

## Attachment 1: CODES OF BEHAVIOUR

ANU Sport seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sports, events, programs and activities. To achieve this, we require certain standards of behaviour of all participants, including but not limited to, players/athletes, coaches, officials, administrators, parents/guardians (of child participants), spectators, employees and Board Members.

These Codes of Behaviour are also supplemented by various other documents including but not limited to:

- ANU Sport Staff Handbook
- ANU Sport Club Affiliation Agreement
- ANU Sport Board Charter
- ANU Sport Fitness Centre Term and Conditions

Our codes of behaviour are underpinned by the following core values:

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

### *ANU Sport Code of Behaviour*

The ANU Sport Code of Behaviour is applicable to all participants involved with any element of the ANU Sport operations.

- Act within the rules and spirit of your sport or activity
- Promote fair play over winning at any cost
- Encourage and support opportunities for people to learn appropriate behaviours and skills.
- Ensure that consent is obtained prior to physical contact with another person and is appropriate to the situation.
- Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where a power imbalance exists) with people under the age of 18.
- Support opportunities for participation in all aspects of your sport or activity.
- Treat each person as an individual.
- Show respect and courtesy to all involved with your sport or activity.
- Respect the rights and worth of every person, regardless of their age, race, gender, ability, cultural background, sexuality or religion.
- Address behaviour that is contradictory to expected behaviour outlined in the member protection policy and codes of behaviour to promote respect for all participants.
- Ensure that any information acquired, or advantage gained from your position is not used improperly.
- Display appropriate and responsible behaviour in all interactions.
- Display responsible behaviour in relation to alcohol and other drugs.
- Act with integrity and objectivity, and accept responsibility for your decisions and actions.
- Ensure your decisions and actions contribute to a safe environment and are in good faith and in the best interest of the sport, event or activity as a whole
- Look out for your own safety and do not act in a way that would endanger the safety of others.
- Show respect and courtesy to all involved with your sport or activity.
- Respect the decisions of officials, coaches and administrators.
- Follow reasonable management / leadership direction.
- Place the safety and wellbeing of athletes and participants above all else.
- Ensure your decisions and actions contribute to a harassment-free environment.
- Do not tolerate abusive, bullying or threatening behaviour.

#### Athletes

- Give your best at all times.
- Participate for your own enjoyment and benefit.
- Play by the rules and show respect for other players, coaches and officials.

#### Coaches

- Place the safety and welfare of the athletes / participants above all else.
- Help each person (athlete, official, etc.) to reach their potential. Respect the talent, developmental stage and goals of each person and encourage them with positive and constructive feedback.
- Obtain appropriate qualifications and keep up-to-date with the latest coaching practices and the principles of growth and development of athletes.

#### Officials

- Place the safety and welfare of the athletes above all else.
- Be consistent, impartial and objective when making decisions.
- Address unsporting behaviour and promote respect for other players and officials.

#### Administrators

- Ensure quality supervision and instruction for all participants.
- Support coaches and officials to improve their skills and competencies.
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- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct responsibilities with due care, competence and diligence.

#### Parents / Guardians (of child participants)

- Encourage your child to participate, do their best and have fun.
- Focus on your child's effort and performance, rather than winning or losing.
- Never ridicule or yell at a child for making a mistake or losing a competition.
- Help out the coach or officials at training and games, where possible.
- Model appropriate behaviour, including respect for other participants and officials.

#### Spectators

- Respect the effort and performances of participants and officials.
- Reject the use of harassment, bullying or violence in any form, whether by other spectators, coaches, officials or athletes.

## Attachment 2 - Employment Screening / Working with Vulnerable People Check Requirements

### A. WORKING WITH CHILDREN CHECK REQUIREMENTS

Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sports and activities from physical and sexual harm.

