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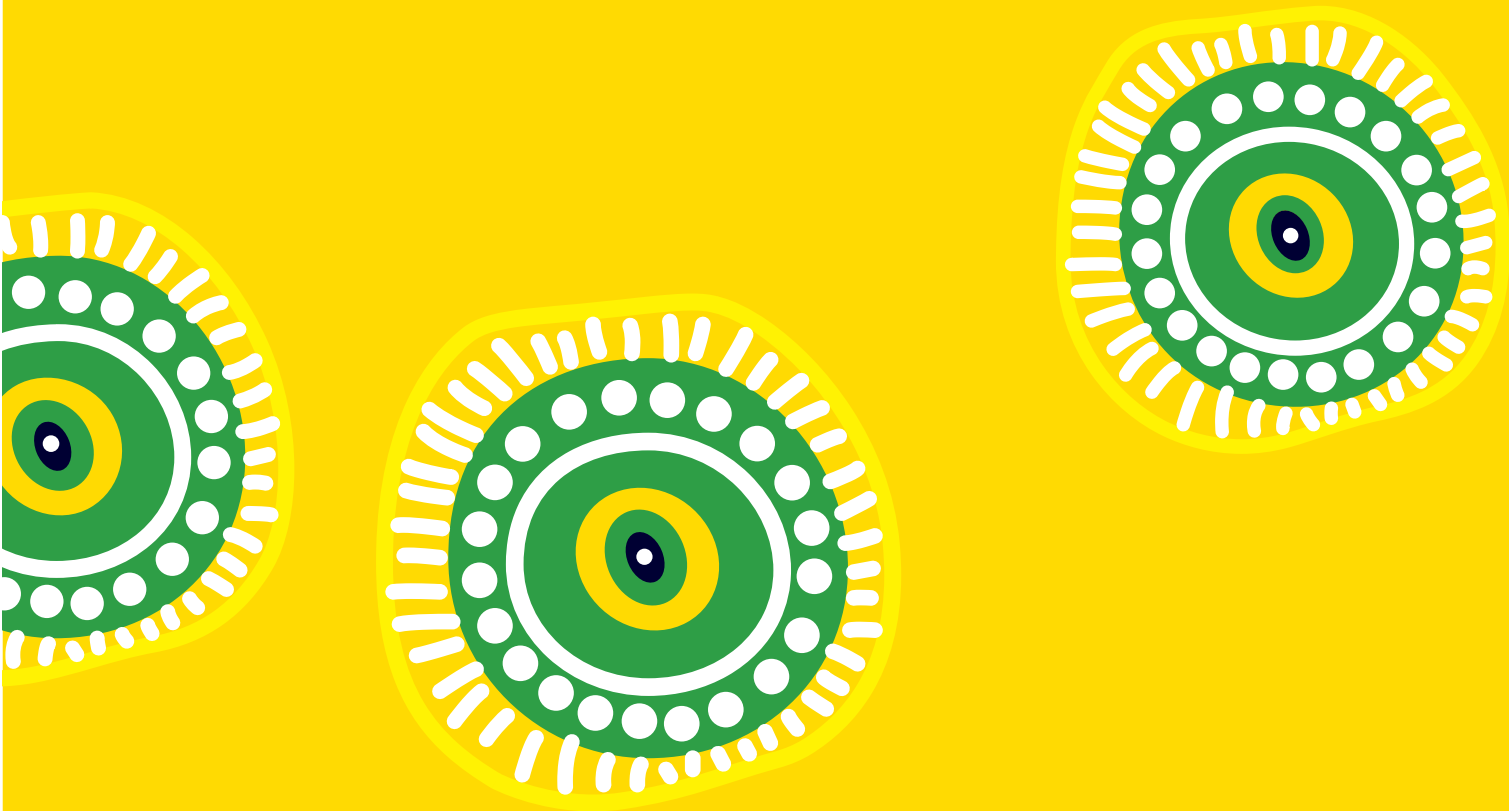


Australian Government
Australian Sports Commission

Preventing and Responding to Sexual Misconduct

Effective from February 2024

Safeguarding & Integrity
Executive General Manager
Diversity, People & Culture
February 2024



Australian Sports Commission Acknowledgement of Country

The Australian Sports Commission (ASC) acknowledges the Traditional Custodians of the lands where its offices are located, the Ngunnawal people, and recognise any other people or families with connection to the lands of the ACT and region, the Wurundjeri Woi-wurrung people of the Kulin Nation, the people of the Yugambeh Nation and the Gadigal people of the Eora Nation.

