



**INDOOR NETBALL  
FEDERATION  
OF  
QUEENSLAND INC**

**Racial and Religious  
Vilification Code  
&  
Anti-Harassment Policy**

**2018**



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# RACIAL AND RELIGIOUS VILIFICATION CODE

1. **Purpose**

The purpose of the code is to:  
Recognise the commitment of Indoor Netball Federation of Queensland Inc (INFQ) to the elimination of racial and religious vilification of players, umpires or officials (participant).  
Establish a framework for handling complaints made by players, umpires or officials who believe they have been subjected to racial or religious vilification by another participant.
2. **Conduct Covered**

A participant who is participating in a match under the jurisdiction or auspices of INFQ will not engage in any conduct, act towards or speak to any participant in a manner which offends, insults, humiliates, intimidates, threatens, disparages or vilifies the other participant on the basis of that participant's race, religion, colour, descent, national, ethnic origin, physical appearance or beliefs.
3. **Interrelationship With Other Rules and Regulations Governing the Sport.**

This code does not restrict any other action which may be taken in relation to the conduct covered by this code under Indoor Netball Federation of Australia Inc. (INFA) and World Indoor Netball Association (WINA).
4. **Human Rights and Equal Opportunity Legislation**

This code does not restrict any participant from pursuing all other legal rights they may have in relation to racial and religious vilification.
5. **Complaints**

Where a participant (complainant) believes he/she has been subjected to vilification under this code, or an officiating umpire in a match believes another participant has breached the code, the complainant or umpire may lodge a complaint with the Executive Officer of INFQ by 5pm on the next full business day following the completion of the match in which the breach is alleged to have occurred.
6. **A Complaint Must**
  - 6.1 Be in writing
  - 6.2 Outline the circumstances of the allegations made; and
  - 6.3 If possible, be accompanied by any supporting documentation including witness statements or video evidence.
7. **Role of the Executive Officer**
  - 7.1 The Executive Officer shall upon receipt of a complaint:
    - 7.1.1 Inform the person alleged to have contravened the code (respondent) of the complaint and provide that person with a copy of the complaint and an opportunity to respond in writing.
      - 7.1.2.1 Advise both team captains, and centre owners of the complaint
      - 7.1.2.2 Conduct an investigation into the allegations made as he/she sees fit, which may include, but is not limited to:
        - 7.1.3.1 compile a list of witnesses;
        - 7.1.3.2 obtain a written statement from any available witnesses;
        - 7.1.3.3 obtain a report from the centre;
        - 7.1.3.4 obtain a report from officiating umpires;
        - 7.1.3.5 obtain video or other evidence.
  - 7.2 The investigation should be completed within 7 days of receipt of the complaint, unless the Executive Officer, at his/her discretion, extends the time for investigation of fairness to all parties.
  - 7.3 When the investigation is completed the Executive Officer shall arrange for the complaint to be referred to conciliation.

**8. Conciliation Procedure**

- 8.1 The Conciliator - The conciliation will be conducted by a nominee of the Executive Officer.
- 8.2 The Conciliation - The Complainant and the Respondent, should attend the conciliation, both Team captains, or vice captains if either are a party to the complaint and a Member of the Complainant and Respondent's centre management.
- 8.3 The Executive Officer must lodge with the Conciliator prior to the conciliation:
- A copy of the complaint;
  - The Respondent's response to the complaint; and
  - Any evidence relevant to the complaint obtained during the course of the investigation.
- 8.4 Both parties and all those attending the conciliation must do so in good faith.
- 8.5 The Conciliator must adhere to and ensure the conciliation is conducted with reference to the principles of natural justice and procedural fairness.
- 8.6 The Complainant is the person who determines the course of redress to be pursued at any conciliation.
- Except as stated in clause 8.3 both parties to the complaint and any other person aware of the details or circumstances of the conciliation, including the Executive Officer, INFQ officials, centres, umpires and players must at all times keep the particulars of the complaint and the conciliation confidential.
  - Except as stated in clause 8.3 no person referred to in clause 8.2 shall publicly comment on or disseminate any personal information concerning the complaint at any time prior to, during or after the conciliation.
- 8.7 Should a participant breach clause 8.2 the Conducts Committee may fine the offender, suspend or otherwise deal with them at its discretion.
- 8.8 Any person in breach of clause 8.2 shall be subject to a penalty to be determined by the Executive Officer.