Working with Vulnerable People Checks assess the suitability of people to work with children and young people and can involve:

- criminal history checks;
- signed declarations;
- referee checks; and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. Fact Sheets for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net)

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

#### **Australian Capital Territory**

Contact the Office of Regulatory Services

Website: [www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wwvp](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp)

Phone: 02 6207 3000

#### **New South Wales**

Contact the Office of the Children's Guardian

Website: [www.kidsguardian.nsw.gov.au/check](http://www.kidsguardian.nsw.gov.au/check)

Phone: 02 9286 7276

#### **Northern Territory**

Contact the Northern Territory Screening Authority

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

Phone: 1800 SAFE NT (1800 723 368)

#### **Queensland**

Contact the Queensland Government Blue Card Services

Website: [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au)

Phone: 1800 113 611

#### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)

Phone: 08 8463 6468.

National Police Check: [www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check](http://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check)

DCSI Child Related Work Screening: <http://www.dcsi.sa.gov.au/services/screening>

**Tasmania**

Contact the Department of Justice

Website: [www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Phone: 1300 13 55 13

**Victoria**

Contact the Department of Justice

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

Phone: 1300 652 879

**Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

**Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In certain jurisdictions, temporary, time limited exemptions from working with children checks may be available for interstate visitors with a Working with Children Check in their home state.

The laws providing interstate exemptions are not consistent across Australia.

If an employee or volunteer for your club is travelling interstate to do work that would normally require a working with children check, you will need to check the relevant requirements of that state or territory.

## B. ACT: WORKING WITH VULNERABLE PEOPLE CHECK REQUIREMENTS

Working with Vulnerable People (WWVP) registration is relevant to ANU Sport activities as it covers not only children but also adults who are vulnerable or disadvantaged, including those with a physical or mental disability. Therefore, there may be instances in ANU Sport cubs and/or activities where a WWVP registration is necessary, even if not dealing with children.

From the [ACT Government Access Canberra](#) website:

The WWVP scheme aims to reduce the risk of harm or neglect to vulnerable people in the ACT. It requires those who work or volunteer with vulnerable people to have a background check to determine an applicant's suitability to be registered under the scheme.

Background checking involves a thorough assessment of information about the applicant that may be relevant to determining the possible risk that they may pose to vulnerable people while engaging in a regulated activity.

Registration decisions regard the best interests of vulnerable people as the paramount consideration, taking into account their safety, welfare and protection.

A WWVP registration is not an employment or probity check, so should not prevent a person from gaining suitable employment with an organisation, unless all positions in the organisation require a registration.

People who are not registered, have a positive registration with restrictions or have been issued a negative notice may still be employed in suitable positions that are not a regulated activity.

Not all positions in an organisation involving contact with vulnerable people require a WWVP registration. Only those persons who have more than incidental contact in regulated activities or services with vulnerable people need to be registered.

To apply for an ACT Working with Vulnerable People registration, please visit the Access Canberra online and follow the steps on '[How to Apply](#)'.

### *Under 18 Participants in ANU Sport Affiliated Clubs and Programs*

ANU Sport Affiliated Clubs or Programs wishing to include junior members / participants must be Junior Approved before individuals under the age of 18 can be admitted into their memberships. Junior approval lasts a maximum of 12 months.

Clubs or Programs seeking Junior Approval must submit the following to ANU Sport Management:

- ANU Sport Junior Club Form
- Junior Member Protection Declaration
- WWVP Checks for instructors, coaches, executives and all others who come into contact with the underage individual.
- Club or Program specific Junior Member Policy or that of the Governing Sporting body within which the Club or Program operates.

Once a Club or Program is Junior Approved, persons under the age of 18 can be admitted into the membership.

**Please note:** Current students enrolled at ANU will be treated in accordance with the ANU Policy: Underage student management. All instructors, coaches, executives and all others who come into contact with the underage individual will be required to complete WWVP Checks, however the Club **does not** need to apply for Junior Approval unless there are other underage individuals involved.

## Attachment 3: Complaints Handling Procedures

**Please note:** this Complaints Handling Procedure refers specifically to member protection complaints made either by a member or about a member of ANU Sport. A similar process may be used to manage all other complaints, which will be managed by the ANU Sport Management Team.

ANU Sport will deal with all “member protection complaints” (“**complaint/s**”) 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, based on the nature of the complaint and our rules and regulations.

We will maintain confidentiality where possible, and as provided in this procedure, seek to ensure that no one is victimised for making, supporting, or providing information about a complaint. 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.