The ASC extends this acknowledgment to all the Traditional Custodians of the lands and First Nations Peoples throughout Australia and would like to pay its respects to all Elders past, present and future.

The ASC recognises the outstanding contribution that Aboriginal and Torres Strait Islander peoples make to society and sport in Australia and celebrates the power of sport to promote reconciliation and reduce inequality.



Document Details

| | |
|------------------------|--|
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Document Change Control

| Version | Date | Owner | Approved by | Brief description of change |
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| 1.0 | April 2018 | Chief Operating Officer | ASC Board | Original policy |
| 2.0 | February 2024 | EGM Diversity People & Culture | CEO and ASC Executive | Policy updated to: <ul style="list-style-type: none"> • improve processes, • reflect changes to sexual harassment legislation, and the Sex Discrimination Act • align with ASC integrity programs, • include ASC Restorative Program information, and • reflect ASC policy template. |



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1. Policy overview

1.1 Commitment

1.1.1 The ASC has **zero tolerance** for sexual misconduct that puts the wellbeing of ASC employees or people in the Australian sporting community at risk.

1.1.2 The ASC is committed to:

- creating a safe environment and providing support and care for anyone impacted by sexual misconduct in the workplace, in connection with the workplace, and for anyone while under the ASC's care.
- ensuring that every person involved with the ASC is treated with respect and dignity and protected from discrimination, harassment and abuse.
- appropriate education and the implementation of meaningful controls and actions to prevent sexual misconduct and meet positive duty requirements under the Sex Discrimination Act 1984 (Cth).
- providing an individual-focused and trauma-informed approach, ensuring that the individual's wishes, safety and wellbeing are prioritised through the process.

1.2 Purpose

1.2.1 The purpose of the Preventing and Responding to Sexual Misconduct Policy (the Policy) is to set the expectations for those involved with the ASC. The Policy seeks to:

- (a) address the prevention of sexual misconduct,
- (b) provide a framework for responding when sexual misconduct has occurred, and
- (c) support those who may be affected.

1.2.2 The ASC has implemented a dedicated support and response framework to ensure that employees, athletes, and others under the ASC's care can:

- (a) confidentially report sexual misconduct,
- (b) access assistance for their immediate safety and wellbeing,
- (c) access appropriate, sensitive and timely support services, and
- (d) ensure that appropriate investigation and actions can be undertaken.

1.2.3 Sexual harassment is a work health and safety issue and is unlawful and prohibited in Australia by both State and Commonwealth legislation

1.2.4 Nothing in this document limits the ASC's or an individual's obligations to comply with applicable laws.



1.3 Scope

- 1.3.1 This Policy details the ASC's prevention, support and response framework for sexual misconduct.
- 1.3.2 This Policy seeks to support anyone who has been, or is at risk of being, affected by sexual misconduct.
- 1.3.3 This Policy applies to anyone under the ASC's care, both past and current, including but not limited to:
- (a) ASC Board members,
 - (b) ASC employees,
 - (c) other workers as defined at section 7 of the Work Health and Safety Act 2011 (WHS Act),
 - (d) former Australian Institute of Sport (AIS) athletes,
 - (e) high performance users of the AIS sites, including athletes, coaches and support staff of sporting organisations.,
 - (f) site users of the AIS site, including members of the public and contractors, and
 - (g) ASC grant recipients.
- 1.3.4 This Policy assist individuals seeking information, advice and/or support in the prevention or response to observed or reported sexual misconduct, such as bystanders and managers.

1.4 Principles

- 1.4.1 The ASC recognises that a respectful culture is critical to preventing the occurrence of sexual misconduct.
- 1.4.2 Sexual misconduct in any form is not in line with the ASC values of Respect, Integrity, Teamwork and Excellence, or our commitment to lead the sector to Win Well and Play Well.
- 1.4.3 The ASC encourages and will support any person to report if they experience, witness or suspect sexual misconduct of any type.
- 1.4.4 The ASC will respond to and investigate all formal reports of sexual misconduct using a trauma-informed approach.



