



POLICY STATEMENT MEMBERSHIP PROTECTION Star-Mites Gym Sports Pty Ltd –SMCD

Policy Name: Membership Protection Policy
Date of Issue: November 2004
Policy Coverage: All management, Athletes, Members & Staff
Controlling Body: Star-Mites Gym Sports Pty Ltd -Directors

MEMBER PROTECTION POLICY {Schedule C}

PREAMBLE

The organisations Protection Policy is designed to operate in conjunction with the Australian Gymnastic Federation Member Protection Policy.

1. POLICY STATEMENT

- 1.1 The organisation is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity. The Association will not tolerate discriminatory or harassment behaviour under any circumstances and will take disciplinary action against anyone who breaches this Policy.
- 1.2 The organisation is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by the club and its member bodies. Accordingly, any person involved in the instruction, management or coaching of any member under the age of 18 years may be asked to undergo screening procedures including police and other probity checks.

2. POLICY APPLICATION

- 2.1 This Policy applies to all members of the club, employees, officers, administrators, volunteers, coaches, judges, athletes and officials (**Members**).
- 2.2 This Policy applies equally to Members involved in each of the clubs gymnastics disciplines, including Men's Artistic Gymnastics, Women's Artistic Gymnastics, Rhythmic Gymnastics, General Gymnastics, Pre School Gymnastics, Cheerleading and dance.
- 2.3 This Policy applies to behaviour occurring both within and outside the course of the clubs business, activities and events, when the behaviour involves Members and negatively affects relationships within the clubs sport and work environment.

3. POLICY COVERAGE

- 3.1 Discrimination and all forms of harassment are unlawful under federal, state and territory law. People engaging in such conduct 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 the clubs activities.

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

Discrimination

- 3.3 It is unlawful to treat anyone unfairly on the basis of various attributes or personal characteristics in key areas of public life.
- 3.4 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.
- 3.5 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

- 3.6 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.
- 3.7 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.
- 3.8 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.

Anti-Discrimination

Star-Mites & SMCAD 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 10, are against the law. If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment D1 of this Policy. This will explain what to do about the behaviour and how GA will deal with the problem.

Intimate Relations

- 3.9 The club 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.
- 3.10 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.
- 3.11 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 Association 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.
- 3.12 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.
- 3.13 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

- 3.14 Club must not subject any person to victimisation.
- 3.15 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.

Child Protection

- 3.16 Club must not employ or engage a person (whether paid or unpaid) to coach or otherwise supervise a child under the age of 18 years without first:
- (a) requiring that person to disclose whether or not he or she has been convicted of a serious sex offence; and
 - (b) conducting a police or other appropriate probity check on that person.
- 3.17 Club must notify the appropriate authorities (such as the Commission for Children and Young People) of:
- (a) any applicants for employment that the club rejected as a result of risks identified through screening processes; and
 - (b) the name and other identifying details of any person against whom relevant disciplinary proceedings have been completed by the club in relation to child abuse (sexual or otherwise) irrespective of the findings.

4. ROLES AND RESPONSIBILITIES OF ALL CLUB EMPLOYEES

- 4.1 This section specifies the roles and responsibilities of all club employees. In some cases, particular employees have the additional roles and responsibilities that are also specified below.

All Employees & Volunteers

4.2 A employee & Volunteers must:

- (a) comply with this Policy;
- (b) make complaints about a breach of the Policy in accordance with the clubs Complaints Handling Procedure;
- (c) submit to the Complaints Handling Procedure if an allegation is made against that the club or employees;
- (d) not make any frivolous or vexatious claim that another person is in breach of this Policy; and
- (e) conduct themselves in a proper manner so as not to bring the club, or the sport generally into disrepute.

Administrators/Managers

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

- (a) provides and promotes 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, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this Policy; and
- (d) deals with complaints in an impartial, sensitive, timely and confidential manner.

Coaches

4.4 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 focussing on an athlete's disability unless this is the only way that the coach can find out what adjustments the athlete requires.

Judges

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

5. COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

- 5.1 The club has developed a Complaints Handling Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. The club recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.
- 5.2 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.
- 5.3 The discipline will depend on the severity of the case and may involve any apology, counselling, suspension, dismissal or other form of action.

6. CONFIDENTIALITY AND REPORTING

- 6.1 The clubs administration 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.

Star-Mites Gym Sports - SMCD Complaint Handling Procedure

7. PROCEDURAL STEPS

7.1 The club undertakes to deal with any complaints of a breach of the Member Protection Policy promptly, seriously, sensitively and confidentially.

7.2 At any stage, it is the prerogative of the Complainant to proceed with, or dissolve, a complaint.

Discussion

7.3 Should a complaint arise, the club encourages the Complainant to consider the following options:

- (a) approach the person creating the problem and ask him or her to stop the behaviour;
or
- (b) if the behaviour continues, or it is not possible to approach the person, contact either:
 - (i) coach or manager;
 - (ii) the club's Member Protection Contact Officer; or
 - (iii) owner or other official of the club.

Member Protection Contact Officer

7.4 If the Complainant decides to proceed, the Member Protection Contact Officer refers the matter to the Member Protection Grievance Officer or designated person in authority for investigation.

Member Protection Grievance Officer

7.5 The Member Protection Grievance Officer determines whether or not to investigate the complaint.

7.6 If the Member Protection Grievance Officer determines to investigate, the Officer:

- (a) informs the alleged wrongdoer;
- (b) interviews both parties separately;
- (c) keeps confidential records of the process;
- (d) attempts mediation to achieve resolution; and
- (e) follows up on the Complainant.

External resolution

7.7 If the complaint is not resolved, the Complainant may make a written complaint to an external organisation for mediation or arbitration. This can be done with the support of the Member Protection Grievance Officer.

7.8 If the complaint is upheld, a remedy will be prescribed by that external organisation.

Signed: Gail Melinger

Dated 25th January 2020

Star-Mites Gym Sports – SMCD will review this policy annually and ensure all members staff and volunteers associated with the Company are aware of the policy