VOLLEYBALL WESTERN AUSTRALIA

Anti-Harassment Policy

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Controlling Body	VWA Board

Overview

Volleyball Western Australia (VWA) aims to provide an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment.

The purpose of this policy is to ensure that practices and procedures are in place that protect VWA's members and participants from any circumstances which may involve harassment.

This policy is to be read in-conjunction with the following documents:

- VWA Member Protection Policy Statement
- VWA Child Safeguarding Policy
- VWA Cyber Safety Policy
- VWA Diversity and Inclusion Policy
- VWA Complaint Management Policy
- VWA Misconduct Policy
- VWA Social Media Addendum
- Volleyball Australia (VA) Member Protection Policy

Definitions

- **Affiliate** means an organisation, club or association affiliated to VWA
- **Bullying** is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless[1]
- **Discrimination** happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as 'direct discrimination'. It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination'. Discrimination can be against the law if it is based on a person's:
  - age
  - disability, or
  - race, including colour, national or ethnic origin or immigrant status
  - sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding
  - sexual orientation, gender identity or intersex status.[2]
- **Harassment** can be against the law when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply. Harassment can include behaviour such as:
  - telling insulting jokes about particular racial groups
  - sending explicit or sexually suggestive emails or text messages
  - displaying racially offensive or pornographic posters or screen savers

[1] https://www.humanrights.gov.au/our-work/commission-general/what-bullying-violence-harassment-and-bullying-fact-sheet
[2] https://www.humanrights.gov.au/quick-guide/12030

- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life.

The law also has specific provisions relating to certain types of harassment.

- Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.
- Harassment linked to the disability of a person or their associate is against the law.
- Offensive behaviour based on racial hatred is against the law. Racial hatred is defined as something done in public that offends, insults, humiliates or intimidates a person or group of people because of their race, colour or national or ethnic origin.[3]

- **Gender identity** means one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth[4]
- **Member** means an individual who is a member of VWA
- **Member Protection Information Officer** means a person appointed by VWA to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy
- **Sexual harassment** refer to Harassment
- **Victimisation** means punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have:
  - asserted their rights under equal opportunity law
  - made a complaint
  - helped someone else make a complaint
  - refused to do something because it would be discrimination, sexual harassment or victimisation.[5]
- **Vilification** means the act of saying or writing unpleasant things about someone or something, in order to cause other people to have a bad opinion of them[6]

Background

Volleyball WA opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

VWA takes all claims of harassment, discrimination, bullying and cyber bullying seriously and encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with VWA (VWA Complaint Management Policy).

[3] https://www.humanrights.gov.au/quick-guide/12040
[4] https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions
[5] https://www.humanrightscommission.vic.gov.au/the-workplace/victimisation
[6] https://dictionary.cambridge.org/dictionary/english/vilification

Intimate relationships

VWA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes may take place legally. Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

VWA take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete. VWA recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes. In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the Member Protection Information Officer to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional VWA may take disciplinary action against the coach or official. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

Pregnancy

VWA aims to treat pregnant women fairly and to remove any unreasonable barriers to their full participation in our sport. We will not tolerate any discrimination or harassment against pregnant women.

Volleyball WA will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. VWA will advise pregnant women that there may be risks involved with their continuing participation in sport and will encourage them to obtain medical advice about those risks. Further information is outlined in the VWA Pregnancy in Sport Policy.

Gender Identify and Participation in Sport

VWA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. VWA therefore aim to support participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, VWA will consult with Volleyball Australia to determine whether the established discrimination exceptions for participation in sport are relevant in the circumstances.

Bullying

Bullying includes cyber-bulling which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied though unwanted and inappropriate comments. For further information refer to the VWA Cyber Safety Policy.

Policy Application

1. This policy applies to all VWA members and all other people or organisations which by agreement or otherwise, are bound to comply with this policy
2. This policy applies to behaviour occurring during the course of VWA business, activities, competitions and events

Responsibilities

VWA'S role and contribution in making this policy work is to:

1. Take all reasonable steps necessary to ensure that everyone in the organisation knows:
   a) What harassment, discrimination and bullying mean
   b) that it is against the law
   c) that it will not be tolerated
2. This will be achieved by:
   a) Including a copy of the Policy in Policy and Procedures Manual
   b) Distributing the Policy to all Associations and Clubs
   c) Ensuring all VWA and Club / Association personnel are educated and trained with the policy
   d) Including a copy of the policy on the VWA website
   e) Notifying all members and participants in all VWA activities and / or events that they will be required to comply with this policy
   f) Outlining the possible consequences associated with breaches of this policy
   g) Provide both formal and informal mechanisms for dealing with complaints.
   h) Implementing a consistent process for managing harassment complaints

Clubs / Associations roles and contributions are to:

1. Comply with this policy and ensure information is made available
2. Ensure all significant personnel are familiar with the policy at each level of the VWA network
3. Offer support to anyone who may be being harassed and let them know where they can obtain help and advice.
4. Maintain complete confidentiality during the investigation of a complaint
5. Collaborate with VWA employees to implement best practice
6. Report any areas of concern to VWA within a timely manner

Employees and Member's roles and contribution are to:

1. Comply with this policy and subsequent related policies
2. Report any areas of concern to VWA within a timely manner

Policy Statement

VWA will take all breaches of the policy seriously and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action may be taken against a person who is found in breach of this policy, in accordance with the Complaints Management Procedure.

Appendix 1

Trained VWA Member Protection Information Officers

- Competitions and Events Coordinator
- State Teams Coordinator
- Participation and Development Manager
- Operations and Support Manager
- Chief Executive Officer