2. Definitions

- 2.1.1 **Sexual misconduct** includes sexual offences, sexual harassment and serious incidents of a sexual nature which can cause trauma, including:
- (a) demeaning behaviour of a sexual nature,
 - (b) exclusion based on sex, gender, sexual orientation or gender identity,
 - (c) unwanted or unwarranted attention of a sexual nature, and
 - (d) recording, photographing or transmitting incidents, images or content of sexual misconduct or of an unwanted sexual nature.
- 2.1.2 **Sexual offences** are criminal offences (including sexual assault/rape and acts of indecency) against an individual that involve a physical act of a sexual nature, sometimes accompanied by violence that is committed against a person without their consent.
- 2.1.3 **Sexual harassment** is defined by the *Sex Discrimination Act 1984* as an unwelcome sexual advance, an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in circumstances in which a reasonable individual, having regard to all the circumstances, would have anticipated the possibility that the individual harassed would be offended, humiliated or intimidated.
- 2.1.4 **Incidents of a sexual nature** are incidents that have an element relating to gender, sexual orientation, gender identity and/or sexual language and elements of intimidation, aggression and/or violence.
- 2.1.5 **Consent** means the free and voluntary agreement to participate in an activity, which may include an intimate or sexual relationship, given by an individual with the cognitive capacity to do so. Consent is not freely and voluntarily given if the individual is:
- (a) under force
 - (b) unconscious or asleep
 - (c) under the influence of drugs or alcohol
 - (d) under threat or intimidation
 - (e) in fear of bodily harm
 - (f) subjected to the exercise of authority or power imbalance,
 - (g) under false or fraudulent representations about the nature or purpose of the activity, or
 - (h) under a mistaken belief that the offender was someone else (for example, their sexual partner).

Consent can be given and subsequently withdrawn at any point.



- 2.1.6 **Disclosure** means the provision or reporting of information by the person who experienced harm.
- 2.1.7 **Decision Delegate** is the Executive General Manager, Diversity, People & Culture who holds authority to determine the outcome of investigation/s.
- 2.1.8 **ASC Seconded** is a person who is transferred temporarily from another organisation to work at the ASC.
- 2.1.9 **Positive Duty** is the requirement for organisations to be proactive and take appropriate measures to eliminate relevant unlawful conduct, as far as possible.
- 2.1.10 **Trauma** can be as the result of a singular event or a series of incidents and experiences and can impair normal functioning, reactions, decision making, behaviours and relationships. Trauma can manifest itself in a variety of ways and at different points in time dependent on the individual and the incident.
- 2.1.11 **Trauma informed** means a framework for human service delivery that is based on knowledge and understanding of how trauma affects people's lives and their service needs.
- 2.1.12 **Victimisation** is subjecting, or threatening to subject, someone to a detriment because they have asserted their rights under discrimination laws, including if they have made a complaint, are a witness or assist a complainant to disclose.

3. Accountability and responsibilities

- 3.1.1 Ensuring the safety and wellbeing of individuals is a shared responsibility. Key roles and responsibilities are outlined below.
- 3.1.2 All roles will be held accountable for upholding their responsibilities.
- 3.1.3 An individual may have more than one role and therefore, more than one set of responsibilities.

| Who | Responsibilities |
|---------------------------------|---|
| EGM Diversity, People & Culture | <ul style="list-style-type: none"> • Ensure that ASC employees are aware of the policies and procedures related to Sexual Misconduct. • Authorise internal review or external investigation of any sexual misconduct issues raised through formal reporting. • Engage with law enforcement where a referral has required their investigation. • Act as the Decision Delegate, where required. |



| Who | Responsibilities |
|---------------------------------------|---|
| Safeguarding & Integrity | <ul style="list-style-type: none"> • Support, advise and provide expertise to individuals on sexual misconduct issues. • Coordinate the assessment, review and investigation for sexual misconduct disclosures. • Securely maintain records related to sexual misconduct. • Oversee the implementation of support services such as the Responding to Sexual Misconduct Helpline. • Refer, as required, to law enforcement agencies. • Update this Policy in the following circumstances: <ul style="list-style-type: none"> – in line with pre-determined revision dates, – when there has been a change in the operations of the ASC, and – in the event of changes to applicable legislation or related guidance. |
| People & Culture | <ul style="list-style-type: none"> • Support, advise and provide expertise to employees on sexual misconduct issues in line with the Policy and applicable legislation. • Oversee the implementation of support services such as the Employee Assistance Program (EAP). • Ensure that ASC employees are aware of the ASC Code of Conduct and the Preventing and Responding to Sexual Misconduct Policy, including through the delivery of the ASC induction program. • Refer, as required, to law enforcement agencies. • Undertake Code of Conduct procedures for any sexual misconduct issues or complaints which relate to ASC employees. |
| ASC Workplace Support Officers | <ul style="list-style-type: none"> • Trained employees who act as the first point of contact for ASC staff who are experiencing workplace bullying, harassment or discrimination. |



