Sliding Sports Australia

MEMBER PROTECTION POLICY – PART A

VERSION 1.0

August 2013
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PREFACE TO THE MEMBERSHIP PROTECTION POLICY
21 August 2013

Dear Members and Stakeholders,

Sliding Sports Australia (the ‘NSO’) has developed and implemented a Membership Protection Policy based on the template provided by the Australian Sports Commission. This Policy aims to provide guidelines for the protection of health, safety and wellbeing of Members who participate in Sliding Sports, whilst protecting the reputation of Sliding Sports Australia and affiliated organisations.

Sliding Sport Australia is committed to;

● Providing a safe environment for children, members, athletes, officials, volunteers, coaches and administrators that is free from harassment and abuse and promotes respectful and positive behaviours and values;
● Providing a code of conduct that forms the basis of appropriate and ethical conduct; and
● Adhering to the essential principals of Australian sport.

As President of Sliding Sport Australia, I am personally committed to ensuring that all Members and Stakeholders comply with this policy.

Regards,

Alex Zborowski
President
Sliding Sport Australia
Dictionary

Please refer to Sliding Sports Australia's Constitution for defined terms.

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated club** means the definition included in the Constitution of Sliding Sports Australia.

**Child** means a person who is under the age of 18 years

**Child abuse** involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child’s development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under clause 7.

**Complainant** means a person making a complaint.

**Complaint Handler/Manager** means a person appointed under this policy to investigate a Complaint

**Discrimination** means treating or proposing to treat someone less favourably because of a particular characteristic in the same or similar circumstances in certain areas of public life (Direct Discrimination), or imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics (Indirect Discrimination). The characteristics covered by discrimination law across Australia includes:

- Age;
- Disability;
- Family/carer responsibilities;
- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
● Pregnancy and breastfeeding;
● Race;
● Religious belief/activity;
● Sex or gender;
● Social origin;
● Trade union membership/activity.

(Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above).

Examples of Discrimination

● **Age:** A club refuses to allow an older person to coach a team simply because of age.
● **Breastfeeding:** A member of the club who is breastfeeding a baby in the club rooms is asked to leave.
● **Disability:** A player is overlooked for team selection because of mild epilepsy.
● **Family responsibilities:** A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.
● **Gender Identity:** A transgender player is harassed when other players refuse to call her by her female name.
● **Homosexuality:** An athlete is ostracised from her team after it becomes known that she is a lesbian.
● **Marital Status:** A player is deliberately excluded from team activities and social functions because she is single.
● **Pregnancy:** A woman is dropped from a squad when she becomes pregnant.
● **Race:** An Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race.
● **Sex:** Specialist coaching is only offered to male players in a mixed team.

**Harassment** is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal, and includes electronic cyber communication.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

● holding a competitive sporting activity for boys and girls only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
not selecting a participant if the person’s disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Mediator means an impartial/neutral person appointed to mediate Complaints.

Member means see Sliding Sports Australia’s Constitution

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this Policy. The MPIO provides impartial and confidential support to the person making the complaint.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just;
- the penalties imposed must be fair.

Police check means a national criminal history record check conducted as a pre-employment, pre-engagement or current employment background check on a person.

Policy, policy and this policy means this Member Protection Policy.

Related Events include any events or activities sanctioned, held or endorsed by Related Parties.

Related Parties include the Australian Olympic Committee (‘AOC’), Federation d International Bobsleigh et de Tobogganing (FIBT), International Olympic Committee (IOC, Sliding Sports Australia (‘SSA’), and Affiliated Members.

Respondent means the person who is being complained about.

Role-specific codes of conduct (or behaviour) means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**Transgender** is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make any complaint including a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.
PART A: NATIONAL MEMBER PROTECTION POLICY

1. INTRODUCTION

Sporting organisations have legal obligations in relation to harassment, discrimination and child protection. They also have moral obligations to establish appropriate standards of behaviour and to provide safe and respectful sporting environments. As a condition of funding, the Australian Sports Commission (ASC) requires national sporting organisations to develop, implement and regularly update policies and procedures that assist sport to comply with the law and improve sporting environments.

