



# Pony Club Association of Queensland Inc.

## ANTI HARASSMENT POLICY

The Pony Club Association of Queensland is committed to providing a sport and work environment free from harassment and discrimination. We believe that anyone who is employed by PCAQ represents PCAQ and everyone, with whom PCAQ deal has the right to be treated with respect and dignity. The Pony Club Association of Queensland 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.

### ANTI HARASSMENT POLICY APPLICATION

This policy applies to all riding and non-riding members, parents/guardians, coaches, employees, administrators, officials and volunteers of the Pony Club Association of Queensland (PCAQ).

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

This policy applies to harassment occurring between any participants in the organisation. Harassment may occur, for example, from:

- Instructor to rider;
- Rider to rider;
- Instructor to instructor;
- Rider to instructor;
- Parent to instructor or other rider;
- Parent to Administrator;
- Administrator to parent, rider, employee or volunteer;
- Employee or volunteer to rider, coach or administrator;
- Rider to administrator;
- Administrator to instructor;
- Instructor to administrator; or
- Between any parties associated with the PCAQ.

### UNLAWFUL HARASSMENT

Sexual harassment and various other forms of harassment are unlawful under federal and state/territory 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, the PCAQ has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

### DEFINITIONS

For the purpose of this policy, harassment is defined as follows:

#### **Harassment (general)**

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, usually because they are different, or perceived to be different, from the harasser. The difference may be in gender, race, disability, sexual orientation, age, power (relative to the harasser), religion or some other characteristic. It is behaviour that is unwelcome and that could reasonably be expected to upset the person or people at whom it is directed.

For the purpose of this policy, sexual harassment is defined as follows:

#### **Sexual Harassment**

Sexual harassment is behaviour that has a sexual element, that is unwelcome and that could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate, threaten or intimidate the person or people at whom it is directed.

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 massaging;
- Staring, leering, ogling;
- Smutty and/or rude 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 sexuality explicit material (posters, cartoons, graffiti) or by the use of offensive phone calls, email, faxes, letters or notes; and
- Sexual insults, taunts, name-calling.

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. 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, not just those to whom the behaviour is primarily directed.

## **RESPONSIBILITIES**

The PCAQ 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 know:

- What harassment means,
- That it is against the law, and
- That it will not be tolerated

PCAQ will promote awareness of this policy and its contents by:

- Including a copy of the policy on the PCAQ website;
- Distributing copies of the policy to affiliated Zones and Clubs;
- Notifying participants in all PCAQ activities and/or functions that they will be required to comply with this policy;
- Reminding members of the policy through the PCAQ newsletter

While the Executive Committee has ultimate responsibility for ensuring that PCAQ is free of harassment, the Executive Committee may appoint an Anti Harassment Officer/s (AHO) to be responsible for the day-to-day implementation of this policy.

Administrators, officials, managers, supervisors and coaches have a direct responsibility to make sure that riding and non-riding members, employees and volunteers know about this policy and adhere to it.

The Executive Committee is further responsible for ensuring that the policy is monitored and reviewed regularly.

It will be the responsibility of all riding and non-riding members, officials, coaches and volunteers to:

- Comply with this policy;
- Offer support to anyone who is being harassed or feel they are being harassed and let them know where they can get help and advice;
- Maintain complete confidentiality if they provide information during investigation of a complaint; and
- Avoid gossiping or spreading rumours about the harassment (outside giving information as part of a legitimate investigation process). Such behaviour can result in legal action for defamation.

## INTIMATE RELATIONSHIPS

PCAQ takes the view that intimate sexual relationships between coaches and riding members, while not necessarily constituting unlawful harassment, can have harmful effects on the individual riding member involved, on other riding members and coaches and on the public image of Pony Club. Such relationships tend to be exploitive because there is usually a disparity between coaches and riding members 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 the PCAQ takes the position that such relationships should be avoided by coaches working at all levels. Other professionals, such as teachers, doctors and counsellors are required when dealing with relatively vulnerable clients or students, to avoid sexual relationships with them.

Should a sexual relationship develop between a riding member and coach the PCAQ may investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the riding member relative to the coach, the financial and emotional dependence of the riding member on the coach and the likelihood of the relationship having any adverse impact on the riding member.

If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the coaching relationships with the riding member. If no other action is feasible there could be a request for resignation or dismissal from coaching duties.