| Who | Responsibilities |
|--|--|
| Directors, Managers & Supervisors | <ul style="list-style-type: none"> • Ensure that ASC employees are aware of the ASC Code of Conduct and the Preventing and Responding to Sexual Misconduct Policy. • Ensure that anyone that initiates a sexual misconduct disclosure is referred to the ASC Sexual Misconduct Helpline. • Comply with any requests as a part of sexual misconduct internal reviews or external investigations. • Model appropriate standards of behaviour and professional conduct. • Ensure that all sexual misconduct incidents or any breaches of the Policy are reported. |
| Employees | <ul style="list-style-type: none"> • Comply with this Policy, including appropriate standards of behaviour and professional conduct. • Comply with any requests as a part of sexual misconduct internal reviews or external investigations. • Report sexual misconduct incidents or any breaches of the Policy. |
| Others (including contractors, site users) | <ul style="list-style-type: none"> • Comply with this Policy, including appropriate standards of behaviour and professional conduct. • Appropriately report sexual misconduct incidents or any breaches of the Policy. |
| Sport Integrity Australia | <ul style="list-style-type: none"> • Receive referrals or complaints directed from the ASC relating to sports or sports organisations. |
| ASC Sexual Misconduct Helpline (the Helpline) | <ul style="list-style-type: none"> • Receive disclosures or complaints. • Provide those affected by sexual misconduct with: <ul style="list-style-type: none"> – expert guidance, – crisis intervention, – emotional support, – specialist referrals, – information on reporting options, and – support throughout investigations, legal procedures or other relevant processes. • Keep appropriate records. • Provide de-identified information to ASC for the purpose of reporting and improving practices. |



4. Prevention

- 4.1.1 Under the *Sex Discrimination Act 1984* (Cth), the ASC has positive duty obligations to take proactive and meaningful action to prevent workplace sexual misconduct.
- 4.1.2 The ASC is committed to implementing the seven standards (Appendix 3) to meet our positive duty under the *Sex Discrimination Act*.
- 4.1.3 The ASC's positive duty obligations operate concurrently with our primary duty of care requirements as the Person Conducting Business or Undertaking (PCBU) under the *WHS Act*.
- 4.1.4 The ASC strives to establish a safe and respectful environment for employees and site users with an organisational culture of reporting and zero tolerance for sexual misconduct and victimisation.
- 4.1.5 The ASC actively promotes our values of Teamwork, Respect, Integrity and Teamwork.
- 4.1.6 The ASC is committed to gender inclusion and diversity. Our ***Gender Inclusivity Statement*** and ***Diversity, Equity and Inclusion Framework*** outline our actions to foster a safe and inclusive workplace culture.
- 4.1.7 The ASC takes a risk-based approach to preventing sexual misconduct, whereby risks are identified, assessed, controlled and monitored.

4.2 Preventative controls

Administrative controls

- 4.2.1 The ASC Values and ASC Code of Conduct set the organisation's expectations for the standards of behaviour required of ASC employees.
- 4.2.2 This Policy provides information on the responsibilities of employees and others engaged with the ASC and outlines our zero-tolerance position regarding sexual misconduct.
- 4.2.3 ASC employees undertake National Police Criminal History Checks, International Checks (where applicable) and Working with Children Checks, or relevant equivalent.

Physical controls

- 4.2.4 ASC sites are monitored by CCTV and patrolled by physical security personnel, in some instances 24/7.
- 4.2.5 ASC sites, facilities and amenities are periodically monitored to ensure that they are well lit, secure and fit-for-purpose.



Education

- 4.2.6 The ASC includes sexual misconduct information in our mandatory e-learning and induction programs to educate staff and contractors and ensure that they:
- (a) understand what constitutes sexual misconduct,
 - (b) understand their responsibility in relation to appropriate behaviour and identifying and reporting sexual misconduct, and
 - (c) know how to access support services including the Helpline and the EAP.
- 4.2.7 Athletes residing at the AIS campus will undergo an induction and be provided with information on reporting and support services, including the Helpline.
- 4.2.8 The Safeguarding & Integrity team undertakes ad-hoc training with teams identified as being at a higher risk of being affected by sexual misconduct.
- 4.2.9 The ASC will promote the ASC Sexual Misconduct Helpline using marketing collateral posted on site and distributed to site users.