**9. Resolution of the Complaint**

- 9.1 If the complaint is resolved at conciliation, the complaint will be deemed withdrawn and the Complainant cannot take any further action in respect of the complaint under this code.
- 9.2 Resolution of the complaint may be formalised by way of a verbal agreement or a formal written agreement signed by the parties.
- 9.3 The Conciliator must inform the Executive Officer the complaint has been resolved.
- 9.4 Where a complaint is resolved, the parties may agree with the consent of the INFQ, to make a public statement concerning the resolution of the complaint.

**10. If Conciliation was Unsuccessful**

Where the complaint has not been resolved successfully by conciliation, or where the conciliator believes that the complaint is not capable of successful resolution:

- the Complainant, after notifying the Conciliator, may withdraw the complaint in which case no further action will be taken : or
- the Conciliator must inform the Executive Officer that the conciliation has not been successful.

**11. Time Limit for Conciliation**

An attempt to conciliate a complaint must occur within 7 days of the Conciliator receiving notification from the Executive Officer of the complaint.

**12. Referral to Conducts Committee**

Upon notification of the failure of conciliation under clause 8.4.2 the Executive Officer must refer the complaint to the conducts committee who will then hear the complaint in accordance with clause 12.

13. **Evidence of the Conciliation.**  
In the event that a complaint is not successfully resolved and is referred to the Conducts Committee, no evidence will be given to or be accepted by the Conducts Committee in relation to anything said or done in any conciliation carried out pursuant to clause 8.2
14. **The Conducts Committee.**  
The Conducts Committee will:
- Receive all material arising from the investigation from the Executive Officer
- Upon referral of the complaint:
- Hold a hearing after considering the availability of the persons affected;
  - Advise its decision to both parties on completion of the hearing and to the other affected parties within 24 hours of the hearing.
  - Not allow hearings to be open to members of the public.
  - All persons required at the hearing shall attend punctually at the time and place designated.
  - The Conducts Committee may hear and decide the complaint in a manner to be determined by it.
- After hearing the evidence, the Conducts Committee may:
- Find the complaint or any part of it not proven
  - Find the complaint or any part of it proven and if so:
  - Refer to INFQ's code of conduct register to ascertain any previous breach by the participant and direct the respondent to attend an education program at the respondent's cost; and
  - Determine a penalty which may include but which is not limited to
    - i. The respondent to prepare a written apology
    - ii. A monetary fine
    - iii. Suspension
15. **Representation**  
Parties may only be represented by a member of its centre management under this code.
16. **Appeal**  
Any participant found to be in breach of the code has the right of appeal against the decision of the Conducts Committee to an Appeals Committee, which is a sub-committee of the Executive Officer. Any appeal against the decision must be lodged within 48 hours of the hearing with the Executive Officer. The Participant is not permitted to participate in any competition until the penalty has been met or an appeal against such a finding and or severity of the sentence has been adjudged by the Executive Officer.

# ANTI-HARASSMENT POLICY

The following model policy is provided to assist sporting organisations to develop their own anti-harassment policy. Organisations are encouraged to adapt the policy to suit their own sport, their organisation's structure and their other policies.

Organisations must ensure that their policy deals with all forms of harassment which are unlawful in the state/s or territory/ies in which the organisation is located, as well as with harassment that is unlawful under federal laws.

## Policy statement

1. Indoor Netball Federation of Queensland Inc. is committed to providing a sport and work environment free of harassment. We believe that anyone who works for us or represents us, and everyone with whom we deal, has the right to be treated with respect and dignity.  
Indoor Netball Federation of Queensland Inc. will not tolerate harassment in our organisation.  
We will take all complaints of harassment seriously, and will ensure they are dealt with promptly, seriously, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

## Application of policy

- 2 This policy applies to all athletes, coaches, employees, administrators, officials, volunteers and members of Indoor Netball Federation of Queensland Inc.
- 3 This policy applies to behaviour occurring both within and outside the course of Indoor Netball Federation of Queensland Inc. business, activities and events, when the behaviour involves individuals associated with Indoor Netball Federation of Queensland Inc. and negatively affects relationships within our sport and work environment.
- 4 This policy applies to harassment occurring between any participants in the organisation. Harassment may occur, for example, from:
  - coach to athlete
  - athlete to athlete
  - administrator to employee
  - athlete to coach
  - administrator to coach
  - coach to coach
  - coach to administrator
  - athlete to administrator.

