



Anti-Harassment Policy

Policy Statement

1. The West Australian Gliding Association (WAGA) is committed to providing a sport and work environment free of harassment, where individuals are treated with respect and dignity. WAGA will not tolerate harassing behaviour under any circumstances and will take disciplinary action against anyone who breaches the policy.
2. This policy applies to all employees, directors, officers, volunteers, coaches, instructors, officials, professional personnel and members of affiliated gliding clubs.
3. This policy applies to behaviour occurring both within and outside the course of WAGA's business, activities and events, when the behaviour involves individuals associated with WAGA and negatively affects relationships within the organisation's sporting, recreation and work environment.

Definition

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

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 the person or people's level of empowerment relative to the harasser. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.

2. Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include but are 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 questions 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 (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes
 - Sexual insults, taunts, name-calling
3. Jokes and behaviour that are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirting that is based on mutual attraction or friendship and which is consensual or invited is not sexual harassment.

Responsibilities

1. WAGA and its member gliding clubs are responsible for taking all responsible steps to prevent harassment and ensuring its position is widely known through all levels of gliding activities.
2. WAGA and its member gliding clubs will ensure that appropriate procedures are identified to handle harassment complaints.
3. All employees, members, professionals and other persons associated with WAGA and its member gliding clubs are responsible for complying with this policy.

Confidentiality

1. WAGA's management and officers responsible for implementing this policy within WAGA and the member gliding clubs will keep confidential the names and details related to harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

Complaint Procedures

1. Complaints will be handled according to the procedures that form part of this policy.
2. Each member club will appoint a Complaints Officer, who will handle all complaints within the club and resolve them if possible.
3. The WAGA President will act as the Complaints Officer for the purpose of complaints that cannot be resolved within the club.
4. The most effective complaint procedures offer a range of options for dealing with harassment including informal and formal resolutions.
5. WAGA recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

Disciplinary Action

1. Disciplinary action will be taken by WAGA against anyone who is found to be in breach of this policy.
2. Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of harassment.

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

Right to Appeal

1. 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 should handle formal appeals.

External Action

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

Policy Review and Approval

1. The WAGA committee approved this policy on 19 April 2003.
2. The WAGA President is responsible for this policy and will ensure a review of the policy is conducted periodically.

Complaints Procedures

Internal

Informal Process

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

They are:

- The officer in the club designated to take responsibility for resolving harassment complaints (complaints officer)
 - An instructor or coach
 - A colleague
 - An official of the club or WAGA
2. 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 management role, they must do so in an impartial manner with respect to both parties.
 3. There is no written complaint at this stage.

Formal Process

1. 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 club complaints officer.
2. The complaints officer should attempt to resolve the complaint between the parties concerned by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances, for example, the complainant is too distressed to face the alleged harasser.
3. If mediation fails or is not feasible, 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 and, where necessary, to deal with the harasser.
4. A fairly constituted panel or a suitably skilled and impartial individual from within or outside the club then conducts the investigation. This is likely to be the club complaints officer. Natural justice is to be observed for the alleged harasser.

Typical steps for an investigation consistent with the principles of natural justice are:

- (a) The complainant is interviewed and the complaint is documented in writing
 - (b) The allegations are conveyed to the alleged harasser in full
 - (c) The alleged harasser is given the opportunity to respond
 - (d) If there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered
 - (e) A finding is made as to whether the complaint has substance
 - (f) A report documenting the investigation process, the evidence, the finding and the recommended outcomes is submitted to the decision-maker. Normally this would be the club president, who has ultimate responsibility for the anti-harassment policy.
5. Both parties are entitled to support through this process from their chosen support person/adviser
 6. If the report is endorsed by the decision-maker, the club then carried out the recommendations of the report. These may include such actions as an apology, counselling, a fine, withdrawal of membership privileges, withdrawal of accreditation (eg instructor rating), or dismissal.
 7. Both the complainant and respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. An appeal panel made up of members other than those who conducted the original investigation handles appeals.
 8. The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.
 9. If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes it would be impossible to get an impartial investigation within the club, the complainant may choose to approach WAGA to assist with a resolution. WAGA is responsible for dealing with disputes within gliding in WA.

External

1. A complainant may be dissatisfied with the outcomes of harassment procedures within WAGA as a whole, or may not wish to use procedures internal to gliding at all because of a lack of confidence on them. In this case, the complainant can utilise complaint procedures external to WAGA.
2. Harassment of various kinds is unlawful under state and federal anti-discrimination laws in Australia and state and federal anti-discrimination bodies deal with complaints under these laws.
3. A person experiencing harassment can seek initial advice from one of these bodies without being obliged to make a complaint. If that body advises that the conduct being experienced appears to be a type of harassment that comes within its jurisdiction the harassed person then makes the decision whether or not to lodge a formal complaint to the body.
4. Once a complaint is received, an investigation will be undertaken. If there appears to be a case that unlawful harassment has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails or is inappropriate the matter may proceed to a formal public hearing, where a finding will be made as to whether harassment occurred. The tribunal may then prescribe various remedies. These can include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred by the complainant.
5. It should be noted that an anti-discrimination body can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.