4.3 Other controls

- 4.3.1 The ASC recognises the importance of having mechanisms to identify potential risk areas, including:
- (a) periodic reviews with the CRCC,
 - (b) inclusion of sexual misconduct questions in the annual staff engagement survey,
 - (c) conflict of interest policy and guidelines,
 - (d) established confidential reporting procedures, and
 - (e) monitoring of internal ICT systems.

5. Recognising sexual misconduct

- 5.1.1 Sexual misconduct and sexual harassment can take many forms. It can be a one off or a pattern of behaviour. Examples can include:
- (a) unwelcome touching or physical contact
 - (b) suggestive or degrading comments or jokes
 - (c) intrusive questions about a person's private life, gender identity or sexual orientation
 - (d) unwelcome comments about a person's physical appearance
 - (e) sexually offensive pictures, emails, messages or interactions
 - (f) sexually explicit comments made in person, emails or messages



- (g) unwanted and repeated invitations to go on dates or requests for sex
- (h) inappropriate staring or leering, and
- (i) actual or attempted sexual assault or rape, including forced intimacy.

- 5.1.2 Sexual misconduct and sexual harassment exist where disrespectful behaviour is overlooked or excused, and is particularly prevalent where gender inequality is present.
- 5.1.3 Sexual misconduct and sexual harassment can occur between ASC employees, as well as persons connected to the ASC, for example, contractors, athletes, site users and members of the public.
- 5.1.4 Sexual misconduct and sexual harassment can occur at ASC sites and facilities, as well as locations outside of the workplace, such as sporting events, conferences and social events. Sexual misconduct can also occur online using technology and social media.

6. Responding to sexual misconduct

6.1 Restorative Program

- 6.1.1 The ASC launched the Restorative Program in 2022, as an opportunity for scholarship athletes who were part of the AIS from 1981 to 2013 who experienced harm from inappropriate practices or abuse to share their experience safely and receive acknowledgment and support.

The program consists of three core elements:

- (a) access to counselling and wellbeing services via the Mental Health Referral Network and/or ASC Responding to Sexual Misconduct Helpline,
 - (b) participation in restorative engagement, such as a meeting with a senior ASC representative, and/or
 - (c) a one-off financial payment [for applicants eligible for a payment].
- 6.1.2 The ASC is a participating institution in the National Redress Scheme [Home | National Redress Scheme.](#)
 - 6.1.3 The ASC has adopted the Australian Government Grant Connected Policy and will not fund any organisation or entity named by the National Redress Scheme on its list of “Institutions that have not joined or signified their intent to join the Scheme”.

6.2 Support and Response Framework

- 6.2.1 The ASC’s framework for responding to incidents of sexual misconduct has four components, to ensure that those affected are supported and disclosures are managed consistently:



- (a) initial contact and first response,
- (b) confidential disclosure,
- (c) formal report and investigation, and
- (d) action and improvement.

Initial contact and first response

- 6.2.2 The ASC strongly encourages any individual who experiences, witnesses or suspects sexual misconduct of any type to make a disclosure.
- 6.2.3 The ASC recognises that the extent to which an individual recovers from a traumatic incident is largely linked to the nature of support offered to the individual on disclosure.
- 6.2.4 An individual may disclose sexual misconduct by:
- (a) telling a person they trust (e.g. manager, coach or colleague),
 - (b) contacting an ASC Workplace Support Officer,
 - (c) contacting the ASC People & Culture branch,
 - (d) contacting the ASC Sexual Misconduct Helpline, and/or
 - (e) completing an incident report form via Noggin.

ASC Sexual Misconduct Helpline

- 6.2.5 The ASC Sexual Misconduct Helpline was established to provide independent, professional support services at no cost to the individual.
- 6.2.6 The ASC's primary approach is that any person wishing to make a disclosure or formal report (Clause 6.2.4a-d) will be referred to the ASC Sexual Misconduct Helpline. The Helpline ensures that the individual is safe from immediate harm, treated with dignity and respect, and provided with advice on the options available to them, as well as encouraged and assisted to obtain necessary medical, welfare and, where relevant, specialist sexual misconduct support.
- 6.2.7 The ASC will offer access to the Helpline to any person involved in or associated with instances of sexual misconduct, including where disclosures or reports are made directly to the ASC or an ASC employee (see Appendix 2).
- 6.2.8 The Helpline is confidential and support staff are trained in counselling and assisting individuals impacted by sexual misconduct. The Helpline also provides case coordination services to individuals, including through the provision of:
- (a) crisis intervention,
 - (b) providing emotional support,
 - (c) referral to specialist services,
 - (d) outlining the processes involved in a formal report, and



- (e) supporting individuals throughout investigations, legal procedures or other relevant processes.

