



**ATHLETICS VICTORIA  
MEMBER PROTECTION POLICY**

**Version 1.1  
14<sup>th</sup> October 2014**

---

## CONTENTS

---

Preface

### **PART A – MEMBER PROTECTION POLICY**

1. Athletics Victoria Vision
2. Purpose of Policy
3. Who this Policy Applies To
4. Code of Conduct
5. Organisational Responsibilities
6. Individual Responsibilities
7. Policy Position Statements
  - 7.1 Child Protection Policy
  - 7.2 Taking Images of Children (Under 18)
  - 7.3 Anti-Discrimination & Harassment Policy
  - 7.4 Sexual Relationships Policy
  - 7.5 Pregnancy Policy
  - 7.6 Gender Identity Policy
8. Complaints Procedures
  - 8.1 Complaints
  - 8.2 Vexatious Complaints & Victimisation
  - 8.3 Mediation
  - 8.4 Tribunals
9. What is a Breach of this Policy
10. Forms of Discipline
11. Dictionary

### **PART B – ATTACHMENT: CHILD PROTECTION REQUIREMENTS**

- B1 Child Protection Requirements
- B2 Prohibited Employment Declaration for Employees and Volunteers

### **PART C – ATTACHMENT: COMPLAINT HANDLING PROCEDURES**

- C1 Complaints Procedure
- C2 Mediation
- C3 Investigation Process
- C4 Procedure for Handling Allegations of Child Abuse
- C5 Hearings & Appeals Tribunal Procedure
- C6 Disciplinary Measures

### **PART D – ATTACHMENT: ROLE-SPECIFIC CODES OF CONDUCT**

- D1 General Code of Conduct
- D2 Official/Volunteers Code of Conduct
- D3 Athlete Code of Conduct
- D4 Employee Code of Conduct
- D5 Coach Code of Conduct

### **PART E – ATTACHMENT: REPORTING DOCUMENTS/FORMS**

- E1 Record of Informal Complaint
- E2 Record of Formal Complaint
- E3 Record of Child Abuse Allegation
- E4 Record of Mediation
- E5 Record of Tribunal Decision

## **PREFACE**

Athletics Victoria ('Athletics Victoria', 'AV' or 'Athletics Victoria ') is committed to providing an environment that is safe for children and that is free from harassment and abuse for all athletes, officials, coaches, volunteers and employees.

Athletics Victoria's Member Protection Policy has been developed to assist in that regard. It also supports the development of an environment in Victoria which is conducive to the development, enjoyment and appreciation of athletics. Member protection is relevant from grassroots to international level and seeks to ensure that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

We are committed to the health, safety and general well-being of all of our members and will work to ensure that everyone associated with our organisation complies with this policy. We would encourage all who are involved in athletics to familiarise themselves and comply with this policy.

Adopted by the Board of Athletics Victoria

<b>VERSION</b>	<b>DATE</b>
<b>1.1</b>	<b>14<sup>TH</sup> OCTOBER 2014</b>

# MEMBER PROTECTION POLICY

## PART A

### 1. Athletics Victoria's Vision and Mission

Our vision is for athletics to be the premier Olympic sport in the state and for Athletics Victoria to be the premier athletics body in the nation.

Our mission is to promote, develop and grow athletics as a vibrant, healthy, fun and accessible sport available to all Victorians.

### 2. Purpose of this Policy

This Member Protection Policy (Policy) aims to maintain ethical and informed decision-making and responsible behaviours within our sport. 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 provide 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, Athletics Victoria will take disciplinary action against any person or organisation bound by this Policy if they breach it.

This Policy has been adopted by a Resolution of the Board of Athletics Victoria. The Policy takes effect from the date of its adoption by the Board and its publication on this website. This Policy and/or its attachments may be amended from time to time by resolution of the Board. Copies of the Policy and its attachments can be obtained from our website at <http://www.athsvic.org.au> or by contacting Athletics Victoria directly.

### 3. Who this Policy Applies To

This Policy applies to the following, whether they are acting in a paid or unpaid/voluntary capacity on behalf of Athletics Victoria:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- Coaches and assistant coaches;
- Athletes;
- Referees, judges and other officials;
- Members, including life members;
- Member Athletics Victoria s;
- Affiliated clubs and associated organisations;
- Peak Athletics Victoria s and the national body;
- Any other person or organisation that is a member of or affiliated to Athletics Victoria ;
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This Policy will continue to apply to a person even after they have stopped their involvement or employment with Athletics Victoria if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

### 4. Code Of Conduct

Athletics Victoria requires every individual and organisation bound by this Policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and Athletics Victoria;
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 Always place the safety and welfare of children above other considerations;

- 4.4 Comply with Athletics Victoria, the International Association of Athletics Federation's, the Australian and International Olympic Committees' constitutions, rules and policies including this Member Protection Policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this Policy.

## 5. Organisational Responsibilities

Athletics Victoria and its affiliated clubs must:

- 5.1 Adopt, implement and comply with this Policy;
- 5.2 Publish, distribute and otherwise promote this Policy and the consequences for breaching it;
- 5.3 Promote and model appropriate standards of conduct at all times;
- 5.4 Promptly deal with any breaches of or complaints made under this Policy in a sensitive, fair, timely and confidential manner;
- 5.5 Apply this Policy consistently without fear or favour;
- 5.6 Recognise and enforce any penalty imposed under this Policy;
- 5.7 Ensure that a copy of this Policy is available or accessible to the persons to whom this Policy applies;
- 5.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations: Member Protection Information Officers (MPIOs) and/or the CEO; and
- 5.9 Monitor and review this Policy at least annually.

## 6. Individual Responsibilities

Individuals bound by this Policy are responsible for:

- 6.1 Making themselves aware of the Policy and complying with its standards of behaviour;
- 6.2 Consenting to a national police check and/or State/Territory Working with Children Check if the individual holds or applies for any position (voluntary or paid) within the sport;
- 6.3 Complying with all other requirements of this Policy;
- 6.4 Co-operating in providing a discrimination, child abuse, and harassment-free sporting environment;
- 6.5 Understanding the possible consequences of breaching this Policy;
- 6.6 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
- 6.7 Complying with any decisions and/or disciplinary measures imposed under this Policy.

## 7. Policy Position Statements

### 7.1 Child Protection Policy

Every person and organisation bound by this Policy must always place the safety and welfare of children above all other considerations and acknowledges that our staff, members and volunteers provide a valuable contribution to the experiences of children involved in our sport.

Athletics Victoria aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

- Prohibiting any form of abuse against children;
- Ensuring people have completed a satisfactory Working with Children Check where the relevant state/territory law requires this *[state/territory requirements are summarised in Part B of this Policy]*;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;

- Carefully selecting and screening people whose role requires them to work with children. (Screening procedures are outlined in Part B of this Policy);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Carefully selecting and screening people over the age of 16 years who work, coach or have regular unsupervised contact with children;
- Promoting and enforcing our codes of behaviour, particularly for roles associated with juniors;
- Responding to all reports and complaints of abuse promptly, seriously and confidentially;
- Making information about child protection available, particularly for roles associated with children;
- Adopting practices that reduce risks and provide the greatest opportunity of having a child safe environment;
- Providing education and/or information to those involved in our sport on child abuse and child protection.

