

BFI

SEXUAL HARRASSMENT POLICY

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1.0 INTRODUCTION

BFI, in line with the guidelines of the Ministry of Youth Affairs & Sports on the prevention of sexual harassment of women in sport and the judgment of the Hon'ble Supreme Court in the case of Vishaka & Ors. V. State of Rajasthan & Ors., has developed this policy in an effort to provide a safe and harassment free environment for all its players, members and staff, particularly women.

Acts of sexual harassment are taken extremely seriously by BFI and will not be tolerated under any circumstances. All stakeholders should not only be aware of their right to a safe and secure working environment, but also their individual actions and responsibilities to prevent sexual harassment in the sport.

2.0 WHAT IS SEXUAL HARASSMENT

Sexual harassment ("Sexual Harassment") is any behaviour that has a sexual element, which is unwelcome. It is behaviour that can be reasonably expected in the circumstances in which it occurs to offend, humiliate or intimidate the person or group to whom it is directed at. Sexual harassment would mean and include any of the following:

- Written or verbal abuse or threats or communication
- Sexually oriented and demeaning jokes and comments
- Uninvited physical contact including touching, massaging or kissing
- Propositions, promises, threats or punishment towards cooperation / non-cooperation in sexual activity
- Leering or other suggestive or obscene gestures
- Display of sexually explicit or other offensive or derogatory material
- Intimidating sexual remarks or actions / conduct that might reasonably be expected to cause embarrassment, insecurity, discomfort, offence, or humiliation to another person
- Innuendos and taunts of a sexual nature and physical confinement against one's will.

Irrespective of the action being intended as harassment or not, if it is unwanted and improper behavior, and gives reasonable grounds for an individual to feel insulted, intimidated, offended, embarrassed, insecure or humiliated, then it shall be considered sexual harassment and will not be tolerated.

3.0 POLICY STATEMENT

Sexual Harassment has emerged as a major concern for the sports community worldwide. Not only does sexual harassment undermine the performance, self esteem and personal goals of people involved in sport, but it can also have equally damaging consequences for sporting organizations as well.

BFI is committed to providing an environment, free of Sexual Harassment where all stakeholders involved with BFI are treated with respect and dignity.

BFI will not tolerate any behavior that could in any manner constitute Sexual

Harassment under any circumstances whatsoever and severe disciplinary action will be taken against anyone who breaches this policy.

BFI will not tolerate any act of retaliation against any complainant. Further, BFI shall not tolerate misuse of this policy. If during the course of inquiry, it is found that individuals have preferred false /fabricated complaints or evidence, appropriate disciplinary action will be taken against the said individuals.

4.0 WHO DOES THE POLICY APPLY TO

This policy applies to all stakeholders including:

- Staff
- Elected members and officials
- Volunteers
- Associates
- Officials
- Players
- Anyone who is employed by or represents BFI , whether paid or unpaid.

5.0 SITUATIONS THE POLICY APPLIES TO

This policy applies to behavior occurring in all situations both within and outside the sport and/or workplace including:

- Sporting events, competitions, and in training sessions
- The office environment
- Sports/office - related social functions
- Business functions, such as meetings, conferences, training sessions, and workshops
- Sport/work - related travel

6.0 RESPONSIBILITY

- BFI is responsible for taking all reasonable steps and actions to prevent sexual harassment in the sport / work place.
- BFI shall make all reasonable efforts to ensure that this policy and all amendments thereto are brought to the notice/attention of all stakeholders, concerned officials and associates of BFI .
- BFI stakeholders are jointly responsible for ensuring that their sport/work environment is free of harassment by not indulging in any action or behavior that may be reasonably seen as sexual harassment.
- Everyone associated with BFI is required to read, understand and follow the different aspects of this policy.
- All state units affiliated to BFI shall adopt a Sexual Harassment policy on the same lines within 14 days of notification of the present policy.

7.0 TECHNIQUES TO DEAL WITH SEXUAL HARASSMENT

There are a variety of methods available to an individual to deal with any unwanted attention or behavior.

1. Individual

This involves approaching and confronting the perpetrator of the unwanted behaviour that their behavior is inappropriate and unwelcome and request them to stop such behaviour with immediate effect. This can either be done directly with the individual concerned, by writing them a letter or email or taking the assistance and support of a close friend to go with you to confront the concerned person.

2. Informal

If you do not wish to take formal action or you do not feel comfortable in approaching the individual yourself, you can involve someone else to help resolve the situation.

It is recommended that in such a situation you speak to an independent third party, such as a senior member of the BFI team, support personnel, BFI staff, Complaint Officer/Counselor or Chairman/Chairperson of the BFI Sexual Harassment Committee and share with them details of your concern. They, in turn, can then speak to the person concerned and attempt to resolve the situation.

3. Formal

When an informal resolution is not possible, it may be necessary to resort to formal procedures to resolve the complaint. The matter should then be raised or brought to the attention of the Chairman/Chairperson of the BFI Sexual Harassment Committee.