### *Informal Handling Process*

#### **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 issues and try to resolve the problem directly.

If related to involvement in an ANU Sport Club, you may also approach your club executive to discuss the issues and seek the assistance of your club to resolve the problem.

Where possible, it is best if a complaint can be dealt with at the individual or club level before it is escalated to ANU Sport.

#### **Step 2: Contact a Member Protection Information Officer/ANU Sport Management Team**

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) or ANU Sport Management Team if:

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

The MPIOs/ANU Sport Management Team will:

- take 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., a 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 confidentiality to the extent possible.

### **Step 3: Decide how to resolve the problem**

After talking with MPIOs/ANU Sport Management Team, you may decide:

- there is no problem or the problem has been resolved
- the problem is minor and you do not wish to take the matter forward
- to try to resolve the problem yourself, with or without a support person or your club
- to resolve the problem with the help of someone impartial, such as a mediator, or
- to resolve the matter through a formal process.

### *Formal Handling Processes*

#### **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 ANU Sport CEO, or
- approach a relevant external agency, such as the anti-discrimination or equal opportunity commission, for advice.

After receiving a formal complaint, and based on the material you provide, the ANU Sport CEO will decide whether or not:

- they are 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 mediation (see Appendix 2)
- to appoint a person to investigate the complaint (see step 5)
- to discuss the matter with the ANU Sport Board Executive Committee
- to refer the complaint to a tribunal hearing (see Appendix 3)
- 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 ANU Sport CEO will take into account:

- whether they have had any personal involvement in the circumstances and if someone else should handle the complaint
- the wishes of the person making the complaint, and the wishes of the respondent, regarding how the complaint should be handled
- the relationship between person making the complaint and the respondent (e.g., an actual or perceived power imbalance between the complainant and the respondent)
- whether the facts of the complaint are in dispute
- the views of the ANU Sport Board or Committee (where relevant)
- the urgency of the complaint, including the possibility that the complainant might face further unacceptable behaviour while the complaint process is underway.

If the ANU Sport CEO is the appropriate person to handle the complaint, they will, if these steps are necessary:

- provide the information received from person making the complaint to the other person(s) involved and ask for their side of the story (procedural fairness)
- determine what, if any, further action to take, including disciplinary measures in accordance with this policy.

Once the ANU Sport CEO has reached his or her decision, the CEO will send a notice of their decision to the respondent(s) and the complainant(s), including any required actions or measures imposed. The notice should also outline the process and grounds for an appeal, if any.

#### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint. The ANU Sport investigation procedure is outlined in Appendix 1.

Following the investigation, a written report will be provided to the ANU Sport CEO which will determine what further action to take.

- If the complaint is referred to mediation, we will follow the steps outlined in Appendix 2 or as agreed by the person making the complaint, the respondent, and the mediator.
- If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the steps outlined in Appendix 3.
- If the complaint is referred to the police or another external agency, we will endeavour to provide all reasonable assistance required by the police or the agency.

Costs associated with an ANU Sport tribunal are covered by ANU Sport. If the matter goes to a court or commission, the person making the complaint may be required to cover costs involved.

#### **Step 6: Documenting the resolution**

ANU Sport 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 within the ANU Sport office according to the Privacy Policy.

If the complaint involved a state sporting body and is dealt with at the state/district level, the information may be stored by the state association. If the matter is of a serious nature, or if it was dealt with at national level, the original document could be stored by the national sporting body and a copy stored by the state association and with ANU Sport. If the matter is dealt with by the ANU, the original document could be stored by the ANU and a copy stored by ANU Sport.

#### **Step 7: Reconsidering a complaint or appealing a decision.**

The person making the complaint, or the respondent(s) may appeal a decision. The grounds and process for appeals are set out in Appendix 4.

While a person may appeal a decision once, the focus will remain on reaching a final decision and implementing next steps.

#### *Vexatious/Frivolous Complaints and Unreasonable Conduct*

Raising a Complaint under this policy is a serious matter.

ANU Sport members may face disciplinary action if they submit frivolous or vexatious complaints or display any unreasonable conduct.

