



RESPECT & RESPONSIBILITY

Creating a safe and inclusive environment
for women at all levels of Australian Football

November, 2005.

CONTENTS

	PAGE
EXECUTIVE SUMMARY, Andrew Demetriou, Chief Executive Officer, Australian Football League	2
The Policy Outlined	
– Introduction of model anti-sexual harassment and anti-sexual discrimination procedures across the AFL and its 16 Clubs	4
– Development of organisational policies and procedures to ensure a safe, supportive and inclusive environment for women	4
– Changes to AFL rules relating to 'Conduct Unbecoming'	5
– Education of players and other Club officials	6
– The dissemination of model policies and procedures at community club level	7
– Development of a public education program	7
'Conduct Unbecoming' – definition outlined	8
Sexual Assault – Major Community Health Issue	11
Steps taken by the AFL	14

EXECUTIVE SUMMARY

By Andrew Demetriou, Chief Executive Officer,
Australian Football League



RESPECT & RESPONSIBILITY

Creating a safe and inclusive environment for women at all levels of Australian Football

Traditionally, responsibility for addressing sexual assault has fallen largely to the criminal justice and social services systems, where intervention was understandably focused after violence had occurred. More recently, women's groups and services have been successful in putting the prevention of sexual assault on the broader social policy agenda. This has led to increasing recognition that creating safe and supportive environments for women is a shared responsibility of individuals, organizations, communities and governments.

As an organisation with a strong emphasis on community and social responsibility, the AFL wants to work with government and other groups to contribute to this broader social policy agenda in all States and Territories.

To this end, and in light of the significant health impacts of violence perpetrated against women, a special partnership has been established with VicHealth to implement the strategy during the next two years.

The position of the AFL and our Clubs is quite clear -- we find any form of violence towards women abhorrent and we support moves by government and other community-based organisations to eliminate violence or the potential for violence.

In this regard, one of our key roles, in conjunction with all stakeholders is to make a significant impact on all areas under our direct or notional control. For example, in conjunction with the AFL Players' Association we have and will continue to conduct education programs aimed at promoting respectful relationships between all individuals and to assist individuals to make the right decisions within such relationships.

These programs will extend beyond players to all involved at AFL level as executives, coaches, support staff and board members.

The AFL Commission, with the support of the 16 AFL Clubs, has adopted this policy to address the issues of sexual harassment, sexual discrimination and violence towards women. This policy will be written into AFL rules to require compliance by everyone bound by the rules without diminishing in any way the ultimate responsibility of every individual to behave in an appropriate manner in accordance with the laws of the land.

The AFL's policy, outlined on the following pages is based on recommendations by a Working Group established by the AFL in June, 2004 after allegations of sexual assault were made against AFL footballers.

The Working Group established by the AFL was convened by Professor Jenny Morgan, Deputy Dean, Law School, The University of Melbourne and also included representatives from:

- CASA Forum (Centres Against Sexual Assault) – Deb Bryant.
- VicHealth, Lyn Walker.
- Victoria Police – Acting Deputy Commissioner Leigh Gassner and Senior Sergeant Sue Clark.

- Victorian Institute for Forensic Medicine – Dr. Angela Williams.
- Adolescent Forensic Health Service – Patrick Tidmarsh.
- AFL – Andrew Dillon, Tony Peek.

The AFL Commission has adopted a strategy consisting of six key components which were recommended by the Working Group, with the assistance of Victoria's Statewide Steering Committee to Reduce Sexual Assault.

- 1) Introduction of model anti-sexual harassment and anti-sexual discrimination procedures across the AFL and its 16 Clubs.
- 2) Development of organisational policies and procedures to ensure a safe, supportive and inclusive environment for women.
- 3) Changes to AFL rules relating to 'Conduct Unbecoming' which cover the specific context of allegations of sexual assault.
- 4) Education of AFL players and other club officials with avenues for dissemination of the program to the community level being explored.
- 5) The dissemination of model policies and procedures at the community club level.
- 6) Development of a public education campaign.

A key part of the policy's introduction has been the establishment of a new position within the AFL, Manager of People and Culture. This senior appointment will develop and implement a human resource strategy for the AFL industry.

A project officer will also be appointed within this department to implement the Respect and Responsibility policy.

Our approach to the development of this policy is similar to the steps associated with the implementation of our Racial and Religious Vilification policy in 1995. This highly successful policy, which won the National Corporate Anti-Racism Award in 2001 and was recognised by the United Nations Association in 1995, emphasised the following:

- A commitment to the continuing education of players to change behaviour and continuing media and promotional activity aimed at reinforcing the AFL's strong stance against racial and religious vilification.
- Rules for players and officials who vilified others based on race or religion.
- A process to assist State and Territory football bodies to adapt AFL policy to address racial and religious vilification in local community football.

