

MACQUARIE FOOTBALL LIMITED  
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NEWCASTLE FOOTBALL LIMITED  
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HUNTER VALLEY FOOTBALL INCORPORATED

## **SEXUAL HARASSMENT POLICY**

Issued by the Joint Board of Directors of Macquarie Football Limited, Newcastle Football Limited and Hunter Valley Football Incorporated.

Issued            **February 2018**  
Review            January 2019

# **POLICY ON SEXUAL HARASSMENT**

## **1.0 POLICY**

- 1.01 The Zone Association is committed to providing a sport and work environment free of sexual harassment, where individuals are treated with respect and dignity. The Zone Association will not tolerate sexual harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches the policy.
- 1.02 This policy is applicable to all employees, officers, volunteers, coaches, players, officials, professional personnel and members of the Zone Association.
- 1.03 This policy is applicable to behaviour occurring both within and outside the course of Zone Association business, activities and events, when the behaviour involves individuals associated with the Zone Association and negatively affects relationships within the sport and work environment of the Zone Association.

## **2.0 DEFINITIONS**

- 2.01 For the purpose of this policy, sexual harassment is defined as behaviour that has a sexual element, that is unwelcome, and that, in the circumstances, would have caused a reasonable person to have expected the behaviour would offend, intimidate or humiliate the person to whom it is directed.
- 2.02 Behaviour constituting sexual harassment can take many forms, including unwelcome physical contact, the display of offensive materials, or sexual comments, jokes and propositions. The behaviour may be a single incident or it may be repeated. It may be implicit or explicit, verbal or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if the behaviour is unwelcome and its effect is to offend, humiliate or intimidate, the behaviour must stop.

## **3.0 RESPONSIBILITIES**

- 3.01 The Zone Association is responsible for taking all reasonable steps to prevent sexual harassment and ensuring its position is widely known through all levels of the organisation's activities.
- 3.02 The Zone Association will ensure that appropriate procedures are identified to handle any sexual harassment complaints. It is further responsible for ensuring that:-
- 3.02.01 Harassment Contact Officer is identified to provide information and support.
- 3.02.02 Harassment Grievance Officer is identified; such person must have been trained to mediate/conciliate grievances.
- 3.02.03 Complaints are treated in an impartial, sensitive, fair, timely and confidential manner.
- 3.02.04 Sexual harassment reporting is encouraged, regardless of the offender.

3.02.05 Appropriate training is provided to those who manage and implement policy.

3.02.06 Widespread awareness and understanding of sexual harassment is provided.

3.02.07 The policy and procedures are monitored and reviewed regularly.

3.03 All employees, members, professionals and other persons associated with the Zone Association are responsible for complying with this policy.

#### **4.0 DISCIPLINARY ACTION**

4.01 Disciplinary action will be taken by the Zone Association against anyone who is found to be in breach of this policy.

4.02 Disciplinary action will also be taken by the Zone Association against any person who victimizes or retaliates against a person who has complained of sexual harassment.

4.03 The disciplinary action taken by the Zone Association will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other form of action deemed necessary.

#### **4.0 CONFIDENTIALITY**

The Zone Association's management and officers responsible for implementing this policy shall keep confidential the names and details related to sexual harassment complaints, unless disclosure as necessary as part of the disciplinary or corrective process.

#### **5.0 COMPLAINT PROCEDURES**

5.01 The most effective complaint procedures offer a range of options for dealing with sexual harassment. The Zone Association recognizes that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

5.02 Sexual harassment complaints may be handled through a variety of mechanisms. The Zone Association recognizes that, as a highly sensitive and complex matter, sexual harassment is best dealt with informally through discussion between the parties or with some assistance from an independent third party, so as to minimise its damaging and disruptive effects. An informal resolution is not always possible and it may be necessary to resort to formal procedures to resolve the complaint.

5.03 The Zone Association encourages individuals who experience sexual harassment to inform the alleged harasser that the behaviour is unwelcome, unacceptable and contrary to policy and ask that the behaviour stop. Individuals should also keep notes documenting incidents of the behaviour including time, place and any witnesses.

5.04 If it is not possible to confront the alleged harasser, or if this course of action fails to stop the behaviour, then the matter should be brought to the attention of a Harassment Contact Officer, manager or supervisor for advice.

5.05 The role of the Harassment Contact Officer (or manager or supervisor acting in this capacity) as a first-line-of-contact is to act in an unbiased/impartial capacity to listen to the complaint, offer support, provide advice on

procedures and refer to an Harassment Grievance Officer when appropriate. *It is not the role of the Harassment Contact Officer to try to resolve the grievance.*

- 5.06 The role of an Harassment Grievance Officer is to determine whether a complaint has any substance, inform the person accused of harassment of the nature of the complaint, inform both parties of their rights and responsibilities in proceeding with a grievance, act as a mediator/conciliator between the parties to resolve the complaint, follow up after a complaint has been resolved to ensure that there is no recurrence and refer serious matters to management or to an external agency. It is the prerogative of the complainant to decide to proceed with or dissolve a complaint.
- 5.07 The Zone Association recognizes the importance of providing a choice of reporting mechanisms and officers (male and female) to complainants in order that they may feel comfortable to come forward to discuss or report on an incident. It also recognizes that in some instances the manager or supervisor may be too close to the problem to serve without bias. The Zone Association will ensure access to a network of Harassment Contact Officers named either from within the Zone Association or as identified by Northern NSW Football or NSW Sport and Recreation.
- 5.08 The complaint may be resolved informally between the complainant and the alleged harasser through discussion, an apology and a commitment to stop the behaviour. In such a case the Harassment Grievance Officer (or manager or supervisor) assisting the informal resolution shall establish a follow-up date to ensure the behaviour does not recur; otherwise no further action is necessary.
- 5.09 In the event that the complaint cannot be resolved informally, the complainant may lay a formal complaint. In this case, the complainant is required to prepare and sign a formal written complaint to the Harassment Grievance Officer who will, in turn, ensure that the alleged harasser is provided with a copy of the complaint.
- 5.10 The Zone Association management/director responsible for this policy is responsible for ensuring that the complaint is investigated and mediated or conciliated professionally and confidentially, in an unbiased and prompt manner. The Zone Association shall fulfil this responsibility by either
- 5.10.01 establishing a comparable grievance mechanism within its own structure to handle the complaint.
  - 5.10.02 utilising the Harassment Grievance Officer pool through Northern NSW Football or NSW Sport and Recreation.
- 5.11 The review panel will comprise three members, at least one male and one female. Decisions of findings and recommendations of disciplinary action are the responsibility of the review panel.
- 5.12 The Zone Association shall ensure that all steps in the complaints procedure are handled promptly and that the period given to investigation, hearing and release of the decision does not exceed a period of eight (8) weeks.

## **6.0 RIGHT TO APPEAL**

Both parties to a complaint have the right to appeal the decision and recommendation of a panel, if a matter of procedure, bias or fairness is called into question. An

appeals panel, made up of members other than those who formed the original review panel, shall handle formal appeals.

## **7.0 EXTERNAL ACTION**

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. In NSW, the Anti-Discrimination Board is the authority responsible for receiving complaints of sexual harassment. The Human Rights and Equal Opportunities Commission is the authority responsible for receiving complaints under Commonwealth jurisdiction, and in some instances, may be the appropriate body.

## **8.0 POLICY REVIEW**

The Zone Association will ensure that a review of the policy is conducted periodically.

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