



AIRBORNE GYMNASTICS

MEMBER PROTECTION POLICY

Anti-discrimination and harassment policies

POLICY NAME:	Airborne Gymnastics Member Protection Policy
ISSUE DATE:	August 2020
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CONTROLLING BODY:	Airborne Gymnastics – Directors

POLICY

Airborne Gymnastics is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise). We believe that anyone who works for us or represents us, and everyone with whom we deal, has the right to be treated with respect and dignity. Airborne Gymnastics will not tolerate discriminatory or harassment behaviour under any circumstances. We will take all complaints of harassment or discrimination seriously, and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action can be taken against a person who is found in breach of this policy.

POLICY APPLICATION

This Policy applies to all athletes, coaches, judges, employees, administrators, officials, volunteers, and members of the club.

This Policy applies equally to Members involved in each of the club's gymnastics disciplines, including Men's Artistic Gymnastics, Women's Artistic Gymnastics, Rhythmic Gymnastics, General Gymnastics, Sport Aerobics, Trampoline Sports and Sports Acrobatics.

This Policy applies to behaviour occurring both within and outside the course of the club's business, activities and events, when the behaviour involves individuals associated with the club and negatively affects relationships within the club's sport and work environment.

This policy applies to harassment occurring between any participants in the club. Harassment may occur, for example, from:

- Coach to athlete
- Athlete to athlete
- Administrator to employee
- Athlete to coach
- Administrator to coach
- Coach to coach
- Coach to administrator, and athlete to administrator

POLICY COVERAGE

Discrimination and all forms of harassment are unlawful under federal, state and territory law. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or represent. For this reason, the Club has a legal responsibility to ensure that discrimination or harassment does not occur in the course of any of our activities.

The law is always the minimum standard for behaviour within the Club and therefore any criminal offence will be reported to the appropriate authorities.

Anti- Discrimination

It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.

A Member must not treat a person less favourably than another person on the basis of an attribute (such as race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment) than someone else without that attribute in the same or similar circumstances. Indirect discrimination is also unlawful. This means that a Member cannot impose a requirement condition or practice that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstance it is likely to be indirect discrimination, even if there was never any intention to discriminate.

Harassment

Harassment can take many forms but can generally be defined as unwelcome verbal or written comments, conduct, or gestures directed toward an individual or group of individuals that the harasser knows, or should reasonably be expected to know, is insulting, intimidating, humiliating, malicious, degrading or offensive.

Sexual harassment is behaviour that has a sexual element, that is unwelcome and could reasonably be expected, in the circumstances in which it occurs, to offend, humiliate or intimidate the person or people at whom it is directed.

A Member must not engage in any form of harassment, including:

- written, verbal or physical abuse or threats;
- unwelcome physical contact;
- the display of offensive materials;
- promises or threats in return for sexual favours;
- unwelcome sexual comments, jokes or propositions;
- homophobic comments or behaviours; or
- jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status or pregnancy.

Intimate Relations

The Federation takes the view that intimate sexual relationships between coaches and athletes, 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.

Because there is always a risk that the relative power of the coach has been a factor in the development of such relationships, the Club takes the position that such relationships should be avoided by coaches working at all levels.

Should a sexual relationship develop between an athlete and a coach, the Club will investigate whether any action against the coach is necessary. If the Club determines that the sexual relationship is inappropriate action may be taken to terminate the coaching relationship with the athlete. Action may include transfer of the coach or, if this is not feasible, a request for resignation or dismissal from employment or 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 law is always the minimum standard for behaviour within the Club and therefore sex with a minor, of either the same or the opposite sex, is a criminal offence and will be reported to the appropriate authorities.

Victimisation

A Member must not subject any person to victimisation

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 his or her right to make a complaint or support another person in making a complaint against another person.

ROLES AND RESPONSIBILITIES

The Club is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy is well known throughout the organisation. This means we will take whatever steps are necessary to ensure that everyone in the club knows:

- what harassment means,
- that it is against the law, and
- that it will not be tolerated

Although the Director has ultimate responsibility for ensuring the organisation is free of harassment. Administrators officials managers supervisors, and coaches have a direct responsibility to make sure that members employees volunteers and athletes know about this policy and adhere to it.

Members, employees, volunteers and athletes will be informed about this policy through the club handbook and club noticeboards.

We are further responsible for ensuring that the policy and procedures are monitored and reviewed regularly.

This section specifies the roles and responsibilities of all Members. In some cases, particular classes of Members have the additional roles and responsibilities that are also specified below.

All Members

A Member must:

- a) comply with this Policy;
- b) offer support to anyone who is being harassed and let them know where they can get help and advice;
- c) make complaints about a breach of the Policy in accordance with the Club's Complaints Handling Procedure;
- d) maintain complete confidentiality if they provide information during the investigation of a complaint
- e) not make any frivolous or vexatious claim that another person is in breach of this Policy; and
- f) conduct themselves in a proper manner so as not to bring that Member, the Club or the sport generally into disrepute.

