to by both parties for this purpose. If the parties are unable to agree within 7 days on a mediator, the mediator shall be determined by the Board of ANZSLA.
- 7.4. Upon appointment, the Mediator will (a) notify the person identified in the complaint, in writing, that a complaint has been made and provide them with a copy of the complaint and (b) attempt to mediate a resolution between the complainant and the person complained about.
- 7.5. If the parties reach a resolution, the complaint will be deemed to have been withdrawn and no further action may be taken in relation to it (except what may set out in the agreed resolution).
- 7.6. If mediation fails, or is not attempted within 14 days, the MPO will refer the matter to the Disciplinary Committee (established under Rule 23.3 of the ANZSLA Rules) to conduct an investigation in relation to the complaint. In conducting the investigation, the Disciplinary Committee shall ensure adherence to the principles of natural justice.

7.7. The Disciplinary Committee may take any action it considers appropriate against the offender if it has established on the balance of probabilities that the Harassment has occurred, including but not limited to:

- Expelling or suspending the membership of the person (if he or she is a member);
- Providing the offender with a written warning;
- Requiring the offender to attend counselling; or
- Such other action as it deems reasonable in all the circumstances.

7.8. ANZSLA has the power to take similar disciplinary action against any person who is found to have made false, vexatious or frivolous allegations of harassment.

7.9. A complainant can withdraw his or her complaint at any time. If the complaint is withdrawn, ANZSLA is not required to pursue the complaint and/or investigation any further.

7.10. Nothing in this Policy prevents action being taken under federal or state legislation.

8. Appeals

8.1. The decision of the Disciplinary Committee may be appealed to the Board by either the complainant or the person complained about.

8.2. There is only one right of appeal and the decision of the Board will be binding on all parties.

8.3. The party wishing to appeal a decision of the Disciplinary Committee shall advise the President or Secretary in writing within 7 days of the Disciplinary Committee delivering its decision ("Notice of Intention to Appeal").

8.4. The person bringing the appeal must also provide the grounds of appeal in writing within 5 days of lodging the Notice of Intention to Appeal. If this is not complied with the appeal shall be deemed to be withdrawn.

8.5. Upon compliance with clause 8.3 the Board shall hear the appeal. The Board may:

- Dismiss the appeal;
- Uphold the appeal; and
- Reduce, increase or otherwise vary the penalty.