Athletics Victoria requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and MPIO and/or CEO. Descriptions of the sorts of activities, which may constitute 'abuse', are in the Dictionary at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment C4 of this Policy.

If anyone bound by this Policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

## **7.2 Taking Images of Juniors (Under 18)**

Images of children can not be used inappropriately or illegally. Athletics Victoria 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 Athletics Victoria 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, displays its successes, etc.

We require our members, member Athletics Victoria s and clubs to do likewise.

## **7.3 Anti-Discrimination and Harassment Policy**

Athletics Victoria 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 at clause 11, 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 C1 of this Policy. This will explain what to do about the behaviour and how Athletics Victoria will deal with the problem.

## **7.4 Sexual Relationships Policy**

Athletics Victoria takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. Athletics Victoria takes the view that such relationships while not necessarily

constituting unlawful harassment can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status, influence and dependence. Athletics Victoria's Policy position is similar to other organisations who disallow professionals such as teachers, doctors and counselors to have sexual relationships with their clients or students.

Should a sexual relationship develop or exist between an athlete and coach, Athletics Victoria will consider whether any action is necessary. Factors that may be relevant to consider 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 termination 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 may wish to approach Athletics Victoria MPIO and/or CEO if they feel harassed. Our complaints procedure is outlined in Section C1 of this Policy.

The law is always the minimum standard for behaviour within Athletics Victoria and therefore sex with a person under the age of 16 is a criminal offence. Sex with persons between the ages of 16 and 18 can also be a criminal offence, in cases where authority or power exists over the younger person.

## **7.5 Pregnancy Policy**

Athletics Victoria is committed to providing an inclusive sporting environment for pregnant women involved in its activities. Athletics Victoria expects everyone bound by this Policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any discrimination or harassment against pregnant women or women who may become pregnant.

Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in the Dictionary at clause 11.

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 C1 of this Policy. This will explain what to do about the behaviour and how Athletics Victoria will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.

Athletics Victoria will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. We advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in our sport.

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.

## **7.6 Gender Identity Policy**

Athletics Victoria is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. Athletics Victoria expects everyone who is bound by this Policy to treat people who identify as transgender or transsexual 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 against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in the Dictionary at clause 11.

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 C1 of this Policy. This will explain what to do about the behaviour and how Athletics Victoria will deal with the problem.

Athletics Victoria recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Athletics Victoria will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

Athletics Victoria 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, Athletics Victoria will seek advice on the application of those laws in the particular circumstances.

Athletics Victoria is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual 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 Athletics Victoria.

Athletics Victoria notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. 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.

Athletics Victoria recognises change of gender and, in circumstances of a change in gender, require the individual to undertake a gender verification test as reasonably required by Athletics Victoria on the advice of a medical expert.

## **7.7 Other relevant policies**

Other relevant policies of Athletics Victoria can be found at <http://www.athsvic.org.au>. Some of the policies, which contribute to the welfare of all those involved in our activities include:

- Privacy Policy;

## **8. Complaints Procedures**

### **8.1 Complaints**

Athletics Victoria aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (the Complainant) about a person/s or organisation (the Respondent) bound by this Policy if they reasonably believe that a person/s or a sporting organisation has breached this Policy. A complaint should be reported to the MPIO and/or CEO of Athletics Victoria.

In all cases, the lowest level at which a matter can be dealt with shall always be preferred (e.g. if the club can deal with the complaint, then it should).

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless MPIO and/or CEO of Athletics Victoria considers that the complaint falls outside the parameters of this Policy and would be better dealt with another way and/or the law requires the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C1 of this Policy.

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

### **8.2 Vexatious Complaints & Victimisation**

Athletics Victoria aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO and/or CEO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to Athletics Victoria's Appeals Tribunal for appropriate action which may include disciplinary action against either the Respondent or the Complainant.



Athletics Victoria will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

### 8.3 Mediation

Athletics Victoria aims to sort out complaints expeditiously wherever possible. In many cases, complaints can be sorted out 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.

The people involved in a formal complaint - the Complainant and the person complained about (Respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are able to negotiate on behalf of the Complainant and/or Respondent.

Mediation may occur either before or after an investigation of a complaint. If a Complainant wishes to resolve the complaint with the assistance of a mediator, the MPIO and/or CEO will, in consultation with the Complainant, arrange for a neutral third party (mediator) to mediate the complaint. More information on the mediation process is outlined in attachment C2 of this Policy.

### 8.4 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by CEO or, for an alleged breach of the Policy. Our Tribunal Procedure is outlined in Attachment C5. Refer to Athletics Victoria's By-Laws (specifically 6) for the tribunal hearings procedure/s.

A respondent may lodge one appeal only to the Appeal Tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved in the appeal.

Every organisation bound by this Policy will recognise and enforce any decision made by a Tribunal or Appeals Tribunal under this Policy.

## 9. 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:

9.1 Breaching the Code of Conduct and Role-Specific Codes of Conduct;

9.2 Bringing the sport and Athletics Victoria into disrepute or acting in a manner likely to bring the sport and Athletics Victoria into disrepute;

9.3 Failing to follow Athletics Victoria's policies (including this Policy) and procedures for the protection, safety and welfare of children;

9.4 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy;

9.5 Discriminating against or harassing or bullying (including cyber-bullying) any person;

9.6 Victimising another person for reporting a complaint;

9.7 Engaging in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;

9.8 Disclosing to any unauthorised person or organisation any of Athletics Victoria's information that is of a private, confidential or privileged nature;

9.9 Making a complaint they **knew** to be untrue, vexatious, malicious or improper;

9.10 Failing to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy;

9.11 Failing to comply with a direction given to the individual or organisation during the discipline process; and

9.12 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport.

## 10. Disciplinary Measures

If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information

on the range of disciplinary measures and the factors that will be considered before imposing discipline is at attachment C6 of this Policy.

## 11. Dictionary

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 any organisation affiliated with Athletics Victoria.

**Child** means a person who is under the age of 18 years (see also definition of young person)

**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. Children may be harmed by both 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; giving bad nutritional advice; 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).

**CEO** means the Chief Executive Officer of Athletics Victoria and with the guidance of the Board is authorised to represent Athletics Victoria.

**Athletics Victoria** means Athletics Victoria.

**Complaint** means a complaint made under clause C1 of this Policy.

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

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy and breast feeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership/activity;
- Social origin
- Irrelevant medical record

- Irrelevant criminal record
- Transgender orientation.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; 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; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

### 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 junior player is overlooked 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 contract worker is harassed when employees 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.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

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

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended, the focus is on the impact of the behaviour i.e. the behaviour of harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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 females 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.

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of Athletics Victoria.

**Mediator** means a person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation. This person must be impartial and neutral.