- 6.2.9 The Helpline is available to any person within the sporting sector who has experienced, or is at risk of experiencing, sexual misconduct in any form. The Helpline is also available to individuals engaged with the ASC Restorative Program.
- 6.2.10 The Helpline includes customised support for individuals under the age of eighteen.
- 6.2.11 The Helpline also provides support to those who have witnessed sexual misconduct, those suspected of sexual misconduct and managers of those who have been affected by sexual misconduct.
- 6.2.12 Appendix A includes the contact details for the Helpline.

Confidential disclosure

- 6.2.13 A confidential disclosure allows an individual to disclose their experience with sexual misconduct directly to a trained professional without making a formal report or triggering an investigation.
- 6.2.14 Confidential disclosure is available to encourage individuals who may not otherwise report to come forward and receive appropriate support to assist them in their recovery.
- 6.2.15 The Helpline coordinators provide a confidential service and information regarding the individual's identity or nature of the disclosure will not be shared with the ASC or any other party.
- 6.2.16 The ASC and the Helpline will maintain confidentiality. However, where there is an imminent risk of harm to self or others, or mandatory reporting obligations are applicable, there may be an obligation to share information provided during a confidential disclosure. Individuals will be advised at the outset of any limits to confidentiality.
- 6.2.17 The Helpline will maintain records of all confidential disclosures.
- 6.2.18 A confidential disclosure does not trigger a notification to the ASC, an investigation or any other formal actions, unless the person disclosing wishes to make a formal report. Any individual making a confidential disclosure will receive support and guidance on options for making a formal report.

Early intervention

- 6.2.19 When an individual does not wish to make a formal report, early intervention action may be considered, to prevent escalation or repeated incidents. Early intervention may include:
 - (a) informal management action, to alert the person about their behaviour



- (b) informal training, at the individual or team level, to raise awareness of behavioural expectations
- (c) facilitation of an open and respectful conversation between the parties, and
- (d) encouragement for the person to reflect on their behaviour, including where appropriate, an apology.

6.2.20 Early intervention action will take into account an individual's wishes and safety. Wherever possible, an individual will be involved in the decision about an early intervention action.

Formal report and investigation

6.2.21 An individual can, at any time, elect to make a formal report.

6.2.22 A formal report should be made where an individual wishes to have an investigation process completed and/or any sanctions or actions implemented.

6.2.23 Any person who has made a confidential disclosure can also elect to make a formal report at any time. The Helpline will provide support and guidance on lodging a formal report.

6.2.24 A formal report will involve sharing information relating to the sexual misconduct disclosure. Formal reporting options include:

- (e) the Police,
- (f) the ASC, and/or
- (g) Sport Integrity Australia (SIA).

6.2.25 A formal report should include details such as:

- (a) who was involved,
- (b) when and where the sexual misconduct occurred, and
- (c) what happened.

6.2.26 At the request of the individual, the Helpline can act as the liaison between the individual and relevant body, including providing details of the disclosure with the relevant body on behalf of the individual. The Helpline will keep detailed records related to the formal report and, with the consent of the individual, will share these with the relevant body.

6.2.27 Individuals are also able to make a formal report directly to the ASC by contacting People & Culture or lodging it in Noggin.

6.2.28 Notwithstanding how a report is received, the ASC will treat disclosures and reports with the utmost confidence. Only those ASC staff with a genuine need to know will have access to information related to the formal report.



