



Responding to Sexual Misconduct

Policy Statement

The Australian Sports Commission (ASC) is committed to ensuring that every person involved with the ASC is treated with respect and dignity and protected from discrimination, harassment and abuse.

The ASC has zero tolerance for sexual misconduct and for any behaviour that puts the wellbeing of people in the Australian sporting community at risk.

Accordingly, we are committed to providing support and care for anyone impacted by sexual misconduct while under the ASC's care (current or past).

Through a dedicated support and response framework, the ASC will ensure that athletes, staff and others in the ASC's care can confidentially report sexual misconduct, seek help and appropriate action can be taken.

This includes a focussed approach with the individual affected by sexual misconduct through the provision of appropriate, sensitive and timely support. The ASC's focus is on assisting any individuals with their immediate safety and wellbeing, as well as their care and recovery.

The ASC's response will be individual-focused and trauma-informed, ensuring that the individual's wishes, safety and wellbeing are prioritised throughout the response.

Scope

This document details the ASC's support and response framework for sexual misconduct.

This framework seeks to assist any individual who has been, or is at risk of being, impacted by sexual misconduct while under the ASC's care. This includes ASC staff, AIS athletes, sector staff and members of the public.

It also seeks to assist individuals seeking information, advice and/or support in the prevention or response to observed sexual misconduct. In addition to those directly impacted by sexual misconduct, this may include others such as bystanders and managers.

The activities outlined in this document are a secondary form of prevention in the event of an incident of sexual misconduct.

The ASC recognises that primary prevention and the creation of a respectful culture is critical to minimise the incidence of sexual misconduct and is committed to appropriate education, controls and action at the primary level.

We expect all within our organisation, those utilising our facilities and those in the broader sporting community to act to keep people safe from harm.

This is reflected in ASC policies and procedures separate to this document, referenced below.

Nothing in this document limits the ASC's or an individual's obligations to comply with applicable laws. In particular, any obligations under mandatory reporting laws will prevail over the confidentiality requirements set out in this document. For example, certain classes of person have obligations to report suspected cases of child abuse or neglect to government authorities under legislation which varies from jurisdiction to jurisdiction (see the ASC Child Safe Policy for further information regarding such obligations).

Definitions

Sexual Misconduct¹ includes **sexual offences** and serious **incidents of a sexual nature** which can cause trauma, including:

- > repeated demeaning behaviours of a sexual nature
- > extreme exclusion based on gender, sexual orientation or gender identification
- > persistent unwanted/unwarranted attention of a sexual nature
- > recording, photographing or transmitting incidents and images of sexual misconduct.

Sexual offences cover a range of criminal offences (including sexual assault/rape and acts of indecency) against a person that involve a physical act of a sexual nature, sometimes accompanied by violence that is committed against a person without their consent.

Incidents of a sexual nature have an element relating to gender, sexual orientation, gender identification and/or sexual language and elements of intimidation, aggression and/or violence.

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. The ASC recognises that trauma can manifest itself in a variety of ways and at different points in time dependent on the individual and the incident. The extent to which a person recovers from a traumatic incident is largely linked to the nature of support offered to the individual on disclosure.

Support and Response Framework

The ASC's framework for responding to incidents of sexual misconduct has four components:

- > Initial contact and first response
- > Confidential disclosure
- > Formal report and investigation
- > Action and improvement.

The ASC has engaged an independent, specialist external service provider, the Canberra Rape Crisis Centre (CRCC), to play a key role as part of this framework.

Initial contact and first response

The ASC recognises that the extent to which a person recovers from a traumatic incident is largely linked to the nature of support offered to the individual on disclosure, and has established specialised services to support this first response. These services include customised support for individuals under the age of eighteen.

Anyone impacted by sexual misconduct while under the ASC's care can call a confidential telephone helpline to receive independent, professional support at no cost to the individual. Services are confidential and support staff are trained in counselling and assisting individuals impacted by sexual misconduct and abuse.