## Unlawful harassment

- 5 Sexual harassment and various other forms of harassment are unlawful under federal and state/territory criminal and anti-discrimination laws. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or which they represent. For this reason, Indoor Netball Federation of Queensland Inc. has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

## **Definitions**

- 6 The definition of harassment immediately following has been adopted by Indoor Netball Federation of Queensland Inc. for the purpose of this policy. It includes but goes beyond what is prohibited by law and does not distinguish between the various different types of harassment.

## **Harassment (general)**

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 peoples' level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome and likely to cause the person to feel offended, humiliated or intimidated.

- 7 The particular form of harassment known as sexual harassment is variously defined in federal and state/territory legislation. The *Sex Discrimination Act 1984* (Commonwealth) provides that:

## **Sexual harassment**

A person sexually harasses another person (the 'person harassed') if:

- (a) The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
  - (b) Engages in unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.  
'Conduct of a sexual nature' includes making a statement of a sexual nature to a person or in the presence of a person, whether the statement is made orally or in writing.  
Sexual harassment is included within the general definition of harassment referred to in paragraph 6.
- 8 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 humiliating or 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 or taunting
  - homophobic comments and/or behaviours
  - uninvited touching, kissing, embracing or massaging
  - unwelcome staring, leering or ogling
  - unwelcome smutty jokes and comments
  - unwelcome persistent or intrusive questions about people's private lives
  - repeated invitations to go out, especially after prior refusal
  - unwelcome 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 or name-calling.

- 9 Jokes and behaviour that 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. However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour on others, not just those to whom the behaviour is primarily directed.

## **Responsibilities**

- 10 Indoor Netball Federation of Queensland Inc. is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps necessary to ensure that everyone in the organisation knows:
- what harassment means
  - that it is against the law
  - That it will not be tolerated.
- 11 While Indoor Netball Federation of Queensland Inc. has ultimate responsibility for ensuring this organisation is free of harassment, the Executive Officer in conjunction with the Centre Owner's will accept day-to-day responsibility for implementing this policy.
- 12 Administrators, officials, managers, and coaches have a direct responsibility to make sure that members, volunteers and athletes know about this policy and adhere to it. They have been informed of this policy and its implementation by means of Meetings and provision of the policy to those listed [e.g. – an Officials Meeting/paperwork to all players, discussions from Managers etc.)
- 13 Members, volunteers and athletes will be informed about this policy through correspondence to all listed.
- 14 We are further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.
- 15 It will be the responsibility of all officials, coaches, volunteers, athletes and members to:
- comply with this policy
  - offer support to anyone who is being harassed and let them know Where they can get help and advice
  - maintain complete confidentiality if they provide information during The handling of a complaint
  - providing information as part of a legitimate investigation process
  - Avoid gossiping or spreading rumours about harassment. Such behaviour can result in legal action for defamation.

## **Intimate relationships**

- 16 Indoor Netball Federation of Queensland Inc. takes the view that intimate sexual relationships between coaches and adult athletes, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence. Because there is always a risk that the



relative power of the coach has been a factor in the development of such relationships, Indoor Netball Federation of Queensland Inc. takes the position that such relationships should be avoided by coaches working at all levels. Other professionals, such as Sports Trainers/Physiotherapists, are required when dealing with players or officials, to avoid sexual relationships with them.

- 17** Should a sexual relationship develop between an athlete and coach the Association will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete. If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationship with the athlete. Action may include transfer, or if this is not feasible, a request for resignation or dismissal from employment/coaching duties.
- 18** In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The coach may wish to approach the Executive Officer if they feel harassed.
- 19** The law is always the minimum standard for behaviour within Indoor Netball Federation of Queensland Inc. and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence.