Preliminary review

- 6.2.29 The ASC Safeguarding & Integrity team will conduct a preliminary review to determine whether precautionary measures should be implemented. If it is considered that there is a risk to the safety or wellbeing of any individual, the ASC may take precautionary action such as:
- (a) Where the subject is not an ASC employee: temporarily suspend the individual from using ASC sites or engaging in any ASC services or programs.
 - (b) Where the subject is an ASC employee or Board Member: suspend or reassign the employee from duty (either with or without pay).
- 6.2.30 The nature of the investigation will depend on a range of factors including who was involved, where the incident occurred and the type of sexual misconduct. An outline of ASC actions is provided in Table 2 below.

| Formal report related to | Action |
|--|--|
| Criminal matter (sexual or physical abuse) | Refer to the Police |
| An individual who is under 18 | Refer to the Police/Child Protection Authorities |
| An employee, participant or volunteer of a Sports Organisation | Refer to Sport Integrity Australia |
| ASC Employees ASC Board Members ASC Seconded | Undertake Code of Conduct process |
| Other workers | Undertake Sexual Misconduct investigation |
| A Site User Former AIS Athletes High Performance Users of ASC sites (including athletes, coaches, NSO staff) ASC grant recipients | Undertake Sexual Misconduct investigation |

Internal investigation

- 6.2.31 The ASC will investigate any formal reports made under this Policy, in accordance with the wishes of the individual.
- 6.2.32 Where the accused is an ASC employee, Board member or secondee, a formal complaint will be considered a potential breach of the ASC Code of Conduct and



will be investigated in accordance with the ASC Code of Conduct Policy and the Australian Government Investigation Standards 2011.

- 6.2.33 All investigations will be conducted in accordance with the Australian Government Investigations Standards 2011.
- 6.2.34 Investigation may include:
- reviewing testimonies,
 - conducting interviews and taking witness statements,
 - reviewing ASC records
 - reviewing medical and/or police reports, and/or
 - reviewing CCTV footage or other evidence (where applicable).
- 6.2.35 Where sufficient evidence exists, the ASC may decide to proceed with investigating an allegation without a formal report, particularly where patterns of behaviour have become evident.
- 6.2.36 Discussing a formal report or investigation without authority may prejudice how effectively the ASC is able to respond to the complaint and may result in disciplinary action.
- 6.2.37 At the conclusion of the investigation, the findings will be shared with the EGM Diversity, People & Culture and the CEO.

External investigations

- 6.2.38 The ASC will cooperate with any external investigation undertaken, where the investigation involves those persons covered by this Policy.
- 6.2.39 Investigations undertaken by external stakeholders will be undertaken in accordance with their processes and the wishes of the individual.
- 6.2.40 Where a formal report is referred or made to the Police, the matter is considered under a criminal process and, except for taking precautionary action, the ASC will not undertake any internal investigation until the criminal process is concluded.
- 6.2.41 If an individual bound by the ASC Code of Conduct is convicted of a criminal offence, the outcome can be relied upon by the ASC and may result in termination of employment. If the individual is acquitted, the ASC may still take disciplinary action if there is sufficient evidence that the behaviour constitutes a breach.

Sanctions

- 6.2.42 The ASC may impose sanctions on anyone bound by this Policy where sufficient evidence, as determined by the Decision Delegate, exists that a breach of the Policy has occurred. Sanctions will be imposed following the conclusion of formal investigations.



6.2.43 The Decision Delegate will recommend the appropriate sanction and ensure that any sanction imposed is:

- fair and reasonable,
- applied consistently with any contractual obligations or other requirements at law,
- commensurate with the principles of natural justice,
- based on the evidence and information presented, and
- proportionate to the conduct engaged in.

6.2.44 Sanctions may include (where applicable):

- termination of employment or contract,
- reassignment of duties,
- the compulsory undertaking of relevant education and training,
- participation in restorative processes,
- revocation of grants funding,
- revocation of access to ASC sites and facilities,
- removal of the individual from ASC programs or facilities, and
- any other reasonable action to ensure the health, safety and wellbeing of those affected.

6.2.45 The Decision Delegate will notify the parties of the final sanction decision in writing.

6.2.46 There is no further right to appeal after the final sanction is imposed by the Decision Delegate.

Action and improvement

6.2.47 The ASC will use the outcomes of sexual misconduct investigations to inform improvements in systems, procedures and preventative controls, with the aim of eliminating sexual misconduct.

6.2.48 Investigation outcomes and recommendations will be reported to the persons involved, their supervising managers and the ASC Executive.

6.2.49 Where a formal report is made, recommendations from investigation outcomes will be incorporated into the ASC prevention and response activities, including improvements to procedures, training and facilities, where necessary.

6.2.50 The ASC will review the Enterprise Risk Register on an annual basis, to ensure that ASC prevention and response activities are effective in minimising the risk of sexual misconduct.



- 6.2.51 The ASC will receive quarterly de-identified reports from the Helpline, to build its knowledge and identify prevalence, trends and risks.
- 6.2.52 The ASC will conduct de-identified quarterly reporting to Executive Committee and WorkSafe Committee using data from the Helpline and ASC incident reporting system.