**Member** means clubs and or Athletics Victoria s affiliated with Athletics Victoria Limited. It also includes athletes, coaches, office holders and officials who are registered with the affiliated club and or Athletics Victoria.

**Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as athletes, coaches and officials, and the member organisations such as clubs, state Athletics Victoria s, other affiliated Athletics Victoria s and the national body. Member protection involves:

- Protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- Adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- Providing education.

**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.

**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 parties need to be heard and all relevant submissions considered
- Irrelevant matters should not be taken into account
- No person may judge their own case
- The decision maker/s must be unbiased, fair and just
- The penalties imposed must not outweigh the 'crime'

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

**Policy** and **this Policy** mean this Member Protection Policy.

**Respondent** means the person who is being complained about.

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

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes 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 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.

**Young People/person** means people in the 13 – 18 year age group.

# MEMBER PROTECTION POLICY

## Part B

### SCREENING/WORKING WITH CHILDREN CHECK REQUIREMENTS

#### Background

Child Protection is about keeping children safe from harm/abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

**As part of Athletics Victoria's commitment to protecting the safety and welfare of children and young people involved in Athletics Victoria's activities, Athletics Victoria requires the following measures to be met.**

Provide opportunities for juniors to contribute to and provide feedback on program development;

Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors and officials; and

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In Victoria laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters and involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a state Athletics Victoria or club takes players U18 into Victoria for training camps, competition or other activities, those travelling with the teams must comply with Victorian law.

**The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.**

The following attachment provides:

Working with Children Requirements in Victoria

#### **Attachment B1: WORKING WITH CHILDREN - CHILD PROTECTION REQUIREMENTS**

The following information was updated in July 2013. It is subject to change at any time.

#### **VICTORIA**

All organizations within Victoria that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children.

Ensuring all those who have direct unsupervised contact with children have a Working With Children card

Those with serious sexual, violent or drug-related offences who have applied for a WWCC or are being re-assessed cannot work with children while their application is being processed.

Individuals are responsible for applying for a WWCC and the Working With Children card is valid for 5 years once issued.

For more information, including the required forms:

[www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

## **PART C**

### **COMPLAINT HANDLING PROCEDURES**

To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, Athletics Victoria will follow and implement the following procedures:

**C1 Complaints Procedure;**

**C2 Mediation;**

**C3 Investigation Process;**

**C4 Procedure for Handling Allegations of Child Abuse;**

**C5 Hearings and Appeals Tribunal Procedure; and**

**C6 Disciplinary Measures.**

## Attachment C1: COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about whom the allegation is made may admit to the allegations or emphatically deny them.

Given all of the variables that can arise, Athletics Victoria provides a step-by-step complaint procedure that people may use/enter at any stage. Individuals and organisations to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

Where the CEO receives a complaint either orally or in writing from a minor, the CEO will offer such assistance as reasonably necessary to that minor to formulate the complaint and will advise the complainant's parent or guardian prior to any further action being taken under this Policy.

If at any point in the complaint process the MPIO and/or the CEO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to Athletics Victoria's Appeals Tribunal for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

If you wish to remain anonymous, Athletics Victoria may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that Athletics Victoria is required to provide the person/people you have complained about with full details of the complaint so they have a fair chance to respond.

### INFORMAL APPROACHES

#### Step 1: Talk with the other person (where this is reasonable and appropriate)

As a first step you (the complainant) should try to sort out the problem with the person or people involved respondent(s) if you feel able to do so.

#### Step 2: Contact a Member Protection Information Officer (MPIO) or CEO

Talk with one of Athletics Victoria's MPIOs and/or CEO if:

- the first step is not possible/reasonable; or
- you are not sure how to handle the problem by yourself; or
- you just want to talk confidentially about the problem with someone and obtain more information about what you can do; or
- the problem continues after you tried to approach the person or people involved.

The MPIO and/or CEO will:

- take notes about your complaint (which the MPIO and/or CEO will keep in a secure and confidential place);
- try to sort out the facts of the problem;
- ask what outcome/how you want the problem resolved and if you need support;
- provide possible options for you to resolve the problem;
- explain how our complaints procedure works;
- act as a support person if you so wish;
- refer you to an appropriate person (eg mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so; and
- maintain strict confidentiality.

#### Step 3: Outcomes from Initial Contact

After talking with the MPIO and/or CEO, you may decide:

- there is no problem;



- the problem is minor and you do not wish to take the matter forward;
- to try and work out your own resolution (with or without a support person such as a MPIO and/or CEO); or
- to seek an informal mediated resolution with the help of a third person (such as a mediator);
- to seek a formal approach

## **FORMAL APPROACHES**

### **Step 4: Making a Formal Complaint**

If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the CEO; or
- approach a relevant external agency such as an anti-discrimination commission, for advice.

On receiving a formal complaint and based on the material you have provided, the CEO will decide whether:

- they are the most appropriate person to receive and handle the complaint;
- the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of Athletics Victoria. In these cases, the CEO may determine that the complaint does not warrant a formal resolution procedure;
- to appoint a person to investigate (gather more information on) the complaint;
- to refer the complaint to an informal or formal mediation session;
- to refer the complaint to a hearings tribunal;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CEO will take into account:

- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint;
- whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent).
- the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted.

If the CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:

- get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- put the information they've received from you to the person/people you're complaining about and ask them to provide their version of events;

- decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take. This action may include disciplinary action in accordance with Attachment C6.

#### **Step 5: Investigation of the Complaint**

- A person appointed under **Step 4**, will conduct an investigation and provide a written report to the CEO who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with Attachment C6, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- If the complaint is referred to an informal or a formal mediation session under **Step 4**, the mediation session will be conducted in accordance with Attachment C2 or as otherwise agreed by you and the respondent;
- If the complaint is referred to a hearings tribunal under **Step 4**, the hearing will be conducted in accordance with Attachment C5;
- If the complaint is referred to the police or other appropriate authority under **Step 4**, Athletics Victoria will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- If interim administrative or other arrangements are implemented under **Step 4**, Athletics Victoria will periodically review these arrangements to ensure that they are effective.

#### **Step 6: Reconsideration of Initial Outcome/Investigation or Appeal**

If, under **Step 5**, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request that the CEO reconsider the complaint in accordance with **Step 4**.

You or the respondent(s) may be entitled to appeal where:

- under **Step 4**, a decision was made by the CEO:
  - not to take any action; or
  - to take disciplinary action; or
- under **Step 5**, a decision was made by the CEO or a hearings tribunal:
  - not to take any action; or
  - to take disciplinary action.

The grounds for appeal and the process for appeals under this Policy are set out in Attachment C5.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within Athletics Victoria, you may choose to approach an external agency such as an anti-discrimination commission to assist with a resolution.

#### **Step 7: Documenting the Resolution**

The CEO will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place. If the complaint was dealt with at a state/district level, the information will be stored in the state Athletics Victoria office. If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state office.

#### **External Approaches**

There may be a range of external options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. The CEO and/or an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

You could also approach another external agency such as the police.