Andrew Demetriou,
Chief Executive Officer.

THE POLICY OUTLINED

- Introduction of model anti-sexual harassment and anti-sexual discrimination procedures across the AFL and its 16 Clubs
- Development of organisational policies and procedures to ensure a safe, supportive and inclusive environment for women
- Changes to AFL rules relating to 'Conduct Unbecoming'
- Education of players and officials
- The dissemination of model policies and procedures at community club level
- Development of public education program

Introduction of model anti-sexual harassment and anti sexual discrimination procedures across the AFL and its 16 Clubs.

The AFL, as an employer, has clear responsibilities to its employees under state and federal equal opportunity legislation, and under occupational health and safety legislation, to ensure a safe system of work. The clubs as the employers of the players and others, also have similar responsibilities. Where they are acting as service providers, they are also obliged to ensure that sexual harassment does not occur in the provision of services.

The AFL has commissioned the drafting of a set of model sexual harassment and sexual discrimination policies. After consultation with appropriate state and federal equal opportunity experts, and clubs, these will be introduced before the start of the 2006 season.

The AFL has established a new position, Head of People and Culture, to develop a human resource strategy for the AFL industry.

The implementation of these policies will be the responsibility of this new department within the AFL. A project officer with expertise in violence against women issues, will be retained to finalise these procedures and implement other elements of this policy.

Development of organisational policies and procedures to ensure a safe, supportive and inclusive environment for women.

This component aims to foster a culture that creates an environment of equality between women and men. It is difficult to ensure that an environment of equality is generated where women are not appropriately represented at all levels of club administration, or are portrayed as sex objects or otherwise marginalized rather than being recognized for their skills and contributions. Football clubs are an important part of Australian society and thus need to be a safe, supportive and an inclusive environment for women.

This part of the response of the AFL moves beyond the development of formal legal compliance procedures to cultural change within the AFL, AFL clubs and community club systems.

The project officer described above will also develop these broader policies. In doing so, the project officer will work with club directors and managers, women already active in clubs, state-based sporting clubs and associations, and national health promotion foundations with experience in supporting the development of similar resources for community sporting clubs, and importantly, others with expertise relevant to violence against women.

The AFL also recognizes that women are involved at all levels of community football

Changes to AFL rules relating to 'Conduct Unbecoming' which cover the specific context of allegations of sexual assault.

When considering potential rule changes, the AFL ensured that any such changes complemented the existing criminal law and civil law responses to sexual assault and did not undermine the formal justice system.

The AFL Commission has resolved to address the issue of rule change by expanding the definition of "conduct unbecoming" to include as specific examples the following:

- » Criminal court finding of guilt for a sexual assault or being placed on a bond without conviction.
- » Civil court finding of liability for a sexual assault.
- » A player or official pleading guilty to a charge of sexual assault.
- » A player or official being committed for trial by a Magistrate's Court on a charge of sexual assault.
- » A payment made to someone who has made a complaint of sexual assault by a player, agent, associate or club on his behalf, unless ordered by a Court but being a payment representing compensation and not merely an amount for costs and/or nominal amount being paid to avoid the costs and inconvenience of litigation.
- » A club, club official or player responding inappropriately, unfairly or unreasonably to an allegation, charge, commitment for trial, finding of liability or conviction of sexual assault.
 - › The AFL will develop a template for the competition to assist Clubs and others when dealing with a complaint of sexual assault against a player or official.
- » Engage in behaviour associated with an alleged sexual assault that places women at risk.

The AFL will retain a suitably qualified person to advise the AFL Commission when dealing with breaches of these rules which are summarised on Pages 8 - 10.

Education of AFL players and other club officials.

The first module of an education program for AFL players developed by Victoria's Statewide Committee to Reduce Sexual Assault has already been delivered to all AFL Clubs this year.

The program addressed the basic issues of ensuring respectful and equal sexual relationships, negotiating consent in sexual relationships, and covered aspects of the law of sexual assault, together with information on the incidence of sexual assault and services available to victim/survivors. It also aimed to challenge a series of commonly held myths about sexual assault -- for example, people who are not known to the victim/survivor carry out most sexual assaults, it only happens to women.

The program was developed on the basis of available research in the general community and among young people on attitudes to sexual assault, on the assumption that elite footballers (and those associated with AFL football as the training is to apply to all those associated with AFL football) share similar attitudes to those in the general community.