This crisis and counselling telephone service is available to any man, woman or child who has experienced any form of sexual misconduct whether it is a recent event, or something which happened in the past.

The service ensures that the individual is safe, treated with dignity and respect, and provided with advice on options available to them, as well as encouraged and assisted to obtain necessary medical, welfare and where relevant, specialist sexual misconduct support. Individuals can access phone or face-to-face services in their home state/territory.

This service is the first important step in the support and response framework, and will be offered to anyone involved in or associated with instances of sexual misconduct, including incidents reported directly to the ASC.

Attachment A includes specific details on how individuals can contact this service for support.

Under this policy, individuals affected by sexual misconduct have two options for providing information and seeking support: a confidential disclosure and/or a formal report.

¹ The ASC has adopted the same definitions of sexual misconduct as that used by the Sexual Misconduct Prevention and Response Office (SeMPRO) in the Department of Defence.

Confidential disclosure

For anyone impacted by sexual misconduct, disclosing what happened allows individuals to receive appropriate support. The ASC's service provider not only coordinates trauma-informed care but provides a safe place for individuals to talk confidentially to experienced professionals.

A confidential disclosure allows a person to disclose their experience directly to a trained professional without involving the ASC or the state/territory police. This option is available so as to encourage individuals who may not otherwise report to come forward to receive appropriate support to assist them in their recovery. Anyone making a confidential disclosure will receive advice, support and guidance.

The support coordinators provide a confidential service. The only exceptions to this are where there is an imminent risk of harm to self or others, or mandatory reporting obligations. Any limits to confidentiality will be discussed directly with an individual when they call.

Formal report and investigation

An individual can, at any time, elect to make a formal report to police or relevant authorities. This includes an individual who chooses to progress their initial confidential disclosure to a formal report. This may result in investigative action by state/territory police, or other authorities.

Changing a confidential disclosure to a formal report does not mean that everyone should or will know about the circumstances of the case. Regardless of how an incident is reported, the ASC and the support services it engages will treat disclosures with the utmost confidence.

The support coordinator put in place at the initial contact and first response phase will explain the processes involved in a formal report and continue to support the individual through the process, including making statements to police, assisting with investigations and where relevant, the collection of forensic evidence.

Where individuals choose to make a formal report, the appropriate reporting channel will be activated. This could include a report to police, or where relevant, an ASC Code of Conduct report, Public Interest Disclosure or report to a sport.

The ASC will investigate any matters that are formally reported under its policy framework in accordance with the established procedures, and will support authorities with any formal report made to them including where they progress an investigation.

Personal support services for individuals impacted by sexual misconduct will be available according to their needs.

Action and improvement

The ASC is committed to eliminating sexual misconduct and fostering a culture of dignity and respect within Australian sport. The desired end state is an environment where the cultural imperatives of mutual respect and trust, professional values, and team commitment are reinforced to create an environment where sexual misconduct is not tolerated, condoned, or ignored.

To achieve this, the ASC needs to understand what risks exist and where system improvements can be made to reduce the chance for these actions to be repeated.

The ASC will utilise de-identified data from the first response phase, as well as formal reports, to build its knowledge and identify factors such as prevalence, areas of risk and trends to inform further action around general and targeted prevention and the continuous improvement of its practices. The identity of individuals will not be compromised and all information will remain confidential.

The ASC will continue to evolve its policies and practices in response to information collected in responding to sexual misconduct to ensure safety of the highest standard.

In particular, it will enhance and target its prevention and response activities. The ASC will also actively feed these insights and its own actions for improved operation into its sector capability programs including member protection policies, *Play By The Rules*, athlete wellbeing and issue response frameworks.

Other potentially relevant policies and procedures

The ASC recognises that, by the nature of its diverse operations, this policy and procedure will intersect with existing ASC policies and procedures. These existing policies and procedures include:

- > ASC Code of Conduct Policy
- > ASC Public Interest Disclosure Procedure
- > ASC Complaints Handling Procedure.