## Attachment C2: MEDIATION

Mediation is a process during which people in conflict can be helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it.

This attachment outlines the general procedure of mediation that will be followed by Athletics Victoria.

1. The people involved in a formal complaint (complainant and respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of the complaint.
2. Mediation (getting those involved to come to a joint agreement about how the complaint should be resolved) will only be recommended:
  - a. After the complainant and respondent have had their chance to tell their version of events to the CEO and/or MPIO on their own;
  - b. The CEO and/or MPIO does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the complainant desires; and
  - c. Mediation looks like it will work (i.e. the versions given by the complainant and respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
  - a. The respondent has a completely different version of the events and they won't deviate from these;
  - b. The complainant or respondent are unwilling to attempt mediation;
  - c. Due to the nature of the complaint, the relationship between you and the respondent(s) and any other relevant factors, the complaint is not suitable for mediation; or
  - d. The matter involves proven serious allegations, regardless of the wishes of the complainant.
4. If mediation is chosen, the CEO and/or MPIO will under the direction of Athletics Victoria, and in consultation with the complainant and the respondent(s), arrange for a mediator to mediate the complaint.
5. The CEO and/or MPIO will notify the respondent(s) that a formal complaint has been made provide them with details of the complaint and notify them that Athletics Victoria has decided to refer the matter to mediation to resolve the complaint.
6. The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
7. The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
8. At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached between the complainant and respondent(s) and it will be signed by them as their agreement.
9. If the complaint is not resolved by mediation, the complainant may:
  - a. Write to the CEO to request that the CEO reconsider the complaint in accordance with **Step 4**; or
  - b. Approach an external agency such as an anti-discrimination commission.

## **Attachment C3: INVESTIGATION PROCESS**

If an investigation needs to be conducted the following steps are to be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear. The investigator will:
  - 1.1. Interview the complainant and record the interview in writing.
  - 1.2. Convey full details of the complaint to the respondent(s) so they can respond.
  - 1.3. Interview the respondent(s) to allow them to answer the complaint, and record the interview in writing.
  - 1.4. Obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts.
  - 1.5. Make a finding as to whether the complaint is:
    - substantiated (there is sufficient evidence to support the complaint);
    - inconclusive (there is insufficient evidence either way);
    - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
    - mischievous, vexatious or knowingly untrue.
  - 1.6. Provide a report documenting the complaint, investigation process, evidence, and finding and, if requested, recommendations will be given to the CEO.
2. Provide a report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
3. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. the CEO, MPIO or other person).
4. The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C5.

More detailed information on conducting internal investigations can be found at

<http://www.ausport.gov.au>

## **Attachment C4: – PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Athletics Victoria in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State or Territory government agencies.

### **Step 1 - Initial Receipts of an Allegation**

Any complaints, concerns or allegations of child abuse should be made or referred to the CEO and/or an MPIO.

The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:

- Stay calm;
- Listen to, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not the fault of the child;
- Ensure the child is safe;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
- Ensure that what the child says is quite clear but do not elicit detailed information, offer an opinion or ask leading questions.
- Act promptly to accurately record the discussion in writing;
- Do not discuss the details with any person other than those detailed in these procedures; and
- Do not contact the alleged offender.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

- Child's name, age and address;
- Person's reason for suspecting abuse (observation, injury or other); and
- Names and contact details of all people involved, including witnesses.

### **Step 2 – Report allegations**

- Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the complaint should be reported (for example, the allegation may relate to poor/inappropriate practice).
- If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.
- If the allegation involves anyone to whom our policy applies, then also report the allegation to the CEO of Athletics Victoria so that they can manage the situation (e.g. contact the parents following advice from the authorities, deal with any media enquiries and manage steps 3 and 4).

### **Step 3 – Protect the Child and Manage the Situation**

- The CEO and/or MPIO should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The CEO and MPIO will consider the kind of support that the child/ren and parents may need (e.g. counselling, helplines, support groups).
- The CEO and MPIO will address the support needs of the alleged offender.

- The CEO and MPIO will also put in place measures to protect the child and the person against whom the complaint is made from victimisation and gossip. If the person is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

#### **Step 4 – Internal Action**

- Where there is an allegation made against a person to whom this policy applies, there may be three types of investigations:
  - Criminal (conducted by police)
  - Child protection (conducted by child protection authority)
  - Disciplinary or misconduct (conducted by Athletics Victoria)
- Irrespective of the findings of the child protection and/or police inquiries, Athletics Victoria will assess the allegation to decide whether the person should be reinstated, banned, have their employment or position terminated or any other action.
- The decision-maker(s) will be the CEO, Tribunal and/or Appeals Tribunal of Athletics Victoria and it will consider all the information, including the findings of the police, government agency and/or court, and determine a finding, recommend action and explain its rationale for the action. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- If disciplinary action is to be taken, the procedures outlined in Attachment C6, of the policy will be followed.
- If disciplinary action is taken, Athletics Victoria will advise and provide a report to the relevant government authority should this be required.

#### For allegations of a serious or criminal nature (for example, sexual abuse):

- Seek advice from the police and relevant government agency as to whether Athletics Victoria should carry out its own internal investigation (in addition to any police or relevant government agency investigation).
- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
  - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency;
  - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of Athletics Victoria if required (example, professional counselling);
  - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary;
  - Obtain a signed statement and record of interview from the person;
  - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority; and
  - Obtain other information that could assist in making a decision on the allegation.
- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

#### For allegations of a less serious nature (e.g. verbal abuse):

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- The investigator should follow the procedure set out in Attachment C3.

- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

#### **Step 5 – Record and analyse all information**

- If an internal investigation was conducted under **Step 4**, the investigator will provide a report to the CEO.
- The decision-maker(s) will be the CEO of the NSO and will remain separate and at arm's length from the investigator.
- The CEO will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

#### **Step 6 – Undertake disciplinary action**

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment C6 of the policy.
- Implement any disciplinary decision recommended by the CEO. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report.
- Complete the relevant report form in Part E of this policy. Retain the original in a secure place and forward a copy to the CEO of Athletics Victoria.



## **Attachment C5: HEARINGS & APPEALS TRIBUNAL PROCEDURE**

These procedures must be read in conjunction with Athletics Victoria's Constitution and By-Laws and if a conflict occurs between this document and the abovementioned, Athletics Victoria's Constitution and By-Laws will take precedence. The following Tribunal Hearing Procedure will apply to hearings tribunals established by Athletics Victoria:

### **Preparation for Tribunal Hearing**

1. A Tribunal Panel will be constituted following the rules outlined in Athletics Victoria's Constitution, to hear a complaint that has been referred to it by the CEO.
2. The CEO will organise for a Tribunal to be convened by notifying the Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable, but must allow adequate time for the person being complained about (respondent(s)) to prepare their case for the hearing.
4. The number of Hearing Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be minimum of three (3) persons.
  - 4.1 The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
  - 4.2 The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
  - 4.3 If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.
  - 4.4 If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The CEO will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
  - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
  - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal);
  - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
  - If the respondent is considered a minor, they have a parent or guardian present.