One secondary aim of the training was to identify players and officials who might be prepared to act as advocates or mentors for others on the issue of violence against women in future training and other initiatives.

During the presentations to AFL Clubs, more than 70 players have volunteered to act as mentors.

The education program was evaluated by the presenters via a brief questionnaire administered before and after the training.

An independent evaluation of the impact of the education program will also be undertaken during the next four to six months.

This education package will be delivered to players during the AFL/AFLPA induction for new draftees before next season.

As part of the AFL's commitment to on-going education on this issue, a second module will be developed to incorporate rule changes and any learnings on research which has been undertaken on this subject by the Australian Sports Commission and Robins, Lusher and Kremer via the AFL Research Board.

Subsequent to evaluation and modification of the education program, liaison will take place with state and community football leagues, including Football Victoria, to ascertain the feasibility of disseminating this program to the community level.

The dissemination of model policies and procedures at community club level.

The AFL recognizes that if it is to take a community leadership role in addressing the issue of violence against women, its work cannot be confined to the AFL competition and the 16 Clubs.

Discussions have already been held with the various State and Territory football bodies about the concept of adapting what will be applied at AFL level for State league and community based clubs.

To progress this work, a representative from Football Victoria, Mick Daniher, has been invited to join the working group responsible for supporting development and implementation of the overall strategy.

Development of a public education campaign.

The Victorian Health Promotion Foundation (VicHealth), has undertaken a project designed to:

- 1) Assess community attitudes to violence against women in 2005,
- 2) Identify policies, legislative reform, service developments, media activity and communication strategies that may have impacted on community awareness, including a review of international campaigns,
- 3) Make recommendations for development of future strategies designed to improve attitudes and behaviors in this area.

The AFL has joined this project advisory group and will work with VicHealth and other organizations to develop a communication program, after the results of the media analysis and the community attitudes survey are known.

The AFL has also developed a partnership with VicHealth to develop a communication program after the results of the media analysis and the community attitudes survey are known,

A second focus of the communication program will be on implementing the broader policy and rule change within the AFL system and working with State and Territory football bodies to adapt the policy for community based football clubs and leagues.

'CONDUCT UNBECOMING' – definition outlined

'Conduct Unbecoming': Behaviour targeted	Nature of response	Circumstances
<p>1. Finding by a court or tribunal of liability for a sexual assault (here defined as including the criminal offences of rape and indecent assault)</p> <ul style="list-style-type: none"> • Conviction by a criminal court of a sexual offence • A finding by a civil court or tribunal eg HREOC or state anti discrimination tribunal of liability for a sexual assault • A player or official pleading guilty to a charge of sexual assault • A player or official being committed for trial by a Magistrate's Court on a charge of sexual assault • Payment made to a victim by a player, official, agent, associate or club on his behalf, not ordered by a Court but being a payment representing compensation and not merely an amount for costs and/or nominal amount being paid to avoid the costs and inconvenience of litigation. 	<p>Sanction range:</p> <ul style="list-style-type: none"> • Termination/delisting • Financial sanction • Standing down • Suspension for a period • Restricted representational duties • Other 	<p>This response is only invoked where there is a conviction for sexual assault, the establishment of a prima facie case for sexual assault, finding of civil liability or an inappropriate payment made.</p>



'CONDUCT UNBECOMING' – definition outlined

'Conduct Unbecoming': Behaviour targeted	Nature of response	Circumstances
<p>2. (a) Breach of code governing how individuals and clubs should respond to allegations of sexual assault</p> <p>It is a breach of this code for a club/club official or player to respond inappropriately, unfairly or unreasonably in response to an allegation of sexual assault against a player or official including:</p> <ul style="list-style-type: none"> • Failing to report an allegation of sexual assault made against a player or official to the AFL. • Failing to reasonably co-operate with any police investigation. • Making inappropriate comments in the media in relation to an allegation of sexual assault against a player or official. • Vilifying the complainant publicly. • Making a payment to a victim by a player, official, agent, associate or club on his behalf, not ordered by a Court but being a payment representing compensation and not merely an amount for costs and/or nominal amount being paid to avoid the costs and inconvenience of litigation. 	<p>Range of sanctions from fine, to suspension, to restricted representational duties.</p> <p>The level of sanction imposed may depend on whether, for example, the player, official or the club has apologised for their behaviour.</p>	<p>This part of the code can be invoked when a complaint of sexual assault is made either to a club or the AFL, the police or in the media and throughout the process of investigation</p>