Context

The reputation of Australian sport is underpinned by fair and ethical behaviour. The incidence of integrity issues whether they be sports betting, child safety, drugs (performance enhancing, illicit drugs and alcohol), corruption, violence or inappropriate behaviour, impact the lives of individuals, impact the sustainability of organisations and threaten the image of sport.

This policy of responding to sexual misconduct under the ASC's care is one of the ways the ASC is taking action to ensure Australian sport is safe and everyone participates in a respectful environment.

The ASC has played a leading role over a number of years in building the capacity and capability of sport to provide safe, fair and inclusive sporting environments for the sector. Key initiatives have included:

- > supporting national sporting organisations (NSOs) through broad projects and tailored sport specific assistance in the areas of policy development and implementation, education and awareness
- > working with the sector to continue to develop Play by the Rules as a one stop shop for information, resources, education and awareness campaigns for community sport
- > securing the integrity of the ASC with a focus on programs such as the ASC Anti-Doping Search and Discover Program.

Specifically, the ASC has played a lead role in child safety in sport for a number of years, most recently in leading the National Safeguarding Children in Sport Strategy and releasing a commitment statement from the ASC Board. This states that "child safety must be embedded in every Australian sporting organisation's culture, reflected in their policies and procedures, and understood and practiced at all levels of sport. This includes within our own organisation and facilities where children and young people come to practice, play, learn and excel."

Affected by sexual misconduct?

ASC Sexual Misconduct Helpline

1800 ASC HELP

(1800 272 4357)

The Australian Sports Commission (ASC) works with specialist service providers to support anyone impacted by sexual misconduct while under the ASC's care. This support is available to any man, woman or child who has experienced, or is at risk of, any form of sexual misconduct, whether it is a recent event or something which happened in the past.

This service also supports individuals seeking information, advice and/or support in the prevention or response to observed sexual misconduct.

The help available is broad and includes:

- > assisting with your immediate safety - this includes your physical and mental safety.
- > providing you with immediate support - you can call a helpline to get assistance straight away. You can get help to get a medical assessment; stay with you while you speak with police, if that's what you choose to do; support you to speak with your employer or manager; or stay with you until your own support person, whether that is a friend or family member, arrives.
- > providing you with ongoing support - a support coordinator can work with you to ensure you have access to the expert support you need as well as assist you and those around you too.
- > providing you with guidance - expert knowledge can be shared with you to inform your actions and assist in making decisions.

Each of these support services help to ensure those who disclose incidents of sexual misconduct (irrespective of gender) are given appropriate, sensitive, and ongoing support to assist with their immediate safety, wellbeing and recovery.

The ASC has engaged the Canberra Rape Crisis Centre (CRCC) to provide these services. The CRCC is a non-government, not for profit organisation working to eliminate sexual violence against women, men, young people, children and families. CRCC's services are available to individuals who have experienced any form of sexual abuse including rape, childhood sexual abuse or sexual harassment.

How can the helpline help me?

The confidential helpline can assist if you have been, or are at risk of being, impacted by sexual misconduct while under the ASC's care as well as if you are seeking information to prevent or responding to observed sexual misconduct.

Trained CRCC staff will listen to your needs and concerns and discuss your long and short-term safety, resources and options. Perhaps most importantly, trained staff will be there to support you and let you know that you are not alone.

You can talk one-on-one with a CRCC staff member to access a range of further services, including:

- > expert guidance
- > crisis intervention
- > emotional support
- > referrals to specialist services in your local area
- > information on formal reporting options
- > support through processes such as investigations, legal procedures or other processes.

ASC Sexual Misconduct Helpline — 1800 ASC HELP

This crisis and counselling helpline is staffed between 7am-7pm seven days a week. Services are confidential — except where there is a risk of further harm — and workers are trained in counselling and supporting survivors of sexual misconduct and sharing their expert knowledge.