A copy of any information / documents that have been given to the Tribunal (eg investigation report findings) will also be provided to the respondent.

The respondent(s) will be allowed to participate in all Athletics Victoria's activities and events, pending the decision of the Tribunal, including any available appeal process, unless the CEO believes it is warranted to exclude the respondent(s) from all or some Athletics Victoria's activities and events, after considering the nature of the complaint.

6. The CEO will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:
  - That the person has a right to appear at the tribunal hearing to support their complaint;
  - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
  - The date, time and venue of the tribunal hearing;
  - That they can make either verbal or written submissions to the Tribunal;
  - That they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend); and
  - If complainant is considered a minor, they have a parent or guardian present.

A copy of any information / documents that have been given to the Tribunal (eg investigation report findings) will also be provided to the complainant.

7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

#### **Tribunal Hearing Procedure**

8. The following people will be allowed to attend the Tribunal Hearing:
  - The Tribunal Panel members;
  - The respondent(s);
  - The complainant;
  - Any witnesses called by the respondent;
  - Any witnesses called by the complainant;
  - Any parent / guardian or support person required to support the respondent or the complainant;
  - Any legal representative or interpreter (if appropriate) as per Athletics Australia's By-Law 6.6(8).
9. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
10. If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly.
11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.
12. The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organise for the Tribunal Hearing to be reconvened.
13. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  - Brief notes may be referred to.
  - The complainant may be allowed to call witnesses.
  - The respondent(s) may be allowed to question the complainant and their witnesses.

16. The respondent(s) will then be asked to respond to the complaint.
  - Brief notes may be referred to.
  - The respondent may be allowed to call witnesses.
  - The complainant may be allowed to ask questions of the respondent and their witnesses.
17. Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
18. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant;
  - question any person giving evidence;
  - limit the number of witnesses presented to those who provide any new evidence;
  - require the attendance of any witness it deems relevant; and
  - act in an inquisitorial manner in order to establish the truth of the issue/case before it.
19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
20. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone, the Tribunal Chairperson may stop any further involvement of the person in the hearing.
21. After all of the evidence has been presented the Tribunal Panel will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (i.e. more probable than not). As the seriousness of the allegations increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will then be given an opportunity to address the Tribunal on any disciplinary measures that may be imposed. Any disciplinary measure imposed must be reasonable in the circumstances.
22. All decisions made by the Tribunal will be based on a majority vote.
23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.
24. Within 48 hours, the Tribunal Chairperson will:
  - 24.1 Forward to the CEO a copy of the tribunal decision including any disciplinary measures imposed.
  - 24.2 Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.

## Appeals Procedure

25. A complainant or a respondent(s) who is not satisfied with a decision described in **Step 6** of the Complaints Procedures can lodge one appeal to Athletics Victoria on one or more of the following bases:
  - 25.1 That a denial of natural justice has occurred; or
  - 25.2 That the disciplinary measure(s) imposed is unjust and/or unreasonable.
26. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the CEO within 14 days of the relevant decision. Please refer to Athletics Victoria's By-Laws, for appeals application fees.
27. If the letter of appeal is not received by the CEO within the relevant time period, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.

28. Upon receipt of the letter of appeal, the CEO must convene a special meeting of Athletics Victoria's Appeal Tribunal to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. Athletics Victoria's Appeal Tribunal will be able to invite any witnesses to the meeting it believes are required to make an informed decision.
29. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeals fee will only be refunded at the discretion of the Appeals Tribunal.
30. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint. Athletics Victoria's Appeal Tribunal shall follow the Tribunal Formation and Notification procedures outlined above.
31. The Tribunal Hearing Procedure shall be followed for the appeal.
32. The decision of the Appeals Tribunal will be final.

## **Attachment C6: DISCIPLINARY MEASURES**

- The following disciplinary measures must be read in conjunction with Athletics Victoria's Constitution and By-Laws. Any disciplinary measure imposed by the hearings tribunal and/or CEO under this policy must:
- Observe any contractual and employment rules and requirements;
- Conform to the principles of natural justice;
- Be fair and reasonable;
- Be based on the evidence and information presented and the seriousness of the breach;
- Be within the powers of the hearings tribunal and/or CEO to impose the disciplinary measure; 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 that an individual has breached Athletics Victoria's Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearings tribunal and/or CEO:

1. A direction that the individual make a verbal and/or written apology;
2. A written warning;
3. A direction that the individual attend counselling to address their behaviour;
4. A withdrawal of any awards, placings, records, achievements bestowed in any events, activities or events held or sanctioned by Athletics Victoria;
5. A demotion or transfer of the individual to another location, role or activity;
6. A suspension of the individual's membership or participation or engagement in a role or activity;
7. Termination of the individual's membership, appointment or engagement;
8. Recommend that Athletics Victoria terminate the individual's membership, appointment or engagement;
9. 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;
10. Any other form of discipline that the hearings tribunal and/or CEO considers appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.

In addition to the above, should the Board determine that an individual is in breach of this Policy it may, depending on the severity of the breach:

- (1) report the matter to the relevant State, Territorial or Federal law enforcement authority in Australia or where the incident occurred overseas, the relevant law enforcement authority in that country;
- (2) withdraw any assistance provided to the individual and prevent the individual from receiving any future assistance for such period as is determined appropriate;
- (3) suspend the individual, whether for a fixed period or indefinitely, from participating in or any future participation in any athletics competition or impose such conditions on the continuing participation or future participation by the individual in such competitions; and
- (4) impose such other sanction which the Board in its absolute discretion determines appropriate, including but without limitation, requiring the individual to undergo counselling as directed by the Board.

## Organisations

If a finding is made that Athletics Victoria, its members or affiliated organisation has breached Athletics Victoria's Member Protection Policy (including the Codes of Conduct); one or more of the following forms of discipline may be imposed by the hearings tribunal and/or CEO:

1. A written warning;
2. A monetary fine;
3. A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak Athletics Victoria be suspended for a specified period;
4. A direction that any funding granted or given to it by the national body or a peak Athletics Victoria cease from a specified date;
5. A direction that the national body and peak Athletics Victoria s cease to sanction events held by or under the auspices of that organisation;
6. A recommendation to the national body and peak Athletics Victoria s that its membership of the national body and peak Athletics Victoria s be suspended or terminated in accordance with the relevant constitution or rules; and/or
7. Any other form of discipline that the national body or peak organisation considers to be appropriate.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

## Member or Athletics Victoria Member:

Should the Board determine that a Member or Associate Member has breached the Constitution or this Policy, it will impose a sanction commensurate with the severity of the breach and may:

- (1) impose a fine not exceeding \$10,000.00 to be paid;
- (2) suspend the Member or Associate Member for either:
  - (a) a period of no more than six months; or
  - (b) until the Member or Associate Member rectifies the breach or conduct in question; and
- (3) Should the Member or Associate Member not rectify the breach or conduct in question within six months, the Board will refer the issue to the Members in general meeting who may determine by special resolution to extend the period of suspension.

