



SUNSHINE HEIGHTS CRICKET CLUB (SHCC)

SEXUAL HARASSMENT & MISCONDUCT POLICY

INTRODUCTION

Sexual harassment and misconduct can occur in any club. Sunshine Heights Cricket Club does not condone or tolerate any behaviour that is improper or harassing of a sexual nature within the club. Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

SCOPE

This policy applies to the Committee of Management, Members, Volunteers, Guests attending the Club.

PURPOSE

The purpose of this document is to identify the Club's position on sexual harassment and misconduct and provide information, definitions, procedures and consequences in the instance that a complaint is made against a member of the Sunshine Heights Cricket Club.



STATEMENT OF POLICY

- Sexual harassment is unlawful. Sunshine Heights Cricket Club does not tolerate sexual harassment in any form. Every Committee of Management member, member, and volunteer, has a responsibility to ensure that sexual harassment does not occur.
- Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counselling, transfer of duties or dismissal. It may include the matter been referred to the Police.
- Reports of sexual harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated. They also have the right to have a supporter or representative, chosen by them, involved in the process. They have the option to stop the process at any time.
- The alleged harasser has the right to have a supporter or representative chosen by them present when they respond to the allegations made.
- No person will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimise or retaliates against someone who has made a complaint of sexual harassment.



- The Club will afford natural justice to any person involved in a dispute. The Club will endeavour to investigate and resolve the issue within a timely fashion.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

This may include (but is not restricted to):

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about someone's sex life or physical appearance
- leering and ogling
- sexually offensive comments, stories or jokes
- displaying sexually offensive photos, pinups or calendars, reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling, or unnecessary brushing up against someone
- indecent assault or rape (these are criminal offences).

MAKING A COMPLAINT

A Member or Volunteer who has been harassed may choose to take their complaint to the Victorian Equal Opportunity and Human Rights Commission.



The Commission is obliged to follow up disputes and can impose penalties on the person accused and the organisation that oversees them. Contact for the Victorian Human Rights and Equal Opportunity Commission: 1300 292 153.

INTERNAL COMPLAINT

A member or volunteer who believes they have been harassed (the complainant) should:

- if comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the Club's policy and should stop.
- make a note of the date, time and location of the incident/s.
- if the complainant is not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report it to the Administrator or an Executive member of the Committee of Management.

The sexual harassment contact will follow the procedures set out below. At any time, the complainant has the right to discontinue this process.

COMPLAINTS PROCESS

When a complaint is received, the sexual harassment contact will:



- obtain and record a full, step-by-step account of the incident/s
- ensure the organisation's process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process.

INFORMAL RESOLUTION

Where a complainant has chosen informal resolution, following an informal process the sexual harassment contact will:

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the Club's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not re-occur.

FORMAL INVESTIGATION

If a formal investigation is requested by the complainant, or if an informal resolution fails, the sexual harassment contact



will escalate the matter to an Executive Member of the Committee of Management (Vice President Club Operations) or an external investigator, as appropriate. That person will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- 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 the legislation, has occurred
- in such a case, determine appropriate action, change to working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/incidents of sexual harassment as defined by the legislation has occurred, the Club may still take action to ensure the proper functioning of the Club; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure that the actions meet the needs of the complainant and organisation.



Outcomes as they affect the complainant will be discussed with the complainant to ensure that their needs are met, where appropriate and possible.

RESPONSIBILITY

1. The Committee of Management is responsible for adopting this policy.
2. The Committee of Management, Administrator and all members, contractors and volunteers are responsible for the implementation of this policy.
3. The Committee of Management is responsible for monitoring changes in privacy legislation, reviewing and updating this policy.