A written and signed complaint should be filed by the individual to the Chairman/Chairperson of the BFI Sexual Harassment Committee and include details such as date, time, incident, witnesses etc

8.0 GRIEVANCE REDRESSAL MECHANISM: THE BFI SEXUAL HARASSMENT COMMITTEE

BFI shall appoint the members of the BFI Sexual Harassment Committee, which will be a body comprising of 5 members and a Chairman / Chairperson. At least half of the members appointed to the BFI Sexual Harassment Committee shall be women.

The BFI Sexual Harassment Committee will have the power to hear and determine all issues arising from the complaints alleging Sexual Harassment. Besides this main function, the BFI Sexual Harassment Committee is obligated to perform other duties such as:

- Providing stakeholders with unbiased and impartial support mechanism to air any concerns or grievances including advice on how to proceed.
- Conduct the hearing of any formal complaint made by any of the stakeholders.
- Investigate and make further inquiries into the complaint, if there is prima facie view that there is substance in the complaint so submitted.
- Follow the BFI policy and processes and adhere to principles of natural justice, to ensure that both parties have a fair and unbiased opportunity to represent themselves.
- Recommend any action to be taken by BFI against individuals breaching this policy or making false claims.
- Provide any evidence/information to the relevant authorities, in the event it is

ascertained that the specific case relates to the commission of relatively serious offences which could attract penal consequences under ordinary law.

- Keep the records of any complaints or incidents and action taken by the BFI Sexual Harassment Committee confidential and if required, use the same for discreet investigations.

Thus, the BFI Sexual Harassment Committee shall be fair and impartial in the performance of its functions and shall possess all powers necessary for, and incidental to, the exercise of its functions. The BFI Sexual Harassment Committee shall make the final decision on findings arrived at and recommend any disciplinary action as it may deem fit based on the facts and circumstances of each case. In the event the complaint alleges criminal offences, the matter may be reported to the police or any other authority in order for them, to take appropriate action that may be permissible under the law.

9.0 CONTACTING THE BFI SEXUAL HARASSMENT COMMITTEE

Stakeholders can contact any member of the BFI Sexual Harassment Committee either informally or formally to discuss any concerns or incidents.

BFI guarantees that any complaint will be investigated and handled promptly, seriously, sensitively and confidentially.

Individuals can be reassured that there will be no retaliation or detrimental impact to their career if they raise or come forward with a complaint.

For the purpose of avoiding uncertainty, any act of retaliation towards an individual that either a) reports or files a complaint, b) participates in or supports an individual filing a report, will itself be deemed as an act of harassment under this policy and will not be tolerated under any circumstances.

BFI encourages individuals who experience sexual harassment to seek immediate advice and assistance. Such individuals should also remember to document incidents of the behavior including time, place and any witnesses etc.

9.1 Complaint Officer/ Counselor

A Chairman/Chairperson shall be designated as the complaint officer/counselor ("Complaint Officer/Counselor"). All complaints and grievances with regard to sexual harassment may directly be addressed to the Complaint Officer/ Counselor who shall be reasonably available at all times via email / telephone.

In addition to receiving complaints and intimating the Complaints Committee of violations under this Policy, the Complaint Officer/ Counselor shall also advise, assist and provide support to victims of sexual harassment. The Complaint Officer/ Counselor can also be contacted through a confidential letter to the BFI office.

10.0 REDRESSAL PROCESS AND TIMELINE – FORMAL COMPLAINTS

The basic processes and timelines that need to be followed to ensure immediate resolution of a sexual harassment complaint are provided here in below:

1. Receipt of a formal complaint

- A person who alleges to have been sexually harassed either directly or indirectly may submit a complaint of the alleged incident to the BFI Sexual Harassment Committee in writing under his/her signature within 15 days of occurrence of the incident.
- On receipt of the complaint, the BFI Sexual Harassment Committee will scrutinize the contents of the complaint and acknowledge receipt of the formal complaint within reasonable time.
- A copy of the complaint will be supplied to the accused individual/s within reasonable time of the receipt of the same by the BFI Sexual Harassment Committee.

2. The inquiry process

- The BFI Sexual Harassment Committee will initiate a formal inquiry within reasonable time of the receipt of the complaint, it should be noted that there should not be any unreasonable delays.
- The inquiry will include interview/s and recording of statements of the complainant, the accused and any witnesses that either party may seek to rely on.
- All parties have the right to produce any evidence in support of their claims/arguments.
- All parties will be entitled to be represented or assisted by their authorized representatives during the inquiry process.
- The entire inquiry process/ interviews should be concluded within a reasonable time, subject to extension, for reasons to be recorded in writing by the BFI Sexual Harassment Committee

3. Review of complaint

- On conclusion of the inquiry, a report will be prepared taking into account the details supplied by each of the individuals along with the relevant facts/allegations made out in the complaint. In the event the complainant does not make out a case of Sexual Harassment, the same would be recorded in a closure report.
- The report will include:
 - Details of the complaint
 - Response from the accused to the formal complaint
 - Summary of information provided by each of the interviewees
 - Details of any other area of investigation
 - Hockey Sexual Harassment Committee members opinion of the incident and what is likely to have transpired
 - Recommendations for resolution of the complaint
- The report must be completed and signed by the Chairman / Chairperson of the BFI Sexual Harassment Committee within a period of 7 days calculated from the date on which the inquiry is concluded.