## Employee/Officer:

Should the Board determine that an employee/officer of Athletics Victoria is in breach of this Policy then the employee/officer may be sanctioned in accordance with the conditions governing his or her employment and depending on the nature of the breach, report the employee/officer to the relevant State, Territorial or Federal law enforcement authority in Australia or where the incident occurred overseas, the relevant law enforcement authority in that country.

All Members, Associate Members, Honorary Life Governors, Honorary Life Members, Athletes, Officials and Employees and Officers of Athletics Victoria must provide assistance and information to the Board as requested by the CEO to enable Athletics Victoria to properly implement this Policy.

Save as required by law, all persons concerned must keep confidential and not comment publicly on or disseminate to any person information concerning:

- (1) the fact of and details of any allegation that a person has breached this Policy;
- (2) all evidence obtained on behalf of Athletics Victoria or provided by any person in connection with the alleged breach of this Policy; and

(3) the fact, details and outcome of any hearing into the alleged breach of this Policy;

For the avoidance of doubt, nothing in this Policy prevents a Complainant from taking action under State or Federal Legislation. In the event of a conflict of interest arising under this Policy, then the Board will resolve such conflict in its absolute discretion.

### **Factors to consider when imposing discipline**

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

- If the individual is a parent and/or spectator, the ability to enforce a penalty may be difficult;
- Nature and seriousness of the behaviour or incidents;
- In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- If the individual concerned knew or should have known that the behaviour was a breach of the policy;
- Level of contrition of the respondent(s);
- The effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- If there have been relevant prior warnings or disciplinary action; and/or
- If there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

## **PART D**

### **ROLE SPECIFIC CODES OF CONDUCT**

**D1: General Code of Conduct**

**D2: Official/Volunteers Code of Conduct**

**D3: Athlete Code of Conduct**

**D4: Employee Code of Conduct**

**D5: Coach Code of Conduct** Please refer to  
<http://www.atfca.com.au/codeofethics.ews>



## D1 General Code of Conduct

As a Member or Officer of the Company, a Member or an Officer of a Member Athletics Victoria or an affiliated club or as an Official/Volunteer, and in any activity associated either directly or indirectly with your involvement in the sport of athletics (including but not restricted to, the activities of training, competing, coaching, travel to and from training, competition or coaching, and team membership or a person required to comply with the Company's Member Protection Policy, you must meet the following requirements in regard to your conduct: during and including any activities held within the Company, Member Athletics Victoria or affiliated club, any activity held or sanctioned by the Company, a Member Athletics Victoria or an affiliated club and in any role you hold within the Company, a Member Athletics Victoria or an affiliated club:

1. Respect the rights, dignity and worth of others;
2. Be fair, considerate and honest in all dealing with others;
3. Be professional in, and accept responsibility for your actions;
4. Make a commitment to providing quality service;
5. Be aware of, and maintain an uncompromising adherence to the Company's standards, rules, regulations and policies;
6. Operate within the rules of the sport including national and international guidelines, which govern the Company, the member Athletics Victoria s and the affiliated clubs;
7. Do not use your involvement with the Company, a member Athletics Victoria or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of the Company, a member Athletics Victoria or an affiliated club;
8. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example;
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible;
10. Refrain from any form of harassment of others;
11. Refrain from any behaviour that may bring the Company, a member Athletics Victoria or an affiliated club into disrepute;
12. Provide a safe environment for the conduct of the activity;
13. Show concern and caution towards others who may be sick or injured;
14. Be a positive role model; and
15. Understand the repercussions if you breach, or are aware of any breaches of, this Code of Conduct.

## D2 OFFICIAL/VOLUNTEER CODE OF CONDUCT

**"Official/Volunteer"** means a person who either:

- Has been nominated for selection to, or selected as a member of any team nominated or selected by the AOC, the Australian Commonwealth Games Athletics Victoria, Athletics Australia Limited or the Company, other than as an Athlete; or
- Administers, manages, coaches, officiates, assists or is otherwise involved in the sport of athletics other than as an Athlete and includes section managers, assistant section managers, technical official, volunteer, chiropractors, coaches, massage therapists, medical practitioners, nutritionists, physiotherapists, psychologists and the like at all levels of the sport;

In addition to the Company's General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity held by or under the sanction or auspices of the Company, a member Athletics Victoria or an affiliated club and in your role as an Official/Volunteer of the Company, a member Athletics Victoria or an affiliated club:

1. Resolve conflicts fairly and promptly through established procedures;
2. Place the safety and welfare of the participants above all else;
3. Maintain strict impartiality;
4. Be aware of your legal responsibilities;
5. Accept responsibility for all actions taken;
6. Avoid any situation which may lead to a conflict of interest;
7. Be courteous, respectful and open to discussion and interaction; and
8. Value the individual in sport.

This Code is to be read in conjunction with the general rules of competition of the Company and the IAAF.

### **D3 ATHLETES CODE OF CONDUCT**

In addition to the Company's General Code of Conduct, you must meet the following requirements in regard to your conduct during any activity associated either directly or indirectly with your involvement in the sport of athletics (including, but not restricted to, the activities of training, competing, travelling to and from training and competition and team membership) whether or not such activity is held or sanctioned by the Company, a member Athletics Victoria or an affiliated club and including your role as a participant:

1. Respect the rights, dignity and worth of fellow athletes, coaches and officials;
2. Do not accept inappropriate behaviour from others;
3. Respect the talent, potential and development of fellow athletes and competitors;
4. Care for and respect the equipment provided to you as part of your program;
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements;
6. At all times maintain an appropriate relationship with your coach;
7. Maintain high personal behaviour standards at all times;
8. Abide by the rules and respect the decision of the officials, making all appeals through the formal process and respecting the final decision;
9. Be honest in your attitude and preparation to training;
10. Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

## D4 EMPLOYEE CODE OF CONDUCT

In addition to the Company's General Code of Conduct and any appropriate staff manual provided by the Company, a member Athletics Victoria or an affiliated club, an employee must meet the following requirements in regard to their conduct during any activity held by or under the auspices of the Company, a member Athletics Victoria or an affiliated club and in their role as an administrator of the Company, a member Athletics Victoria or an affiliated club:

### Introduction

All the Company employees must be familiar with the Company's Employee Code of Conduct. The Code is provided to assist employees in understanding what is expected of employees as employees carry out their responsibilities at the Company. *We expect that our partners, associates and consultants will be guided by this Code as well.*

Our principles form the basis for the ethical standards, which are spelled out in the Code. They are: *integrity, respect, responsibility, excellence, teamwork, improvement & innovation and goal orientated behaviour.*

**Integrity:** honesty and ethical behaviour are critically important in everything that an employee does.

**Respect:** employees show respect for one another by treating everyone with dignity and fairness.

**Responsibility:** employees are accountable for their actions and honour their commitments.

**Excellence:** employees will excel at everything they do and will strive for the highest standards of quality to achieve the vision of a united athletics organisation.