In the event that a riding member 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 PCAQ's AHO or other official if he/she feels harassed.

**The law is always the minimum standard for behaviour within the PCAQ and therefore sex with a minor of either the same or the opposite sex is a criminal offence.**

## HARASSMENT COMPLAINTS

PCAQ will deal promptly, seriously, sensitively and confidentially with any complaints about breaches of their policy.

PCAQ will ensure that appropriate procedures are followed to handle harassment complaints. These will provide both formal and informal mechanisms for dealing with complaints.

In the first instance, advice and assistance can be provided by the AHO/s appointed by the Executive Committee. The AHO is able to offer help in several ways. He/She can:

- 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 appears that the conduct is harassment, explain the courses of action available to deal with the harassment, from informal measures through to formal complaints;
- Give information where appropriate on self help measures, such as suggesting that the harassed person approach the harasser and explain that the behaviour is unacceptable and upsetting;
- Provide referral to other people or bodies charged with taking formal complaints;
- Accompany the person who feels they are being harassed to approach the alleged harasser or to take other actions under informal or formal complaints procedures; and
- Follow up with the person, after appropriate action has been taken, to ensure that they are satisfied with the resolution.
- The names and contact details for the PCAQ AHOs may be obtained from the PCAQ State Office.
- While it is recommended that an AHO be approached in the first instance, the person experiencing harassment also may seek advice and support in the first instance from another trusted person, for example:
  - A coach or senior official;
  - A person designated to take responsibility for resolving harassment complaints; or
  - Any signatory to the Anti-Harassment policy or any other official of the organisation (as appropriate).

## INFORMAL RESOLUTION

Informal resolution of complaints is the most common avenue for finding resolutions. Informal solutions may occur to the complainant while he or she is talking to the AHO. These may then be carried out by the complainant with or without the assistance of the AHO. Resolution of complaints at this level allows for

complete confidentiality for both parties and can sometimes result in an improved working relationship. The second level of informal resolution involves mediation by an agreed third party. The mediator could be a complaints officer (who is preferably is a club member qualified in mediation), an official or anyone agreed to by both parties for this purpose.

### **FORMAL RESOLUTION**

The complainant may decide, however, after talking to the AHO, or after informal resolution has failed, to lodge a formal written complaint. All formal written complaints about harassment shall be lodged with the AHO.

On receiving the written complaint the AHO will attempt to resolve 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 AHO will refer the matter to PCAQ to conduct a fair investigation in relation to the complaint. The purpose of the investigation will be to establish whether harassment occurred, and if so what action should be taken to resolve the matter. In conducting the investigation, PCAQ shall ensure adherence to the principles of natural justice.

PCAQ may take any action it considers appropriate against the offender if it has established on the balance of probabilities that the harassment has occurred, including but not limited to:

- Expelling or suspending the membership of the person (if he/she is a member);
- Providing the offender with a written warning;
- Requiring the offender to attend counselling; or
- Such other action as it deems reasonable in all the circumstances.

A complainant can withdraw his or her complaint at any time. If the complaint is withdrawn, PCAQ is not required to pursue the complaint and/or investigation any further.

### **RIGHT TO APPEAL**

After an investigation of a complaint has occurred, a decision has been reached and action recommended both parties to complaint have the right to appeal the decision and recommendation. The party wishing to appeal a decision shall advise the State Administrator in writing with 72 hours of PCAQ delivering its decision ('Notice of Intention to Appeal').

The person bringing the appeal must also provide the grounds of appeal in writing within five (5) days of lodging the Notice of Intention to Appeal. If this is not complied with the appeal shall be deemed to be withdrawn. An appeals panel made up of members other than those who formed the original review panel will handle formal appeals. The appeals panel may:

- Dismiss the appeal;
- Uphold the appeal;
- Reduce, increase or otherwise vary the penalty.

### **DISCIPLINARY ACTION**

PCAQ can take disciplinary action against any person in the PCAQ who is found to be guilty of harassment. The PCAQ can also take disciplinary action against anyone who victimises a person who has complained 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 membership.

Disciplinary Procedure is detailed in the PCAQ Administration Handbook.

PCAQ will take similar disciplinary action against any person who is found to have made false, vexatious or frivolous allegations of harassment.

Apart from the complaint procedures set out in this policy, complainants may, at any time, contact the relevant state/territory or federal anti-discrimination/human rights body for information or advice, or further action.