A complaint may be regarded by ANU Sport as vexatious if the complainant:

- continues to pursue a complaint that has already been addressed and provides no new information that warrants further action; or
- after reasonable efforts, fails to furnish additional information which would be likely to be available, relevant to, and supportive of, the issues raised in the complaint; or
- submits a groundless complaint that causes distress, detriment, or harassment to the subject of the complaint; or
- submits a complaint that is unduly repetitive, burdensome, or unwarranted when compared to its merits; or
- lies or gives misleading information to ANU Sport.

This list is not exhaustive.

A frivolous complaint may be one that:

- is trivial in nature; or
- has no serious purpose or value; or
- is sufficiently meritless that further action would involve an unreasonable amount of time or cost, noting that ANU Sport is a not for profit organisation; or
- the extent of the complaint is out of proportion to the significance of the matter.

This list is not exhaustive.

Conduct might be considered unreasonable because of its nature or frequency, or because it raises health and safety concerns.

Unreasonable conduct may include:

- high levels of repetitive contact with ANU employees, members, and/or Board members; or
- aggressive conduct directed towards ANU Sport employees, members, and/or Board members; or
- unreasonable expectations or demands about timeframes, or outcomes beyond the remit of ANU Sport; or
- behaviour which indicates a lack of good faith engagement with ANU Sport.

This list is not exhaustive.

Once a complaint has been found to be vexatious/frivolous, or unreasonable conduct has been displayed, ANU Sport will inform the complainant of this fact and will not progress the relevant complaint(s). Where relevant, ANU Sport may inform the respondent of this fact.

Further, if a member lodges an excessive number of complaints that ANU Sport management determines to be frivolous or vexatious, the ANU Sport Board may consider disciplinary action in accordance with the ANU Sport Constitution.

### *Appendix 1: Investigation Process*

There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as possible findings and

recommendations.

Any investigation that ANU Sport conducts will be conducted in a fair and objective manner.

If ANU Sport decides that a complaint should be investigated, we will follow the steps outlined below.

1. ANU Sport staff or the designated investigator (upon a written brief from ANU Sport, setting out the terms of engagement and their roles and responsibilities) will:
  - interview the complainant and record the interview in writing
  - provide full details of the complaint to the respondent(s) so that they can respond
  - interview the respondent(s) to allow them to answer the complaint and record the interview in writing
  - obtain statements from witnesses and collect other relevant evidence, if there is a dispute over the facts
  - 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)
    - mischievous, vexatious or knowingly untrue.
  - if requested by the CEO, the Board or the ANU Sport tribunal handling the complaint (as relevant), provide a report documenting the complaint, the investigation process, the evidence, the finding(s) and, if requested, any recommendations.
2. ANU Sport will provide a summary of the findings to the complainant.
3. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser.
4. The complainant and the respondent(s) may have the right to appeal any decision based on the investigation. Information on our appeals process is in Appendix 4.

## *Appendix 2: Mediation*

Mediation is a process that allows the people involved in a complaint to talk through the issues with an impartial person – the mediator – and work out a mutually agreeable solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Our approach to mediation follows the steps set out below.

1. The ANU Sport CEO may act as mediator or will appoint a mediator to help resolve the complaint. This will be done in consultation with the complainant and the respondent(s).
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. ANU Sport also respects the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.

4. The mediator will keep a record of the mediation process and outcome of the mediation process and, if the mediator is someone other than the ANU Sport CEO, forward this record to the ANU Sport CEO.
5. If the complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect the terms of the agreement.
  - If the complaint is not resolved by mediation, the mediator should forward a copy of the notice to the complainant and respondent. The notice should also outline the next steps the complainant may take, including:
    - discussing the issue with the Club Executive (where relevant);
    - writing to ANU Sport Board to request that the ANU Sport CEO or appointee reconsider the complaint in accordance with Step 4 of the complaints handling process; and/or
    - approaching an external agency, such as the anti-discrimination or equal opportunity commission, to resolve the matter.

ANU Sport recognises that there are some situations where mediation will not be appropriate, including:

- when the people involved have completely different versions of the incident
- when one or both parties are unwilling to attempt mediation
- when the issues raised are sensitive in nature
- when there is a real or perceived power imbalance between the people involved
- matters that involve serious, proven allegations.

