



Member Protection Policy

June 2017

Preface

The Committee of South Bank Triathlon Club are committed to creating a safe, fair and inclusive sporting environment for our members. In particular we seek to prevent all forms of harassment, discrimination and abuse, and to promote positive behaviour amongst our athletes, coaches, committee and the community.

Harmful, unlawful and socially inappropriate behaviour will not be tolerated by South Bank Triathlon Club. This Member Protection Policy documents the code of behaviour with which our members are expected to abide and the actions that will be taken in the event the Policy is breached.

This policy is key to achieving our vision of a providing *'a low cost, social, inclusive and supportive environment for individuals of all levels and abilities to train in a group and compete in triathlon or other aligned sports, and improve their health and fitness'*. I urge our members to understand this Policy and report any behaviour which is not in accordance with our values.

Sonya Stacey
President
South Bank Triathlon Club
13 June 2017

MEMBER PROTECTION POLICY

1. Purpose of this policy

This Member Protection Policy (“policy”) aims to assist South Bank Triathlon Club (SBTC) to provide a safe, fair and inclusive environment for our members. It sets out our commitment to ensure that every member is treated with respect and dignity and protected from discrimination, harassment and abuse; and aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

2. Who is bound by this policy?

This policy applies:

- people appointed or elected to the SBTC Committee
- coaches and assistant coaches (paid and volunteer)
- SBTC members
- any other person to whom the policy may apply.

3. Organisational responsibilities

The SBTC Committee will:

- adopt, implement and comply with this policy
- ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable
- publish and promote this policy, and the consequences of any breaches. This includes a copy is accessible to members and coaches.
- promote and model appropriate standards of behaviour at all times
- deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner
- apply this policy consistently
- recognise and enforce any penalty imposed under this policy
- use appropriate people to receive and manage complaints and allegations of inappropriate behaviour. These people also need to be aware of when to refer the matter to Triathlon Queensland (or other authority) for management.
- monitor and review this policy periodically

4. Individual responsibilities

Individuals bound by this policy are responsible for:

- making themselves aware of the policy and complying with the codes of behaviour it sets out
- being accountable for their own behaviour
- complying with any decisions and/or disciplinary measures imposed under this policy.

5. Position statements

5.1 Anti-discrimination and harassment

SBTC aims to provide an environment where all those involved in our activities and events are treated with respect. We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or feel harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Glossary of Terms (contained in this policy). In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation.

5.2 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

SBTC will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will 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 well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint.

5.3 Gender identity

SBTC is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint.

SBTC recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

5.4 Responsible service and consumption of alcohol

SBTC is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol:

- alcohol should only be available to members over the age of 18
- food and, low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served

- a committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

5.5 Smoke-free environment

SBTC will ensure that all training and social events we hold or endorse shall be smoke-free, with smoking permitted only at designated outdoor smoking areas.

5.6 Cyber-bullying

SBTC regards bullying and harassment in all forms as unacceptable in our club. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. SBTC will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a punishable criminal offence.

5.7 Social networking websites

SBTC acknowledges the value of social networking websites, such as Facebook, Instagram and Twitter, to promote our club and celebrate the achievements and success of members. We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport and club.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote the Club in a positive way.

6. Complaints procedures

6.1 Handling complaints

SBTC aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to any member of the Committee; or they can immediately report it to the state Triathlon Queensland office,

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the Committee considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in Attachment 1.

6.2 Improper complaints and victimisation

SBTC aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint. We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Committee considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to Triathlon Queensland for review and appropriate action, including possible disciplinary action against the complainant.

7. What is a breach of this policy?

It is a breach of this policy for any person bound by this policy to do anything contrary to this policy, including but not limited to:

- breaching the codes of behaviour (see Part B of this policy)
- bringing the club into disrepute, or acting in a manner likely to bring the sport of triathlon into disrepute
- discriminating against, harassing or bullying (including cyber-bullying) any person
- victimising another person for making or supporting a complaint
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the club
- making a complaint that they know to be untrue, vexatious, malicious or improper
- failing to comply with a penalty imposed after a finding that the individual (or organisation) has breached this policy
- failing to comply with a direction given to the individual (or organisation) as part of a disciplinary process.