'Conduct Unbecoming': Behaviour targeted	Nature of response	Circumstances
<p>2. (b) Behaviour associated with an alleged sexual assault</p> <p>It is a breach of this code to engage in behaviour associated with an alleged sexual assault that places women at risk.</p>	<p>This response is addressed to remedying and managing possible future harm to women.</p> <p>It is designed to be responsive not punitive</p> <p>The range of responses include:</p> <ul style="list-style-type: none"> • warning • coaching • mentoring • training/ development • increased supervision • counselling • retraining • personal development • performance enhancement agreements • an apology to the people affected 	<p>This response can be invoked at any time, including while an alleged incident is being investigated.</p> <p>In particular, it can be invoked when a woman does not want to pursue her complaint to the police, and/or the police/DPP have decided that no further action will be taken, and there is no publicly available evidence of related conduct.</p>

BACKGROUND PROVIDED BY AFL WORKING GROUP
Sexual assault – major community health issue

In recent decades sexual assault has been identified by a number of bodies both nationally and internationally as a health, social and economic problem requiring urgent attention. It was canvassed in a landmark report on the health implications of violence released by the World Health Organization (WHO, 2002). In Australia it has been addressed through, for example, the Victorian Government's whole of government Women's Safety Strategy (OWP, 2002) and at the Federal level through the Partnerships Against Domestic Violence and the National Initiative to Combat Sexual Assault. (DF&CS, 2005a and 2005b).

Sexual assault, for the purposes of the discussion here, encompasses a range of unwanted sexual touching, and includes the criminal offences of rape and indecent assault, as variously defined under state law. While the precise prevalence of sexual violence is notoriously difficult to establish, it is clear that the overwhelming majority (more than 80%) of victims of sexual assault are women (OWP 2002). In 2003/2004 3600 women reported sexual assault to the Victorian Police, an increase of 250 from the previous year (Victoria Police, 2004). However, the great majority of women (an estimated 8 or 9 out of 10) do not report to law enforcement agencies (ABS, 1996 and OWP, 2002) and many do not disclose to any one (WHO, 2002). The most recent survey of Australian women conducted by the Australian Bureau of Statistics indicates that:

- One in 5 (18% of women) reported being subject to or threatened with sexual assault at some time in their adult lives.
- 1.4% of women reported being sexually assaulted by a male perpetrator in the previous year (ABS, 1996).

The Australian component of the International Violence Against Women Survey 2004 indicates that:

- In the previous 12 months, 10% of women reported experiencing at least one incident of physical violence (8%) and/or sexual (4%) violence.
- Over their lifetime, 57% of women reported experiencing at least one incident of physical violence (48%) or sexual violence (34%).
- Two in five women reported that, since the age of 16, they had experienced at least one incident of physical/sexual violence from a male other than a partner (relative, known male or stranger) (7% in the past twelve months).

Exposure to sexual assault has serious consequences for women's physical and mental health as well as for their social wellbeing. In its review, the World Health Organization (2002) found that sexual violence is associated with an increased risk of:

- Unwanted pregnancy, an outcome in an estimated 5% of all rapes
- Gynaecological complications
- Sexually transmitted diseases
- Serious mental health and behavioural problems, with the rate of symptoms suggestive of psychiatric disorder being over 5 times higher in women with a history of sexual abuse

as adults, than those without such a history

- Depression and post traumatic stress disorders
- Suicide
- Behaviors which are harmful to health such as drug use and future unsafe sexual activity
- Social exclusion and stigma

Given these serious health impacts, there is also likely to be a profound effect on women's relationships with partners, children and other family members as a result of a sexual assault.

Sexual violence also has a negative impact on the wider community. In a climate in which sexual violence is, or is perceived to be, common and where effective legal and social sanctions against violence are lacking, there is the potential for all women to feel unsafe and fearful. This in turn inhibits women's equal participation in a range of environments and their access to cultural, social and economic resources. Such a climate also undermines respectful relationships between men and women and in so doing diminishes us all.

Although there is a lack of Australian evidence on the economic costs of sexual violence, a US Study estimated that the 2001 equivalent costs associated with rape amounted to A\$85,000 for each rape in the form of both direct costs (such as medical treatment and victim compensation) as well as in indirect costs such as lost productivity (WHO 2004).

The causes of sexual violence are complex. However, accumulated evidence from around the world suggests that broader social, economic and cultural factors play a major part, with a significant underlying factor being the unequal distribution of power between men and women (WHO, 2002; OWP, 2002). In general the prevalence of sexual assault is lower in cultures in which power and resources are shared equally between the sexes; in which there are respectful relationships between men and women; and in which there are strong social and legal sanctions against violence (WHO, 2002; OWP, 2002). This evidence suggests that there are significant prospects for preventing sexual assault.