4. Decision making / Disciplinary Action

- If it is found that there was in fact a breach of this Sexual Harassment Policy, then the BFI Sexual Harassment Committee will issue sanctions and take disciplinary action against the individual/s found responsible.
- The disciplinary action / sanctions will be communicated to the parties within a period of 14 days from the date on which the report is received.

11.0 RIGHTS OF COMPLAINANT AND ACCUSED

Both parties must be given a fair and unbiased opportunity to be heard and to provide necessary details of the incident.

Sufficient time and occasion must be made available to ensure that both individuals have time to prepare their side and can provide evidence / witnesses to support their cases.

12.0 DISCIPLINARY ACTION / SANCTIONS

The BFI Sexual Harassment Committee will impose appropriate disciplinary action/sanctions in line with the level of the breach of this policy and may extend to any of the following:

- Reprimand
- Verbal or written apology
- Expulsion from camp, team or competition
- Formal leave of absences (without pay)
- Exclusion or exemption from participation in future camps or tournaments
- Expulsion from being a national team member, official or support staff
- Suspensions/ ban from playing or officiating for a specific period of time - Termination of contract with BFI

13.0 EXTERNAL REPORTING

Without prejudice to the abovementioned, it is unequivocally stated that at any point of time, it is the prerogative of the complainant whether they wish to proceed with the complaint or not.

Additionally the complainant also has the right to report the matter to the relevant authority/police if the complaint alleges any criminal offence. This will not however impact any inquiry or any action being taken by the BFI Sexual Harassment Committee, which would run concurrently to the criminal proceedings that might arise therefrom.

14.0 RIGHT TO APPEAL: APPELLATE PANEL

Decisions made by the BFI Sexual Harassment Committee may be appealed from and both parties to the complaint have a right to appeal from the decision, if they believe that the principles enshrined in this policy have not been followed or that the decision so arrived at is based on bias / unfairness.

BFI shall appoint an independent appellate panel ("Appellate Panel"), consisting of President BFI plus 4 members (Appointed by Executive Board) headed by the

President. The appointed members shall have had no prior involvement in the case or any aspect of the case as a member of the original review panel while the matter was being adjudicated upon by the BFI Sexual Harassment Committee.

Individuals wishing to formally appeal will need to give notice of their intention in writing within a period of 14 days from the date on which the order of the BFI Sexual Harassment Committee was communicated to them and file the appeal within a period of 14 days of receipt of the order of the BFI Sexual Harassment Committee. The Appellate Panel shall be independent and impartial in the performance of its functions and has all powers necessary for, and incidental to, the exercise of its functions, Hearings pursuant to lodging of the appeal shall be completed expeditiously and in all cases with 14 days of the date of filing the appeal.

15.0 STATE ASSOCIATIONS

All State Association which are associated, affiliated, controlled, directed or supervised by BFI shall adopt a policy on the same lines as this Sexual Harassment Policy.

16.0 GUIDELINES - BFI SPORTS / WORKING ENVIRONMENT

To ensure that women who participate in the sport of BFI countrywide and are affiliated to BFI, are not discriminated against and disadvantaged by their gender, the following broad actions will be taken into consideration when dealing with female players, staff, officials, members and stakeholders.

- Be conscious that the working conditions are not detrimental to the well being of female staff, which would include ensuring that we provide a safe and hygienic environment for them to perform their duties
- Provide advice and awareness for team support staff, particularly those support members who are working with the opposite sex, including limiting one-to-one interaction between players, officials and support staff.
- Sufficient numbers of female support staff are allocated to the women teams (both state and national).
- Sufficient numbers of female members are included as part of the BFI management team.
- Include the sexual harassment policy as part of the code of conduct for officials, support staff and employees.
- Include a copy of the sexual harassment policy in the registration process and guidelines for players, including providing examples and scenarios of what is appropriate / inappropriate behavior in order to raise awareness amongst the various stake holders.
- All members of the BFI Sexual Harassment Committee agree to and sign a confidentially agreement.

17.0 ADVICE, ASSISTANCE & OTHER CASES OF SEXUAL HARASSMENT

Where sexual harassment occurs as a result of an act by a third party or outsider while on official duty, Counselor/Complaint Officer shall take all necessary and reasonable steps to support, advice and assist the affected person, including referring the affected person to organizations and NGOs which specialize in providing counseling for victims of sexual harassment.