**Teamwork:** employees work together as a team in a spirit of respect for others and the worth of their contribution.

**Improvement & Innovation:** employees constantly seek to find a new and better way.

**Goal Orientated Behaviour:** employees set challenging targets that employees strive to meet at all times.

The Code does not cover every situation that employees may encounter as employees perform their job. It should, however, serve as a guide for their behaviour with people outside the Company as well as with fellow employees. If employees are unsure about how to handle a situation, contact their manager or the Company CEO.

All employees are faced with ethical questions from time to time in their business conduct. In resolving these questions, employees should consider these basic questions:

- What guidance does the Code provide?
- If their conduct were reported on the front page of the newspaper, would they be comfortable with their decision?
- How would they feel if the conduct or actions were directed at them?
- What would their manager, co-workers and my family think of their conduct?

The consequences of unethical behaviour can be serious to the organisation and to employees personally.

### Workplace Practices

The Company will meet its business objectives by employing people with the right skills. Creativity is nurtured when people constructively seek the best of each person's ideas to develop the best solutions. By fully utilising the broad array of talents and skills that come from a diverse workforce, employees provide the Company with a competitive advantage, enabling the Company to achieve success.

All employees deserve to work in circumstances in which they are accorded respect. Harassment or discrimination of any kind related to race, colour, religion, gender, age, national origin, citizenship, disability, political persuasion, sexual orientation, veteran or marital status is unacceptable and will not be tolerated.

### Business and Accounting Practices

All Company payments and other transactions must be properly authorised by management and be accurately and completely recorded on the Company books and records in accordance with generally accepted accounting principles and established corporate accounting policies. Information must always be

reported accurately and honestly. No false, incomplete or misleading entries or records should be created, including travel expense reports. No undisclosed or unrecorded corporate funds should be established for any purpose, nor should the Company funds be placed in any personal or non-organisation account.

### **Internet Use**

The Company provides access to the Internet for business purposes. Access to the Internet is to be used as a tool to accomplish business tasks and not for personal use. Specifically, employees may not use their Internet access privilege to:

- Engage in either viewing or communicating materials of an obscene, hateful, discriminatory or harassing nature;
- Engage in or solicit any private business for personal gain or profit;
- Engage in any illegal activities including gambling, up-loading or down-loading of software in violation of its copyright, intentionally interfering with the normal operation of the Company Internet gateway, or attempting to gain unauthorised access to another site;
- Engage in any activity that compromises the privacy of any users or other units;
- Engage in any activity that is against the Company's policies or that would be contrary to the organisation's best interest, or that do not apply with local or national laws; or
- Disclose confidential or proprietary information by any means.

The Company reserves the right to monitor any and/or all internet related activity occurring through the Company system. Any users found in violation of the Acceptable Use Policy may be subject to, at a minimum, denial of access, up to termination of employment and/or criminal prosecution.

### **Electronic Mail Communication and Systems Use**

The Company provides a number of different electronic and voice communication systems for company business. From time to time employees may send personal messages on the company's systems but these messages should be brief and kept to a minimum. Messages for personal gain or solicitation, chain letters, and threatening, obscene or harassing messages are prohibited.

All electronic mail, conferencing data, voice mail and information of any kind that is stored on the Company equipment is considered the property of the Company. The Company may periodically check usage to correct network problems and to establish proper use and security. An employee should not have any expectation of personal privacy for messages or information, which is developed, sent, received or stored on these systems.

### **Conflict of Interest**

Although generally employees are free to engage in a range of personal financial transactions, there are some limitations. Employees must avoid situations in which their loyalties are divided between the Company interests and their own personal interests. Employees refer to this as a "Conflict of Interest". A conflict of interest makes it difficult to objectively carry out their job responsibilities or to act in the best interest of the Company. It is important to avoid even the appearance of a conflict of interest.

Employees are required to inform their manager of any situation, which may involve a conflict of interest. Typically, problems arise when relationships or outside interests influence, or can be perceived as influencing, decisions employees make for the Company. The following are particularly sensitive areas:

- The involvement of the Company's employee family members with the Company's competitors, customers, sponsors and suppliers may result in a conflict of interest. If in doubt as to whether a situation involves a present or potential conflict of interest, employees or their manager/supervisor should consult with the Chief Executive Officer.
- Being employed by, acting as a consultant for, sitting on the board of, or receiving remuneration from, a competitor, customer, sponsor or supplier of the Company, or investing in any competitor, customer, sponsor or supplier of the Company (except for moderate holdings of publicly-traded securities) may result in a conflict of interest. Employees may not do so unless employees have the advance permission of the Chief Executive Officer of the Company.
- Pursuing business relationships outside their regular job responsibilities may result in a conflict of interest, particularly if it places employees in the position of appearing to be representing the Company

in that employment, or if it involves providing *intellectual property*, goods or services substantially similar to those the Company provides or is considering making available. While the Company recognises that employees may wish to pursue interests outside of their regular job responsibilities, employees may not compete with the Company, use the Company resources, or use or disclose the Company proprietary information. Of course, employees should not accept outside employment which reduces the alertness or efficiency normally expected of employees. All outside employment, which raises any question in this regard, must be approved in advance by their manager in consultation with the Chief Executive Officer of the Company.

### **Confidentiality of the Company Proprietary Information**

Information about our products, services, customers and strategies is critical to our competitive position in the marketplace. As employees, employees are given access to company information in trust. Employees must protect it and use it appropriately. This applies both outside as well as inside the organisation. The Company proprietary business information is company property and may not be disclosed outside of the Company, except as specifically authorised by management. Proprietary information includes business, financial or marketing plans, athlete lists, pricing information, employee personnel information, joint venture agreements and internal discussions.

Employees need to take steps to ensure that any company confidential information is safeguarded against external disclosure as well as from unauthorised disclosure within the Company. This also applies to information stored on personal computers or workstations. If business needs dictate releasing or sharing sensitive information prior to a general public release, appropriate protection should be obtained under a non-disclosure agreement.

Employees of the Company must:

- ✓ Agree to keep in strictest confidence and not to disclose directly or indirectly, without the Company's written authority, to anyone other than an employee of the Company, authorised to receive the same, and not to use for his/her own benefit or the benefit of the third party, any information relating to the conduct of the business of the Company and which information, whether in the nature of trade secrets or otherwise, is not generally available to persons not employed by the Company.
- ✓ Acknowledge that the said information represents confidential and valuable property of the Company, by virtue of its special nature and novelty, and so agrees not to disclose it directly or indirectly or otherwise to use it for his/her own benefit or the benefit of a third party, even after completing his/her employment with the Company, unless the information becomes generally available to the public or the Company consents to his/her making such disclosure or use, the Employee acknowledging and recognising that the Company shall suffer damage by any such disclosure or use;
- ✓ Agree to assign to the Company his/her entire right, title and interest in and to, and any copyright and rights of like nature or kind to, any and all products and process or procedural improvements which (either solely or jointly with others) he/she has made or may make during and/or as a result of his/her employment with the Company and which products and process or procedural improvements relate to any of the services of the Company and any work performed by him/her during such employment;
- ✓ Agree promptly to disclose to the Company, or its Attorneys, any and all such products and process or procedural improvements made by him/her and agrees to execute upon demand, but without expense, all documents which may be desirable to secure to the Company the best patent protection in Australia and elsewhere and/or rights relating to such inventions and improvements;

Agree that he/she will not directly or indirectly publish, except with the Company's prior written consent, any of the information in relation to such products, process improvements and that on completing his/her employment with the Company he/she will, if so required, promptly hand over to the nominated representative of the Company all drawings, notes, correspondence and other printed, written or photographed material (and any copies thereof), computer programs and other software and or hardware in his/her possession, power or control relating to the said products and that he/she will not retain any such documents or written material.