Traditionally, responsibility for addressing sexual assault fell largely to the criminal justice and social services systems, where intervention was understandably focused after violence had occurred. More recently, women's groups and services have been successful in putting the prevention of sexual assault on to the broader social policy agenda. This has led to increasing recognition that creating safe and supportive environments for women is a shared responsibility of individuals, organizations, communities and governments.

Clearly, the problem of sexual violence is not confined to the football community. At the same time, given evidence of under reporting at the community level (see above), the events of 2004 are unlikely to be the only or indeed the last incidents of this nature to come to the attention of the AFL.

The AFL shares in common with other community organizations an interest in preventing crimes (among them sexual violence) from occurring in the environments under its control and influence. With women comprising a significant proportion of the AFL membership and supporter base as well as its paid and volunteer workforce, this responsibility extends beyond a specific focus on crime prevention to broader actions needed to promote a safe, respectful and welcoming environment for women.

Australian football has been an integral and influential part of the Australian cultural landscape for almost 150 years. The AFL, as the administering body of the AFL competition and in its role as "Keeper of the Code" and the major contributor to investment in community based football via the various State and Territory football bodies, has the potential to play a powerful role in shaping attitudes in conjunction with its AFL Clubs and other stakeholders under its auspices, including leagues within the code and within the wider community.

Sexual violence is an inextricable part of the broader problem of violence against women. Many of the underlying causes of sexual assault are also implicated in other forms of physical, sexual, economic and psychological violence against women occurring in a range of public and private settings. Action to prevent sexual assault in and by the sports sector is therefore likely to have a positive impact on reducing violence against women generally, along with its attendant social, economic and health consequences.

The working group has operated from the presumption that the attitudes of AFL players to sexual assault and violence against women is not likely to be different from that of the general community. The 1995 Office for Status of Women survey showed that more than a third of men (37%) disagreed with the statement 'Women rarely make false claims of rape', even though the rate of false complaint is tiny (Graycar and Morgan, 2002, p. 356). Surveys of young people also show disturbing attitudes: One 1995 survey found that 12% of young men thought it was 'okay for a man to pressure a woman to have sex if ... he has spent a lot of money on her' and 23% if 'they have dated a long time' (Daws et al, 1995; Crime Research Centre, 2001). With these views in the wider community, it would not be surprising if they were also shared by (some) footballers. Indeed, American research does indicate that young athletes are more likely to believe rape myths and have rape supportive attitudes (Boeringer, 1999). It is also to be noted that footballers work in a world that is extremely male dominated, which may reinforce such attitudes. However, it is also important to recognise that footballers' views are not monolithic.

STEPS TAKEN BY THE AFL SINCE MARCH, 2004

March, 2004:

- » Allegations of sexual assault made against two AFL players and players in other codes.
- » Victoria Police announce a review of investigations during the past 5-10 years of sexual assault allegations against various professional athletes.
- » AFL seeks advice from AFL Clubs on their existing sexual harassment and sexual discrimination policies.

April/May 2004:

- » Start of review of current education programs for AFL players.
- » Club sexual harassment and discrimination policies reviewed.
- » Initial discussions with AFL Club representatives on development of an industry approach to allegations.
- » Initial discussions with representatives of the Victorian Institute of Forensic Medicine and Victoria's Statewide Committee to Reduce Sexual Assault.
- » Initial meeting held with representatives of CASA Forum (Centres Against Sexual Assault).

June, 2004:

- » Law School, The University of Melbourne, agrees to assist AFL to develop a strategy to deal with issues of sexual harassment, sexual discrimination and violence towards women.
- » Working Group convened by Professor Jenny Morgan, Deputy Dean, Law School, The University of Melbourne, established.

July/November, 2004:

- » Working Group meets monthly to establish discussion document to address sexual harassment, sexual discrimination and violence towards women.
- » Education program for players and officials developed by Working Group in consultation with Statewide Committee to Reduce Sexual Assault.
- » Education program trialed with group of players from Western Bulldogs in November, 2004.

December, 2004:

- » Discussion document from Working Group received by AFL Commission.
- » Discussion document distributed for comment to AFL Clubs, AFL Players Association, various Federal and State Government departments throughout Australia, other community groups and agencies including the Federal Sex Discrimination Commissioner.

February/March 2005:

- » Responses to discussion document received and reviewed by Working Group.

April/June 2005:

- » Working Group finalises recommendations to AFL Commission.

July, 2005:

- » AFL Commission adopts recommendations in principle.

August, 2005:

- » AFL Commission adopts policy document for implementation.

November, 2005:

- » Policy released.