8. Disciplinary measures

SBTC may impose disciplinary measures on an individual for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistently
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our Constitution, this policy and/or the rules of the sport.

If a member is found to have breached this policy, one or more of the following forms of discipline may be imposed by the Committee:

- A direction that the individual make a verbal and/or written apology;
- A written warning;
- A recommendation that the individual attend counselling to address their behaviour;
- A suspension of the individual's membership;
- Termination of the individual's membership or engagement;
- A recommendation that Triathlon Australia terminate the individual's membership;
- Referral to Triathlon Queensland

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

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy

- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- any other mitigating circumstances.

9. Glossary of terms

This Glossary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words.

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.

Complaint means a complaint made under clause 5 of this policy

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed by the Committee to investigate a complaint.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender
- social origin;
- trade union membership/activity.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment can target a person because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list under “Discrimination”).

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 people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also “Vilification”).

Member means a registered and financial member of South Bank Triathlon Club (SBTC)

Natural justice (or procedural fairness) requires that:

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

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

Respondent means the person whose behaviour is the subject of the complaint.

Role-specific codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. coaches and committee members).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays 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, this can include but is not limited to:

- 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 unfair treatment because that person has or intends to pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make complaint.

Vilification involves a person or an organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of people having any of the characteristics listed under the definition of “Discrimination”.

PART B: CODES OF BEHAVIOUR

We seek to provide a safe, fair and inclusive environment for everyone involved in our club and in our sport.

To achieve this, we require certain standards of behaviour. Our codes of behaviour are underpinned by the following core expectations of those who are involved in the sport of triathlon:

- to act within the rules and spirit of our sport.
- to display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- to prioritise the safety and well-being of children and young people involved in our sport.
- to encourage and support opportunities for participation in all aspects of our sport.

CODE OF CONDUCT

The purpose of this Code of Conduct is to outline the type of behaviour which is expected of South Bank Triathlon Club committee members.

Key Principles

We wish to operate in an environment where our committee members make decisions and act in accordance with the five core values of triathlon in Australia:

- Health
- Enjoyment
- Belonging
- Achievement
- Respect

In particular we expect our committee members to show respect for others, free of harassment and in a non-discriminatory manner.

Respect is defined as consideration for another's physical and emotional well being, and possessions, ensuring no damage or deprivation are caused to either.

Harassment is defined as any action directed at an individual or group which creates a hostile, intimidating or offensive environment. Non-discriminatory environment means that everyone has an equal opportunity and receives a fair go in accordance with the law as well as Triathlon Australia rules, procedures and guidelines.

Should disciplinary action be taken against a committee member, the person directly affected shall be afforded the rights of natural justice (all affected persons have a right to be heard).

Key Elements

Committee members are expected to:

- not act in a manner unbecoming, or contrary to the interests of SBTC or Triathlon Australia.
- treat people involved in the sport of triathlon with courtesy, respect and proper regard for their rights and obligations.
- treat another person's property with respect and due consideration of its value.
- demonstrate a positive commitment to Triathlon Australia policies, rules and procedures.
- not misuse funds or property belonging to the club or another party.
- not bring SBTC or the sport of triathlon's name, or image into disrepute
- respect the law, culture and customs and the places visited
- respect the confidentiality of information which may be learned in the course of activity
- uphold and not injure or compromise, the standing and reputation of Triathlon within Australia
- respect the rights, dignity and worth of every human being and their ultimate right to self – determination
- endeavour to treat every person equally, within the context of his or her activity, regardless of sex, ethnic origin, religion, physical ability or political persuasion.
- advocate and model the fundamental positive aspects of sport, eg. sporting and human excellence, fair play, honest competition/effort, self-discipline, integrity, personal growth and development, respect for the body, challenge and achievement.
- not abuse, or personally attack and or physically abuse any official, coach or another member at all times
- discourage the use of performance-enhancing drugs; support efforts to be a drug-free sport.
- not promote cheating and or promote or encourage the use of unfair tactics, advantage, or technique.

COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body (ie, Triathlon Queensland), based on their preference and the nature of the complaint.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

Attachment 1:

COMPLAINTS PROCEDURE

South Bank Triathlon Club aims to support people associated with our club to make and resolve any complaints they may have in a fair, timely and effective way.

We will keep all complaints confidential. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information or if it is necessary to properly resolve the complaint.

To ensure **fairness for everyone involved**, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

We will provide **informal and formal procedures** to resolve complaints. Individuals can also **complain to Triathlon Queensland or an external organisations** under anti-discrimination and other relevant laws.

Informal approaches

Step 1: Talk with the other person (if safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issue/s and try and resolve the problem directly.

Step 2: Contact a Committee member

We encourage you to talk with one of our Committee members if:

- the first step is not possible or reasonable
- you are not sure how to handle the problem by yourself
- you want to talk confidentially with someone and find out what options are available to resolve the problem, or
- the problem continues after you approached the other person.

Contact details for all of the committee members are available on the website.

The Committee member will:

- take confidential notes about your complaint
- try to find out the facts of your complaint
- ask how you would like the problem to be resolved and if you need support
- provide different options for you to resolve the problem
- act as a support person, if you wish
- refer you to an appropriate person (e.g. another Committee member or Triathlon Queensland) to help you resolve the problem, if necessary
- inform the relevant government authorities and/or police, if required by law to do so
- maintain confidentiality.

Step 3: Decide how to resolve the problem

After talking with the Committee member you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter forward
- to try and resolve the problem yourself, with or without a support person
- to resolve the matter through a formal process.

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the President, or
- approach Triathlon Queensland for advice.

After receiving a formal complaint in writing, and based on the material provided, the President will decide whether:

- he or she is the most appropriate person to receive and handle the complaint
- the nature and seriousness of the complaint requires a formal resolution procedure
- to refer the complaint to Triathlon Queensland
- to appoint a person (ie., a Committee member or another suitable person) to investigate the complaint
- to refer the matter to the police or other appropriate authority, and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In making this decision, the President will take into account:

- whether he or she has had any personal involvement in the circumstances and if someone else should handle the complaint
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between you and the respondent
- whether the facts of the complaint are in dispute
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the President is the appropriate person to handle the complaint, he or she will, if these steps are necessary:

- provide the information received from you to the other person(s) involved and ask for their side of the story
- decide if there is 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, including disciplinary action in accordance with this policy.

Serious incidents, such as assault or sexual assault, should be reported to the police.

Step 5: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint.

Following the investigation, a written report will be provided to the President who will determine what further action to take. The investigation is to determine if the complaint is substantiated (there is sufficient evidence); inconclusive (this is insufficient evidence); unsubstantiated (sufficient evidence that the complaint is unfounded); or mischievous, vexatious or knowingly untrue.

Should it be decided the matter is beyond the scope of SBTC, it will be referred to Triathlon Queensland for management in accordance with their procedures.

Step 6: Documenting the resolution

The President will record the complaint, the steps taken to resolve it and the final outcome. This information will be stored in a confidential and secure place.

PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

ATTACHMENTS

- Attachment A: Confidential record of a complaint

Attachment A

Date: / /

**CONFIDENTIAL RECORD OF
INFORMAL COMPLAINT** Name of person
receiving complaint
Complainant's Name

Role/status

- Over 18
- Under 18
- Committee member
- Parent
- Member
- Coach/Assistant Coach
- Other

When/where did the incident take place?

What are the facts relating to the incident, as stated by complainant?

What is the nature of the complaint?
(category/basis/grounds)
Tick more than one box if necessary

- Harassment or Discrimination
- Sexual/sexist Coaching methods
 - Sexuality Personality clash Verbal abuse
 - Race Bullying Physical abuse
 - Religion Disability Victimisation
 - Pregnancy Child Abuse Unfair decision
 - Other

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What does the complainant want to happen to resolve the issue?

What other information has the complainant provided?

What is the complainant going to do now?