### *Appendix 3: Tribunal Procedures*

ANU Sport will follow the steps set out below if a formal complaint is referred to an ANU Sport tribunal hearing. If the matter involves a State Sporting Organisation (SSO) or NSO or the ANU, the tribunal process and procedures of one of those bodies may need to be followed.

Preparing for a tribunal hearing

1. A tribunal panel will be established by the ANU Sport Board to hear a complaint that has been referred to it by the ANU Sport CEO. The number of tribunal panel members required to be present throughout the hearing will be a minimum of 1 and a maximum of 3 as set by the ANU Sport Board.
2. The tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by ANU Sport CEO relating to the complaint/allegations.
3. The tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
4. Where possible, the tribunal panel will not include any person who has any conflict of interest or bias regarding the complaint/allegations.
5. The ANU Sport CEO will inform the respondent(s) in writing that a tribunal hearing will take place. The notice will outline:

- that the person has a right to appear at the tribunal hearing to defend the complaint/allegations
- the details of the complaint, including any relevant rules or regulations
- the date, time and venue of the tribunal hearing
- that either verbal or written submissions can be presented at the tribunal hearing
- that witnesses may attend the tribunal hearing to support the position of the respondent/s (statutory declarations of witnesses not available to attend and character witnesses may also be provided to the tribunal hearing)
- any possible actions that may be required or penalties that may be imposed to resolve the problem or deal with the complaint
- that legal representation will not be allowed. If the respondent is under 18 years old, he or she should have a parent or guardian present.

A copy of any information/documents that have been given to the tribunal panel (e.g., investigation report findings) may be provided to the respondent(s).

The respondent(s) will be allowed to participate in all ANU Sport activities and events, pending the decision of the tribunal, including any available appeal process, unless the ANU Sport CEO, with the support of the ANU Sport Board, believes it is necessary to exclude the respondent/s from all or some activities and events because of the nature of the complaint.

The ANU Sport CEO will notify the complainant in writing that a tribunal hearing will take place. The notice will outline:

- that the person has a right to appear at the tribunal hearing to support their complaint
- the details of the complaint, including any relevant rules or regulations
- the date, time and venue of the tribunal hearing
- that either verbal or written submissions can be presented at the tribunal hearing
- that witnesses may attend the tribunal hearing to support the complainant's position (statutory declarations of witnesses not available to attend and character witnesses may also be provided to the tribunal Hearing)
- that legal representation will not be allowed. If the complainant is under 18 years old, he or she should have a parent or guardian present.

A copy of any information / documents given to the tribunal (e.g., investigation report findings) may be provided to the complainant.

If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the ANU Sport CEO as soon as possible so that the respondent(s) and members of the tribunal panel can be properly informed.

If possible, the tribunal panel should include at least one person with knowledge or experience of the relevant laws, rules and regulations (e.g., anti-discrimination).

#### Tribunal hearing procedure

1. The following people will be allowed to attend the tribunal hearing:
  - tribunal panel members
  - the respondent(s)

- the complainant(s)
  - up to 3 witnesses called by the respondent(s)
  - up to 3 witnesses called by the complainant(s)
  - any parent/guardian or support person required to support the respondent or the complainant.
2. If the respondent(s) is not present at the set hearing time and the tribunal chairperson considers that no valid reason has been presented for this absence, the tribunal hearing will continue, subject to the chairperson being satisfied that all tribunal notification requirements have been met.
  3. If the tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the tribunal notification requirements have been met, then the tribunal hearing will be rescheduled to a later date.
  4. The tribunal chairperson will inform the ANU Sport CEO of the need to reschedule the hearing and the ANU Sport CEO will arrange for the tribunal to be reconvened.
  5. The tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
  6. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the tribunal when determining what measures to take to deal with the complaint.
  7. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
  8. The respondent will then be asked to respond to the complaint.
    - Reference may be made to brief notes.
    - The respondent may call witnesses.
  9. The complainant and respondent(s) may be present when evidence is presented to the tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
  10. 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 new evidence
    - require (to the extent it has power to do so) the attendance of any witness it deems relevant
    - act in an inquisitorial manner in order to investigate the issue/complaint before it.
    - Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.