### **Proprietary Information of Others**

Just as employees endeavour to protect our information, other organisations do as well. While it is important that employees are well informed about our competitors, employees may not solicit, receive or use any proprietary information belonging to others. Information about our customers, suppliers, competitors, partners and consultants which is already published, in the public domain, or independently developed, is not considered to be proprietary. In addition, employees may not use third parties to acquire information by

improper means. Employees realise that in the course of normal business activities, suppliers, customers and competitors may sometimes divulge to employees information that is proprietary to their business. This does not necessarily make it acceptable to use this information.

### **Copyright and Software Compliance**

The Company purchases licenses from vendors for many software products to use in its business. Australian and international copyright laws protect the software developers' rights. These copyright laws prohibit the copying, distribution and use of software other than for the use for which it is licensed to the Company. All employees have a responsibility to help ensure that software installed on their desktop computers or on network storage devices under their control is not being unlawfully used. Employees must not copy, install or otherwise use software in a manner that violates the license agreement or copyright for that software.

### **Protection of Employee Information**

The Company collects data and maintains records about its employees and applicants for a number of reasons. This includes information about salary and benefits, job performance, employment history, and career and succession planning. These records may be created and maintained in both hard copy and electronic forms.

The Company limits access to this information to only those employees who have a legitimate need to know such information to perform their jobs. The Company also limits the reporting of this data to that which is legally required, or in accordance with an employee request or with their consent. This approach is intended to protect the individual privacy of employee and applicant data. All employees are required to respect the use of personal data in accordance with the Company policy and applicable laws regulating the collection and protection of such data.

### **Reporting Potential Employee Code of Conduct Violations**

Any employee may contact their manager/supervisor or the Chief Executive Officer with a question or concern about a business practice or to report any suspected or potential violation of the Employee Code of Conduct. All employees have an obligation and responsibility to report any suspected or potential ethics violation. When employees contact their manager or the Chief Executive Officer their concerns will be addressed seriously. Any manager who receives such a report should immediately notify the Chief Executive Officer. No adverse action or retribution will be taken against anyone for making a good faith report of a suspected ethics violation. Any attempt to take retribution of any kind will not be tolerated.

### **Ethics Investigations and Discipline**

Depending on the situation, it may be necessary for the organisation to conduct an internal investigation to determine whether a violation of the Code has taken place. Every employee is required to cooperate fully with any internal investigation consistent with the employee's rights under the law. The Company may find it necessary to take appropriate action against any person shown to be involved in a violation or irregularity. Violations of the Code may result in discipline ranging from warning and reprimand to termination. Discipline decisions will be made by the operating management, subject to review by members of executive management who make up The Company Ethics Committee. Employees will be given an opportunity to explain their actions before any disciplinary action is imposed.

### **Human Resources and Other Issues**

Human Resources concerns or queries, such as pay, benefits and employee relations issues should be directed to their immediate manager or Chief Executive Officer of the Company.

## **PART E**

### **REPORTING DOCUMENTS/FORMS**

TO ASSIST IN CONSISTENCY AND ACCURACY IN FOLLOWING PROCEDURE AND REPORTING ON THE ISSUES COVERED BY ATHLETICS VICTORIA'S MEMBER PROTECTION POLICY THE FOLLOWING DOCUMENTS ARE TO BE USED:

**E1 CONFIDENTIAL RECORD OF INFORMAL COMPLAINT** – TO BE USED BY MPIOs OR OTHERS WHO RECEIVE A COMPLAINT OR ALLEGATION

**E2 CONFIDENTIAL RECORD OF FORMAL COMPLAINT** – TO BE USED WHEN A FORMAL COMPLAINT IS RECEIVED BY THE COMPANY

**E3 CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION** – TO BE USED BY MPIOs OR OTHERS WHO RECEIVE COMPLAINTS/ALLEGATIONS OF CHILD ABUSE

**E4 RECORD OF MEDIATION** – TO BE USED BY THOSE WHO CONDUCT A MEDIATION

**E5 RECORD OF TRIBUNAL DECISION**

**General principles to be followed when completing a report of a complaint:**

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainant's own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.



# ATTACHMENT E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

MPIOs Name	Date:     /     /	
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair Decision <input type="checkbox"/> Other ..... <input type="checkbox"/> Coaching Methods	
Feelings expressed by complainant (completing this may help to separate emotional content from facts)		

What they want to happen to fix issue	
What information the person receiving the complaint provided	
What they are going to do now	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the MPIO and/or CEO.

## Attachment E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18		Date Formal Complaint Received:     /     /
Complainant's contact detail	Phone: .....Email.....		
Complainants Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....		
Name of person complained about (Respondent(s))	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18		
Respondent(s) Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official		
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair Decision <input type="checkbox"/> Other ..... <input type="checkbox"/> Coaching Methods		

Methods (if any) of attempted informal resolution	
Support person (if any)	
Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision -  Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement -  Any other action taken -	
If went to appeals tribunal: Decision  Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position in The Company: Signature: / /
Signed by:	Complainant:  Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the club/state/district level (whatever level the complaint was made).

**Attachment E3: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION**

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)	Date Formal Complaint Received:    /    /	
Role/status in athletics		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained about		
Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:	
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)		
Police contacted	Who: When: Advice provided:	

Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in The Company: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.

## Attachment E4: RECORD OF MEDIATION

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature)  Respondent (signature)	

This record and any notes must be kept in a confidential place at the office of Athletics Victoria Limited and provided to the relevant authorities (police and government) should they require them. Each party will also be given a copy.

## Attachment E5: RECORD OF TRIBUNAL DECISION

Complainant's Name			Date Formal Complaint Received:    /    /
Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official    .....		
Name of person complained about (Respondent(s))			
Role/status in athletics	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Support Personnel <input type="checkbox"/> Athlete <input type="checkbox"/> Parent <input type="checkbox"/> Coach <input type="checkbox"/> Spectator <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official		
Location/event of alleged issue			
Description of alleged issue			
Nature of complaint (category/basis/grounds)  Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair Decision <input type="checkbox"/> Other ..... <input type="checkbox"/> Coaching Methods		
Methods (if any) of attempted informal resolution			



Support person (if any)	
Tribunal Members	
Tribunal Hearing Date and venue	
Tribunal Decision (attach report)	
Action recommended and any follow up report required	
Decision Appealed Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in The Company: Signature: / /
Signed by:	Complainant Respondent