### **Harassment complaints**

- 20** We will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of this policy.
- 21** We will ensure that appropriate complaints procedures are developed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints. Please refer to [complaints procedures document] for details.
- 22** In the first instance, advice and assistance can be provided by the Executive Officer who is selected/appointed by the Indoor Netball Federation of Queensland Inc. Management Committee
- 23** The Executive Officer is able to offer help in several ways. She/He will usually:
  - listen and provide moral support
  - clarify whether the behaviour being experienced constitutes harassment, another form of unacceptable behaviour that requires other solutions, or legitimate supervisory/coaching behaviour
  - if it appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal/internal measures through to formal/external complaints
  - give information, where appropriate, on self-help measures, such as the harassed person approaching the harasser and explaining that the behaviour is unacceptable and upsetting
  - provide referral to other people or bodies charged with taking formal complaints
  - accompany the person experiencing harassment to approach the harasser or to take other actions under internal or external complaints procedures
  - follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.

- 24 Names and contact points for the Executive Officer are as follows:-
- Business No – 3376 3291
  - Fax No - 3376 3292
  - Mobile - 0409 277 751
  - Email - tracey@infq.com.au
- 25 While it is recommended that the Executive Officer be approached in the first instance, the person experiencing harassment may also seek advice and support from another trusted person, for example:
- a coach, manager
  - an Owner of a Centre to take responsibility for resolving harassment complaints
  - the Executive Officer, as the signatory to the anti-harassment policy, or any other official of the organisation (as appropriate).

### **Informal resolution**

- 26 Informal resolution of complaints is the most common avenue for finding resolution. Informal solutions may occur to the complainant while he or she is talking to the Executive Officer. These may then be carried out by the complainant with or without the assistance of the Executive Officer. Resolution of complaints at this level allows for complete confidentiality for both parties and can sometimes result in an improved working relationship.
- 27 The second level of informal resolution involves mediation by a third party. The mediator may be a designated and trained officer, a director, president, coach or official agreed to by both parties for this purpose. It could also be a professional mediator operating in your region. Suggestions as to suitable people are held by the ASC.
- That the parties would agree that such mediation would be done on a confidential basis and nothing discussed at the mediation would be disclosed outside the mediation without the consent of all parties involved.**

### **Formal resolution**

- 28 The complainant may decide, however, after talking to the Executive Officer or another person or after informal resolution has failed, to go to the stage of lodging a formal written complaint. A mediator will be designated to receive formal written complaints about harassment.
- 29 On receiving the complaint, Indoor Netball Federation of Queensland Inc. will attempt to sort out the matter between the complainant and the alleged harasser by mediation, unless this is clearly inappropriate in the circumstances. If mediation fails, or is not attempted, the mediator involved in the case will provide information to the complainant about the external avenues for complaint.
- 30 A complainant can withdraw from the complaint process at any time. However, this does not absolve Indoor Netball Federation of Queensland Inc. from its obligation to pursue a complaint of harassment of a serious nature. Indoor Netball Federation of Queensland Inc. has a legal responsibility and a primary objective to maintain a harassment-free work and sport environment. If a complainant does not wish to pursue a formal complaint, it is up to the mediator to determine if the alleged harassment is serious enough to warrant action by the organisation and whether that can be carried out without revealing the complainant's identity.

**Right to appeal**

- 31 Both parties to the complaint have the right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question. Formal appeals will be handled by an appeals panel made up of members other than those who formed the original review panel.

**Disciplinary action**

- 32 Indoor Netball Federation of Queensland Inc. can take disciplinary action against any person in Indoor Netball Federation of Queensland Inc. who is found to be guilty of harassment. The discipline would depend on the severity of the case and could involve counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/official accreditation
- 33 Indoor Netball Federation of Queensland Inc. can also take disciplinary action against anyone who victimises a person who has complained of harassment. ‘Victimisation’ means discriminating against a person, or harassing or bullying them in any way because they exercised (or even considered exercising) their rights under the legislation. We will take similar disciplinary action against any person in Indoor Netball Federation of Queensland Inc. who is found to have victimised anyone in this way.
- 34 We will take similar disciplinary action against any person in Indoor Netball Federation of Queensland Inc. who is found to have made false, vexatious or frivolous charges of harassment.
- 35 Apart from these internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory or federal antidiscrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may telephone, write or call the State/Territory Anti-Discrimination Body and the Commonwealth Human Rights and Equal Opportunity Commission.  
The Executive Officer of Indoor Netball Federation of Queensland Inc. accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

**I endorse the Anti-Harassment Policy**

.....(Signature)

.....(State Executive Officer)

.....(Date)

.....(Witness Name)

.....(Witness Signature)

.....(Date)