If the tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the tribunal chairperson may deny further involvement of that person in the hearing.

After all the evidence has been presented, the tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the tribunal that the complaint has been substantiated. The respondent(s) have the opportunity to address the tribunal on measures which may be imposed. Any measures imposed must be reasonable in the circumstances.

All tribunal decisions will be by majority vote.

The tribunal chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.

Within 48 hours of the hearing, the tribunal chairperson will forward a notice of the tribunal's decision to the ANU Sport CEO, the respondent(s) and the complainant(s), including any measures imposed. The notice should also outline the process and grounds for an appeal, if any. If required, the tribunal chairperson may inform the parties in writing within 48 hours of the hearing that the decision will be delayed for a further 48 hours.

#### *Appendix 4: Appeal Process*

The grounds for an appeal should be specific; for example, they may be limited to a denial of natural justice or the imposition of an unreasonable penalty.

If a complainant or a respondent(s) is not satisfied with the outcome of the ANU Sport CEO's decision, a mediation process or a tribunal decision, he or she can lodge an appeal to the ANU Sport Board on one or more of the following grounds:

- that a denial of natural justice has occurred
- that the measure/s imposed is unjust and/or unreasonable
- that the decision was not supported by the information/evidence provided to the ANU Sport CEO, at the mediation or to the tribunal Hearing

To make an appeal, the complainant(s) or respondent(s) must lodge a letter setting out the basis for their appeal to the ANU Sport Board c/- the ANU Sport CEO within 14 days of the decision being made. The letter of appeal may be accompanied by evidence relevant to the complaint or appeal. If the letter of appeal is not received by the ANU Sport Board within this time, the right of appeal will lapse.

The letter of appeal and the notice of either: the ANU Sport CEO's decision; the mediation process; or the tribunal's decision will be forwarded to the ANU Sport Board to review and to decide whether there are sufficient grounds for the appeal to proceed. The ANU Sport Board may invite any witnesses to the meeting that they believe are required to help make an informed decision.

If the appellant has not shown sufficient grounds for an appeal in accordance with Appeals procedure, , then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision.

If the appeal is accepted, the ANU Sport Board will be convened to hear the complaint.

The Board may do any of the following:

- determine the matter;
- delegate the matter to a tribunal (for clarity, if the original complaint was heard by a tribunal, the Board may delegate the appeal to the same tribunal or to a reconstituted tribunal);



- refer the matter to a third party (such as the ANU or an external agency)

The Board or tribunal (as relevant) determining the matter on appeal may do so based on the written materials from the original complaint, the first determination and any information provided in the appeal.

If the Board or tribunal (as relevant) wishes to invite the respondent(s), the complainant(s) or any other person to appear, the Board / tribunal will follow the relevant procedures set out for tribunal hearings.

The decision of the ANU Sport Board (or tribunal considering the appeal) will be final.

## PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

**If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.**

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au)

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with ANU Sport in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### Step 1: Receive the allegation

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Do NOT
Make sure you are clear about what the child has told you.	Do not challenge or undermine the child.
Reassure the child that what has occurred is not their fault.	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

### Step 2: Report the allegation

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is any doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the ANU Sport CEO or the ANU Sport Board.

### Step 3: Protect the child and manage the situation

- The ANU Sport CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include, where relevant, redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is an employee of ANU Sport or the ANU.
- The ANU Sport CEO will consider what services may be most appropriate to support the child and his or her parent/s.

- The ANU Sport CEO will consider what support services may be appropriate for the alleged offender.
- The ANU Sport CEO will seek to put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

**Step 4: Investigate**

- At least three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by the ANU Sport CEO) ***in accordance with Appendix 1.***
- ANU Sport will assess the allegations and determine what action should be taken in the circumstances. Depending on the situation, action may include considering whether the alleged offender should return to his or her position, be dismissed, banned or suspended or face other disciplinary action.
- If disciplinary measures are undertaken, we will follow the procedures set out in section 9 of our Member Protection Policy.
- Where required we will provide the relevant government agency with a report of any disciplinary action we take.