6.3 Other processes

- 6.3.1 For matters relating to sexual harassment, eligible individuals can apply to the Fair Work Commission for a stop sexual harassment order. Applications to the Fair Work Commission must be made within 2 years of the last incident of sexual harassment.
- 6.3.2 If an injury or illness has been sustained as a result of sexual misconduct suffered during the course of employment, individuals may be eligible for compensation under the Safety, Rehabilitation and Compensation Act 1988.
- 6.3.3 For matters relating to sexual abuse of a child which occurred prior to 1 July 2018, individuals can apply to the National Redress Scheme.
- 6.3.4 Undertaking other processes will not impact an individual's right to initiate a formal report or an investigation process as outlined in section 5.2.

6.4 If accused of sexual misconduct

- 6.4.1 Being accused of sexual misconduct can be surprising and upsetting, however it is important to be open to obtaining resolution and to actively participate in any investigation/s.
- 6.4.2 It is important to remember that sexual misconduct can take a variety of forms and can include behaviour that did not have malicious intent.
- 6.4.3 If someone approaches you about your behaviour, you should:
- not dismiss the complaint or try to justify your actions or behaviour,
 - consider how you can modify your behaviour or communication in the future,
 - apologise for the offence or hurt that you have caused,
 - stop the behaviour immediately and do not repeat it, and
 - seek support from the Helpline.
- 6.4.4 If you are found to have continued to do the behaviour after their objection was made known to you, your persistence, or the fact that you have not modified your behaviour, is likely to be taken into account in disciplinary or other proceedings.



7. Relevant documents and legislation

- Work Health and Safety Act 2011 (Cth)
- Safety Rehabilitation and Compensation Act 1988
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- ASC Code of Conduct Policy
- ASC Child Safe Policy
- The Australian Government Investigation Standards 2011



Appendix 1: The ASC Sexual Misconduct Helpline

**AFFECTED BY
SEXUAL MISCONDUCT?**



ASC Sexual Misconduct Helpline
1800 ASC HELP

1800 272 4357
aschelp@crcc.org.au
7am to 7pm, 7 days a week

**You are not alone.
Call or email for
confidential support.**



This free, confidential and independent service is available to anyone who has been impacted by sexual misconduct, harassment or assault while under the care of the Australian Sports Commission.

A trained counsellor will listen to your needs and concerns and they can also:

| | | | |
|--|---|---|---|
|  <p>provide emotional support</p> |  <p>refer you to a specialist service in your local area</p> |  <p>outline formal reporting options</p> |  <p>support you through processes such as investigations and legal procedures.</p> |
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Appendix 2: ASC Responding to Sexual Misconduct Process





Appendix 3: Seven Standards

The Guidelines for Complying with the Positive Duty under the Sex Discrimination Act (August 2023) sets out seven standards which the Human Rights Commission expects organisations to do to satisfy the positive duty under the Sex Discrimination Act. The standards provide a framework for prevention and response, which the ASC has adopted.

Standard

1. Leadership

- Senior leaders understand their obligation under the Sex Discrimination Act.
- Senior leaders are responsible for ensuring that appropriate measures for preventing and responding to sexual misconduct are implemented.
- Senior leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality.

2. Culture

- We fosters a culture that is safe, respectful and inclusive, and values diversity and gender equality.

3. Knowledge

- We developed a policy regarding sexual misconduct and our ASC Code of Conduct.
- We support staff to ensure engage in safe, respectful and inclusive behaviour through education.

4. Risk Management

- We recognise that sexual misconduct is an equality risk and a health and safety risk. We take a risk-based approach to prevention and response.

5. Support

- We have implemented the ASC Sexual Misconduct Helpline to support staff, site users and those from the sporting industry who experience or witness sexual misconduct.
- We promote the Sexual Misconduct Helpline to all stakeholders.

6. Reporting and response

- We ensure that there are appropriate options for reporting sexual misconduct, including the Sexual Misconduct Helpline.
- We aim to respond to reports of sexual misconduct in a consistent, timeline and trauma-informed way.

7. Monitoring, evaluation and transparency

- We collect data to understand the nature and extent of sexual misconduct in our business. We use this data to assess and improve our culture and develop measures to prevent and respond to sexual misconduct.
- We are transparent about the nature and extent of reported behaviours that could constitute sexual misconduct and our actions to address it.



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