Sliding Sport Australia is committed to the promotion and development of Sliding Sports within Australia and internationally.

The values of Sliding Sports Australia are:

- We respond to the needs of our Athletes and Members;
- We consult our stakeholders and endeavour to reach common understanding;
- We are open and transparent with decision making;
- We listen and communicate openly;
- We strive for excellence through cooperation and teamwork;
- We make the most of every opportunity to be leaders in our field; and
- We accept full accountability for our decisions and actions.

1. PURPOSE OF THIS POLICY

This Sliding Sports Australia Member Protection Policy will work towards maintaining ethical and informed decision-making and responsible behaviour within Sliding Sports. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Sliding Sport Australia will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by Sliding Sport Australia and is covered by our constitution. The policy was accepted in the Meeting of Members on 21 August 2013 and will operate until replaced. Copies of the current policy and its attachments can be obtained from Sliding Sport Australia via email; secretary@slidingsports.org.au.

2. WHO THIS POLICY APPLIES TO

This policy applies to the following people, whether they are in a paid or unpaid/voluntary capacity:

- Persons appointed or elected to the Board, committees and sub-committees;
- Employees of Sliding Sport Australia;
- Members of Sliding Sport Australia Executive including Elected Directors, Appointed Directors and Athlete Directors;
- Support personnel appointed or elected to national teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- National coaches and assistant coaches;
● National representative athletes;
● National referees, umpires and other officials involved in the regulation of the sport;
● Members, including Life Members and Affiliate Members of Sliding Sports Australia;
● Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Sliding Sport Australia; and
● Any other person including spectators, parents/guardians and sponsors, who or which agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

3. Responsibilities of the Organisation

Sliding Sports Australia and Affiliated Members must:

● Adopt, implement and comply with this policy;
● Make such amendments to its Constitution, Rules or Policies necessary for this policy to be enforceable;
● Publish, distribute and promote this policy and the consequences of breaches;
● Promote and model appropriate standards of behaviour at all times;
● Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
● Apply this policy consistently;
● Recognise and enforce any penalty imposed under this policy;
● Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
● Use appropriately trained people to receive and manage complaints and allegations: Member Protection Information Officers (MPIOs); and
● Monitor and review this policy at least annually.

4. Individual Responsibilities

Individuals and Members bound by this policy are responsible for:

● Making themselves aware of the policy and complying with its standards of behaviour;
● Complying with our screening requirements and any state/territory Working with Children checks;
● Placing the safety and welfare of children above other considerations;
● Being accountable for their behaviour;
● Following the procedures outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour; and
● Complying with any decisions and/or disciplinary measures imposed under this policy.

5. Position Statements

Child Protection

Sliding Sport Australia is committed to the safety and wellbeing of all children and young people accessing our service. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times.

Sliding Sports Australia acknowledges that our staff, members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Sliding Sport Australia aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:
Identify and Analyse Risk of Harm

Sliding Sport Australia will develop and implement a risk management strategy, which includes a review of existing child protection practices, to determine how child-safe and child-friendly the organisation is and to determine what additional strategies are required to minimise and prevent risk of harm to children because of the action of an employee, volunteer or another person.

Develop Codes of Conduct for Adults and Children

Sliding Sports Australia will ensure that the organisation has codes of conduct that specify standards of conduct and care when dealing and interacting with children, particularly those in the organisation’s care. The organisation will also implement a code of conduct to address appropriate behaviour between children.

The code(s) of conduct will set out professional boundaries, ethical behaviour and unacceptable behaviour. (See Part B)

Choose Suitable Employees and Volunteers

Sliding Sport Australia will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children (in prescribed positions).

This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

Sliding Sport Australia will ensure that working with children checks/criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law.

If a criminal history report is obtained as part of their screening process, the NSO will ensure that the criminal history information is dealt with in accordance with relevant state requirements. (See Part C)

Support, Train, Supervise and Enhance Performance

Sliding Sport Australia will ensure that volunteers and employees who work with children or their records have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a child-safe environment.