Administrators

Administrators must ensure that the organisation he or she is employed or engaged by:

- a) provides and promote an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services;
- b) distributes, promotes and implements this Policy and Complaints Handling Procedure;
- c) encourages reporting of discrimination or harassment regardless of who the offender might be, and that appropriate training is provided to those who
- d) manage and implement this Policy; and
- e) deals with complaints in an impartial, sensitive, timely and confidential manner.

Coaches

Coaches must:

- a) comply with the Coaches' Code of Ethics (incorporated in the Technical Membership Handbook from time to time);
- b) understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it;
- c) avoid intimate relationships with athletes;
- d) not exclude or treat less favourably any athlete from playing or coaching activities on the basis of an attribute or personal characteristic;
- e) always assume that there are lesbian, gay and bisexual people on teams, and among the coaching and support staff, even if they have chosen not to identify themselves, and make it clear that the coach will not tolerate any prejudice based on sexual orientation; and
- f) avoid focusing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

Judges

Judges must comply with the Judges' Code of Ethics (incorporated in the Technical Membership Handbook from time to time).

INTERNAL PROCESS FOR RESOLUTION OF A HARASSMENT COMPLAINT

The Club has developed a Complaints Handling Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. These will provide both formal and informal mechanisms for dealing with complaints.

The Club recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

Informal Process

The person being harassed makes an initial approach to their choice of one of the following people, who then provides information about whether the behaviour constitutes harassment and about options for resolution. They are:

- The Coaching Director
- The coaching Coordinator
- A colleague;

If the person approached has some management/supervisory responsibility for the complaint they must clarify whether the complainant wants them to act as a mediator or simply wishes to talk the matter through with them. If the complainant does not want them to help resolve the complaint, then they must do so in an impartial manner with respect to both parties. There is no written complaint involved at this stage.

Formal Process

If the matter is not resolved with the support and advice of the other person initially approached, the complainant can make a formal complaint in writing about the alleged harassment to the Coaching Director. The Coaching Director should attempt to resolve the complaint between the parties concerned by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances (for example, the complainant is too distressed to face the harasser).

If mediation fails, or is not feasible, the Coaching Director must then ensure that a fair and impartial investigation is made of the allegations, and that appropriate action is taken to resolve the complaint, and where necessary, to deal with the harasser.

The investigation is then conducted by a fairly constituted panel or a suitably skilled and impartial individual from within or outside the organization/sport . Natural justice is to be observed for the alleged harasser.

The typical steps for an investigation consistent with the principles of natural justice are:

- The complainant is interviewed, and the complainant is documented in writing;
- The allegations are conveyed to the alleged harasser in full;
- The alleged harasser is given the opportunity to respond;
- If there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered;
- A finding is made as to whether the complaint has substance; and
- A report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the decision maker (normally the senior official with responsibility for the anti-harassment policy).
 - Both parties are entitled to support through this process from their chosen support person/advisor.
 - If the report is endorsed by the decision maker, the organization then carries out the recommendations of the report. These may include such actions as an apology, counselling, suspension, dismissal or withdrawal of coaching/official accreditation)

RIGHT TO APPEAL

Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation.

The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.

If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation/sport, he/she may choose to approach one of the sport dispute resolution bodies (for example, the National Sport Dispute Centre, and possibly state sport associations) to assist with a resolution. These bodies offer both mediation and arbitration services for sport-related disputes. This avenue is internal to the sporting industry, but external to the organization or specific sport of the complainant. (Whether these bodies can compel parties to attend dispute resolution proceedings , or whether they must rely on the parties agreeing to 'come to the party' will depend on whether arbitration/mediation clauses exist in relevant contracts or association documents).

Refer to Appendix B for further information on sport dispute resolution bodies.

DISCIPLINARY ACTION

Disciplinary action will be taken by the Club against anyone who:

- a) is found to be in breach of this Policy;
- b) victimises or retaliates against a person who has complained of a breach of this Policy; or
- c) is found to have made a frivolous or vexatious complaint.

The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal or other form of action.

Apart from these internal ways of making a complaint, complainants may, at any time, contact the relevant state/territory or federal anti-discrimination/human rights body for information or advice, or to lodge a complaint of discrimination. They may telephone, write, or call into NSW anti-discrimination body and the Commonwealth Human Rights and Equal Opportunity Commission.

CONFIDENTIALITY AND REPORTING

The Club's Directors responsible for implementing this Policy will keep confidential the names and details relating to complaints, unless disclosure is:

- a) necessary as part of the disciplinary or corrective process; or
- b) required by law.

Directors Endorsement of the Anti-Harassment Policy

The Director accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

I endorse the Anti-harassment Policy

_____ (signature)

_____ (position: Director)

_____ (date)

_____ (witness name)

_____ (witness signature)

_____ (date)