**Contact details for advice or to report an allegation of child abuse**

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 www.afp.gov.au	Office for Children, Youth and Family Services <a href="http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect">http://www.communityservices.act.gov.au/ocyfs/reporting-child-abuse-and-neglect</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 www.police.nsw.gov.au	Department of Family and Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 www.pfes.nt.gov.au	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 www.police.qld.gov.au	Department of Communities, Child Safety and Disability Services <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 www.sapolice.sa.gov.au	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 www.police.tas.gov.au	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 www.police.vic.gov.au	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 www.police.wa.gov.au	Department for Child Protection and Family Support <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258

## Attachment 4: Reporting Documents and Forms

### RECORD OF COMPLAINT

Name of person receiving complaint	Date: DD/MM/YYYY	
Complainant(s) Name  [insert more rows if more than one person complaining]		
	Under 18 <input type="checkbox"/>	Over 18 <input type="checkbox"/>
Complainant's contact details  [insert more rows if more than one person complaining]	Phone:	
	Email:	
Complainant's role/status in the organisation / Club  [specify where relevant if more than one person complaining]	Administrator (volunteer) <input type="checkbox"/>	Parent <input type="checkbox"/>
	Athlete / Participant <input type="checkbox"/>	Spectator <input type="checkbox"/>
	Coach / Assistant Coach <input type="checkbox"/>	Support Personnel <input type="checkbox"/>
	Employee (paid) <input type="checkbox"/>	Other <input type="checkbox"/>
	Official <input type="checkbox"/>	<i>Please provide detail</i>
Name of the person(s) complained about  [insert more rows if more than one person]		
	Under 18 <input type="checkbox"/>	Over 18 <input type="checkbox"/>
Role/status in the organisation / Club of the person(s) complained about  [specify where relevant if more than one person being complained about]	Administrator (volunteer) <input type="checkbox"/>	Parent <input type="checkbox"/>
	Athlete / Participant <input type="checkbox"/>	Spectator <input type="checkbox"/>
	Coach / Assistant Coach <input type="checkbox"/>	Support Personnel <input type="checkbox"/>
	Employee (paid) <input type="checkbox"/>	Other <input type="checkbox"/>
	Official <input type="checkbox"/>	<i>Please provide detail</i>

Location/event of alleged issue			
Description of alleged issue			
Nature of complaint	Harassment <input type="checkbox"/>	Discrimination <input type="checkbox"/>	Child safe guarding <input type="checkbox"/>
	Coaching methods <input type="checkbox"/>	Selection dispute <input type="checkbox"/>	Victimisation <input type="checkbox"/>
	Other <input type="checkbox"/> <i>Please provide detail</i>		
What does the complainant(s) want to happen to fix the issue?			
What information has been provided to the complainant(s)			
Resolution and/or action taken			
Follow-up action			

## CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Complainant's Name (if other than the child)		Date Formal Complaint Received:    /    /
Complainant's role/status in the organisation / Club	Administrator (volunteer) <input type="checkbox"/>	Parent <input type="checkbox"/>
	Athlete / Participant <input type="checkbox"/>	Spectator <input type="checkbox"/>
	Coach / Assistant Coach <input type="checkbox"/>	Support Personnel <input type="checkbox"/>
	Employee (paid) <input type="checkbox"/>	Other <input type="checkbox"/>
	Official <input type="checkbox"/>	<i>Please provide detail</i>
Child's name		
Child's address		
Person's reason for suspecting abuse (e.g., observation, injury, disclosure)		
Name of person complained about		
Role/status in the organisation / Club of the person complained about	Administrator (volunteer) <input type="checkbox"/>	Parent <input type="checkbox"/>
	Athlete / Participant <input type="checkbox"/>	Spectator <input type="checkbox"/>
	Coach / Assistant Coach <input type="checkbox"/>	Support Personnel <input type="checkbox"/>
	Employee (paid) <input type="checkbox"/>	Other <input type="checkbox"/>
	Official <input type="checkbox"/>	<i>Please provide detail</i>
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:
President and/or MPIO contacted	Who:
	When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name:
	Position:
	Signature:
Signed By	Complainant (if not a child)

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