Empower and Promote the Participation of Children In Decision-Making

Sliding Sport Australia will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

Report and Respond Appropriately To Suspected Abuse and Neglect

Sliding Sport Australia will ensure that volunteers and employees are able to identify and respond to children at risk of harm.

Sliding Sport Australia will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected. (See Part E)

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the code(s) of practice set out they may make an internal complaint. Please refer to our complaints procedure outlined in attachment [C1] of this policy. This will explain what to do about the behaviour and how the NSO will deal with the problem.
Taking Images of Children

Images of children can be used inappropriately or illegally. Sliding Sport Australia requires that individuals and associations, wherever possible, obtain permission from a child’s parent/guardian before taking an image of a child that is not their own and ensure that the parent knows the way the image will be used. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If Sliding Sport Australia uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport and displays its successes. Where possible we will seek permission to use these images.

We require our Members and Stakeholders to do likewise.

Anti-Discrimination and Harassment

The NSO opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in the Dictionary, are against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment [D1] of this policy. This will explain what to do about the behaviour and how Sliding Sports Australia will deal with the problem.

Sexual Relationships

Sliding Sports Australia takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided as these relationships can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport’s public image. Such relationships may be intentionally or unintentionally exploitative due to a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence.

Should a sexual relationship exist between an athlete and coach, Sliding Sport Australia will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such action. The
coach or athlete may wish to approach Sliding Sport Australia: MPIO if they feel harassed. Our complaints procedure is outlined in Attachment [D1] of this policy.

**Pregnancy**

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

While many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman’s circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport.

Sliding Sports Australia recommends that pregnant women wanting to participate in our sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

**Gender Identity**

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender. Descriptions of the types of behaviour which could be regarded as transgender discrimination or harassment are provided in the Dictionary at [clause 10].

Sliding Sports Australia recognises that the exclusion of transgender people from participation in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general NSO will facilitate transgender persons participating in our sport with the gender with which they identify.

Sliding Sports Australia also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, NSO will seek advice on the application of those laws in the particular circumstances.

Sliding Sports Australia is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends competing at an elite level, we will encourage them to obtain advice about the IOC’s criteria which may differ from the position taken by Sliding Sport Australia.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency’s Prohibited List, should apply for a standard Therapeutic Use Exemption.

**Alcohol Policy**

Sliding Sport Australia recommends that State Associations and their member Clubs adhere to strict guidelines regarding the responsible consumption of alcohol. Generally, alcohol should not be available nor be consumed at a sporting event at which children under 18 are participants in the sport. Responsible
service and consumption of alcohol should apply to any alcohol to be consumed after the competition has concluded, including light alcohol and soft drinks always being available; wherever possible, food being available to be consumed when alcohol is available; transport policies, and Board/Committee Members being in attendance to ensure appropriate practices are followed. Guidance can be obtained from the “Alcohol Management Policy” available at [http://www.playbytherules.net.au/resources/club-toolkit](http://www.playbytherules.net.au/resources/club-toolkit)

**Smoking Policy**

Smoking is now banned in many public spaces. Sliding Sports Australia asks that Members refrain from the practice when engaged in official events and that they be mindful of the presence of minors, non-smokers and local laws.

**Cyber Bullying/Safety**

Bullying and harassment in all forms is regarded by Sliding Sport Australia as unacceptable in this sport. Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or Facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things. Frustration at a referee, team-mate, coach, or sporting body should never be communicated on social network channels, but rather by way of reasoned and logical verbal and written statements and where appropriate, complaints, to the relevant controlling club, league or peak sporting body.

**Social Networking Websites Policy**

Sliding Sports Australia acknowledges the emergence of new technology and communication mediums (new media), and wishes to enable such new media to be used to benefit the sport and its participants, and to applaud achievements. This can occur due to the immediate nature of communication to a wise audience using channels such as facebook, twitter, and SMS. However, participants within the sport need to be very mindful of a few key matters that could lead to inappropriate use of new media, at times unintended, and at other times without a proper understanding that once comments are made or published, they are in public for a long time, and hard to take back (retract). Sliding Sports Australia recommends that Members:

- Do not include personal information of yourself or others in social media channels;
- Use your best judgment – do not publish something that makes you the slightest bit uncomfortable, and never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person’s permission before posting their picture on a social networking forum; and
- Never comment on rumours, do not deny or affirm them or speculate about rumours.

