



Sexual Harassment and Victimisation Policy and Procedure

1.1 INTRODUCTION

East Coast Derby Dolls (ECDD) recognises the right of every member, guest and affiliated person of our club to be able to attend training and other club activities without being subjected to any form of sexual harassment or victimisation.

It is the obligation and responsibility of every member guest and affiliated person to ensure that our space is free from sexual harassment and victimisation.

ECDD is fully committed to its obligation to eliminate sexual harassment and victimisation in the roller derby community.

1.2 DEFINITIONS

1.2.1 Sexual Harassment

Any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to:

- staring or leering;
- unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching;
- unnecessary comments about appearances, clothing or hairstyles;
- suggestive comments or jokes;
- indecent exposure;
- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;
- displaying posters, magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- unsolicited sharing of, or exposing to others, sexually explicit material;
- requests for sex or repeated unwanted requests to go out on dates;
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, rape, sexual assault, stalking or obscene communications.

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



1.2.2 Victimization

Victimization is being treated badly because you have made, intend to make, or have helped someone else make a complaint, refused to breach this policy or the code of conduct, or because you have provided information about a complaint. It also includes someone who has agreed to be a witness.

1.3 PURPOSE

The purpose of this document is to outline ECDD's position on sexual harassment and victimization and to document the process, which is to be followed should any grievances arise.

1.4 POLICY

ECDD will not tolerate sexual harassment or victimization under any circumstances. Responsibility lies with every member, guest and affiliated person to ensure that sexual harassment and/or victimization does not occur.

Federal and State legislation affirms that sexual harassment and victimization is unlawful. Furthermore, our sport's governing body Skate Australia's *Member Protection Policy* establishes minimum standards of behaviour for all members and affiliated clubs (under which ECDD members are insured and under which the club is insured).

This policy applies to conduct that takes place in any club-related context, including training, bouts, events, tournaments, social events and other club-related activities.

No member, guest of the club or affiliated person of our club at any level should subject any other member, guest or affiliated person of our club to any form of sexual harassment or victimization.

A breach of this policy will result in disciplinary action, up to and including termination of membership.

ECDD strongly encourages any member who feels they have been sexually harassed or victimised, to take immediate action. If member, guest or affiliated person of our club feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The member, guest or affiliate should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop.

If you are not a victim but have information to suggest that a person is experiencing sexual harassment or victimization in connection with ECDD, you are also encouraged to report this to the club President or a Committee Member. You must not spread gossip or rumours about what you know. You must only report this information to a Committee Member or club President. Otherwise, you will undermine ECDD's ability to deal with the conduct effectively.

Once a report is submitted, ECDD has the right to determine how the report should be dealt with in accordance with its legal obligations and this policy.

Any reports of sexual harassment or victimization will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or



informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and may raise the matter with Skate Australia or a State or Commonwealth agency that has the power to resolve sexual harassment or victimisation matters, such as the Australian Human Rights Commission.

If the matter is a criminal matter, they should also raise it with the police.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No member, guest or affiliated person of our club will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any member, guest or affiliate who has been alleged to be a harasser.

All members, guests and affiliated persons of our club have the right to seek the assistance of Skate Australia to assist them in the resolution of any concerns.

Committee Members who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

Intoxication will never excuse sexual harassment or victimisation.

1.5 SEXUAL HARASSMENT AND VICTIMISATION PROCEDURE

1.5.1 Responsibilities

It is the responsibility of the Committee Members and the Grievance Officer of ECDD to ensure that:

- they understand and are committed to the rights and entitlements of all members, guests and affiliated persons of our club to attend training and other club events and activities, without fear of being sexually harassed or victimised in any form;
- they understand what constitutes an act of sexual harassment;
- all reasonable steps are made to eliminate sexual harassment;
- policies and procedures are complied with;
- all members are made aware of their obligations in relation to providing a training space free from sexual harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- they treat all complaints seriously and confidentially; and
- they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the responsibility of ECDD's President to ensure that:

- policies and procedures are regularly reviewed and (if necessary) amended;



- regular guidance and education is provided to members regarding sexual harassment and inappropriate behaviour in the club environment;
- Committee Members are aware of their obligations and responsibilities in relation to sexual harassment, victimisation, and the rights and entitlements of their members, guests and affiliated persons; and
- ongoing support and guidance is provided to all members in relation to the prevention of sexual harassment and victimisation.

1.6 PROCEDURES

1.6.1 Complaint Process

Sexual harassment and victimisation can occur at any level of the club and may occur within the club, or outside the club from affiliated persons within the roller derby community. Lack of intent is no defense in sexual harassment cases. Intoxication by medication, alcohol or illegal substances is not an excuse.

Members, guests or affiliated persons of our club who believe they are the subject of sexual harassment should take firm, positive and prompt action.

Where possible, the member, guest or affiliated person of our club should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the member, guest or affiliated person of our club feels unable to speak to the person(s) directly, they should contact an ECDD Committee Member, Grievance Officer or the club President.

The Committee Member, Grievance Officer or President will provide support and ascertain the nature of the complaint and the wishes of the complainant.

1.6.2 Informal Intervention

The Committee Member/President/Grievance Officer will explain the member, guest or affiliated person's rights and responsibilities under ECDD's and Skate Australia's policy and procedures.

Informal intervention may be undertaken through a process of mediation. During informal intervention, the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. If this occurs, no record will be made of the proceedings, and any subsequent proceedings will begin as if new. If this does not occur, the formal procedure should be followed.

1.6.3 Formal Complaints Procedure

The President and/or Grievance Officer may be obliged to carry out a formal investigation in relation to a complaint of sexual harassment or victimisation. A formal complaint can be made by the



complainant in accordance with the processes outlined within the ECDD Rules and Regulations and ECDD Constitution.

Formal investigations may be conducted internally by the President and/or Grievance Officer and/or a committee member, or by Skate Australia, by using the guidelines in the ECDD Rules Regulations, ECDD Constitution and/or Skate Australia Member Protection Policy.

In the event that an allegation involves an ECDD committee member, President or the Grievance Officer, (i.e. as the alleged offender, victim, support person to the victim or alleged offender, or witness), said member will be omitted from any involvement in the investigation and their position placed on hold pending the outcome of the investigation.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is determined, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against as per the ECDD Rules Regulations and/or Skate Australia Member Protection Policy.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, participants may be stood down from club activities during an investigation.

Throughout the investigation process, all parties involved in the investigation will be regularly updated about the investigation.

Records are retained and filed in a confidential and secure place. These records will be kept for a period of seven years. Under no circumstances will records be placed on the complainant's file.

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

Based on the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Disciplinary action against the harasser in line with the procedures for policy violations set out in ECDD Rules and Regulations document;
- Referral of the matter to law enforcement officials;
- Official warnings that are noted in the respondent's file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and undertaking that the behaviour/s cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;

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



Following an investigation concerning a sexual harassment or victimisation complaint (irrespective of the findings), the investigator will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all members of their obligations and responsibilities in relation to providing a club environment free from sexual harassment.

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the 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 has been any prior incidents or warnings.

If the investigation determines that sexual harassment or victimisation has occurred, the investigator must forward a summary of the complaint and the action taken to the club President. A copy may be placed in the respondent's personnel file.

The President will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

1.7 INTERNAL RELATED DOCUMENTS

ECDD Rules and Regulations

ECDD Code of Conduct

ECDD Constitution

ECDD Bullying Policy and Procedures

ECDD Child Protection Policy

Skate Australia Member Protection Policy