



Anti-Harassment Policy

Policy No: TWA1
Date Approved: 1 May 2004
Date Reviewed: 1 May 2004

1. Purpose

To discourage and prevent abusive harassing behaviour.

2. Scope

This policy applies to all members, officials, instructors, students, coaches, athletes, volunteers and employees of Taekwondo Western Australia (TWA).

This policy applies to behaviour both within and outside the course of TWA's business, activities and events, when the behaviour involves individuals associated with TWA and negatively affects relationships within TWA's sport and work environment.

3. Definition of Harassment

The definition of harassment immediately following has been adopted by TWA for the purpose of this policy. It includes and goes beyond what is prohibited by law and does not distinguish between various types of harassment.

3.2 Harassment is defined as follows:

Harassment consists of offensive, abusive, belittling, or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including that person or people's level of empowerment relative to the harasser). The behaviour must be unwelcomed and the sort of behaviour a reasonable person would recognise as unwelcome.

4. Behaviour Constituting Harassment

Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but not limited to:

- abusive behaviour aimed at 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, suggestive remarks or taunting;
- homophobic comments and/or behaviours;
- uninvited touching, kissing, embracing massaging;

- staring, leering, ogling;
- smutty jokes and comments;
- persistent or intrusive questioning 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 (such as posters, cartoons, graffiti) or by use of offensive email, faxes, letters or notes; and
- sexual insults, taunts or name calling.

5. Non-Harassing Behaviour

Jokes and behaviour which are genuinely enjoyed and consented to by everyone present are not harassment.

Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment.

6. Responsibilities

TWA is responsible for taking all reasonable steps to prevent harassment and ensuring its position is widely known through all levels of its activities.

TWA will ensure that appropriate procedures are identified to handle harassment complaints.

All members, officials, instructors, students, coaches, athletes, volunteers and employees and other persons associated with TWA are responsible for complying with this policy.

7. Confidentiality

TWA's Executive Council and officers responsible for implementing this policy will keep confidential the names and details related to harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

8. Complaint Procedures – Informal Process

The person being harassed makes an initial approach to their choice of one of the following people, who then provides information about whether the behaviour constitutes harassment and about the options for resolution. The people are:

- an officer designated to take responsibility for resolving harassment complaints (Complaints Officer);
- an instructor, coach or official;
- a colleague; or
- a member of the Executive Council.

The person approached must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant does want them to help resolve the complaint, then they will do this at an informal level. In their role in managing the resolution of the complaint, they must do so in an impartial manner with respect to both parties.

There is no written complaint at this stage.

9. Complaint Procedures – Formal Process

If the matter is not resolved with the support and advice of the person initially approached, the complainant can make a formal complaint in writing about the alleged harassment to the Complaints Officer as designated by TWA.

The Complaints Officer should attempt to resolve the complaint between the parties by mediation, unless this has already been attempted without success or it is clearly not appropriate in the circumstances.

If mediation fails, or is not appropriate, the Complaints Officer must then ensure that a fair and impartial investigation is made of the allegations and that appropriate action is taken to resolve the complaint.

Where necessary, the Complaints Officer can deal with the harasser by invoking the disciplinary procedure as outlined in clause 11 of the TWA Constitution.

Both the complainant and the respondent have the right to appeal the findings of the Complaints Officer, of the Judiciary Committee as constituted pursuant to clause 11 of the TWA Constitution if they have any concerns about procedure, bias or fairness.

The appeal panel can uphold or reverse the decision of the Complaints Officer/Judiciary Committee and/or modify any of the Complaints Officer/Judiciary Committee's recommendations for disciplinary action or remedial measures.

TWA recognises that natural justice is the minimum standard of fairness to be applied to the investigation and the adjudication of a dispute.

10. Disciplinary Action

Disciplinary action will be taken by TWA against anyone who is found to be in breach of this policy.

Disciplinary action will be taken against anyone who victimises or retaliates against a person who has complained of harassment.

The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other forms of action.

11. Right to Appeal

Both parties to a complaint have the right to appeal the decision and recommendation of the Judiciary Committee as constituted pursuant to clause 11 of TWA's Constitution 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 Judiciary Committee will handle the formal appeal.

12. External Action

Both the complainant and the alleged harasser may pursue advice or action from an external authority at any stage of the complaints procedure.

13. Policy Review and Approval

The TWA Executive Council approved this policy on 1 May 2004.

The Councillor responsible for this policy will ensure a review of this policy is conducted periodically.