Sliding Sports Australia requires that Members:

- Do not use offensive, provocative or hateful language; and
- Always use social network forums to add value and promote Sliding Sports and Sliding Sports Australia in a positive way.
6. Complaints Procedures

Complaints

Sliding Sports Australia aims to provide a simple procedure for complaints based on the principles of procedural fairness (natural justice). Any person (a complainant) may report a complaint about a person/s or organisation bound by this policy (respondent). Such complaints should be reported to the MPIO.

A complaint may be dealt with informally or formally. The complainant usually decides this unless the MPIO considers that the complaint falls outside this policy and would be better dealt with another way and/or the law requires the complaint/allegation to be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment [D1].

Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

Improper Complaints & Victimisation

Sliding Sports Australia aims for our complaints procedure to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process the MPIO considers that a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be referred to the Directors for appropriate action which may include disciplinary action against the complainant.

Sliding Sports Australia will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint.

Mediation

Sliding Sports Australia aims to resolve complaints efficiently and effectively. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

Mediation may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, in consultation with the complainant, arrange for a neutral third party mediator where possible. Lawyers are not able to negotiate on behalf of the complainant and/or the respondent. More information on the mediation process is outlined in attachment [D2].

Tribunals

A Tribunal may be convened to hear a formal complaint:

- referred to it by the President of Sliding Sport Australia; and/or
- for an alleged breach of this policy.

Our Tribunal procedure is outlined in attachment [D5].
A respondent may lodge an appeal only to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in attachment [D5].

Every Member or Stakeholder bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

7. **What is a Breach of this Policy**

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- Breaching the Codes of Behaviour (attachment B to this policy);
- Bringing Sliding Sports and/or Sliding Sports Australia into disrepute, or acting in a manner likely to bring Sliding Sports and/or Sliding Sports Australia into disrepute;
- Failing to follow Sliding Sports Australia policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person;
- Victimising another person for reporting a complaint;
- Engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- Disclosing to any unauthorised person or organisation any Sliding Sports Australia information that is of a private, confidential or privileged nature;
- Making a complaint they knew to be untrue, vexatious, malicious or improper;
- Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- Failing to comply with a direction given to the individual or organisation during the discipline process.

8. **Disciplinary Measures**

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:

- Be applied consistent with any contractual and employment rules and requirements;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach; and
- Be determined in accordance with our Constitution, By Laws, this policy and/or Rules of the sport.

**Individual**

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A direction that the individual attend counselling to address their behaviour;
- A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Sliding Sports Australia;
- A demotion or transfer of the individual to another location, role or activity;
● A suspension of the individual’s membership or participation or engagement in a role or activity;
● Termination of the individual’s membership, appointment or engagement;
● A recommendation that Sliding Sports Australia terminate the individual’s membership, appointment or engagement;
● In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
● A fine;
● Any other form of discipline that the Directors considers appropriate.

Organisation

If a finding is made that an Affiliated Member has breached its own or this national Member Protection Policy, one or more of the following forms of discipline may be imposed by the Directors of Sliding Sports Australia:

● A written warning;
● A fine;
● A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
● A direction that any funding granted or given to it by the Sliding Sports Australia from a specified date;
● A direction that the Sliding Sports Australia cease to sanction events held by or under the auspices of that organisation;
● A recommendation to Sliding Sports Australia that its membership of the Sliding Sports Australia be suspended or terminated in accordance with the relevant constitution or rules; and/or
● Any other form of discipline that the national body or peak organisation considers to be reasonable and appropriate.

Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

● Nature and seriousness of the breach;
● If the person knew or should have known that the behaviour was a breach;
● Level of contrition;
● The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
● If there have been relevant prior warnings or disciplinary action;
● Ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and/or
● Any other mitigating circumstances.