

ANU Sport
MEMBER PROTECTION POLICY

May 2021

Policy Framework

Member Protection Policy

This Policy contains the key roles and responsibilities, position statements and overview of complaints processes that are applicable to all employees, members, and participants of ANU Sport, our Affiliated Clubs, and sanctioned programs.

This Policy is supplemented by:

Attachment 1 - Codes of Behaviour

This section contains the codes of behaviour relevant to the specific roles of ANU Sport including but not limited to:

- All participants
- Athletes / Participants
- Coaches / Team Officials
- Sport / Match Officials
- Administrators
- Parents / Guardians (of a Child Participant)
- Spectators
- Board Member

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

Outlines requirements and / or processes under ACT Laws covering Working with Vulnerable People checks.

- Generic screening requirements
- ACT Working with Vulnerable People Check requirements
- Member protection declarations

Attachment 3 - Complaints Handling Procedures

Contains the complaints, tribunal, investigation, and mediation process.

Attachment 4 - Reporting Documents and Forms

Contains reporting documents and forms.

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MEMBER PROTECTION POLICY

1. Introduction

ANU Sport is a thriving student and community sport and recreation organisation affiliated to the Australian National University. Located in the heart of the ANU campus, ANU Sport provides opportunities for the ANU community to engage in sport, fitness and recreation experiences, that promote wellbeing and balanced lifestyles.

We aim to deliver the best University sport and recreation experience in Australia, enabling all our students and the ANU community to reach their full potential.

2. Purpose of Our Policy

The main objective of the ANU Sport (“our”, “us” or “we”) Member Protection Policy (“policy”) is to maintain responsible behaviour and the making of informed decisions by members and other participants in our organisation. This policy outlines our commitment to a person’s right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment, and abuse. Our policy informs everyone involved in our organisation of their legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our organisation’s activities.

This policy had been endorsed by the ANU Sport Board and the policy commences on Friday 21 May 2021, and will operate until replaced. Copies of the current policy and its Attachments can be obtained from the ANU Sport Website or by contacting the ANU Sport Office:

Building 19, North Road

ACTON, ACT, 2601

Phone: (02) 6125 2273

3. Who Our Policy Applies To

This policy applies to everyone involved in the activities of our organisation whether they are in a paid or unpaid / voluntary capacity, including:

- Persons appointed or elected to ANU Sport / Affiliated Club boards, committee/s, sub-committee/s, working group/s, or advisory panel/s;
- Employees of ANU Sport;
- Athletes, coaches, officials and other personnel (e.g., assistant coaches, managers, physiotherapists, psychologists, masseurs, sport trainer) participating in events, competitions and activities, including camps, tours, competition and training sessions, held or sanctioned by ANU Sport;
- Referees, umpires and other officials involved in the regulation of our sport;

- Members, including any life and associate members; and
- Any other person including spectators, parents / guardians, students, and staff of ANU, who agree to be bound by this policy by participation in an ANU Sport sanctioned event.

Affiliated Clubs/Programs are required to adopt and implement this policy. Affiliated Clubs/Programs must also undertake to ensure that individual Members are bound by this policy and are made aware of this policy and what it says. Where this policy diverges from state or national sporting organization's member protection policies, guidance must be sought from ANU Sport regarding application.

Our policy covers all matters directly and indirectly related to ANU Sport and its activities. In particular, the policy governs:

- unfair selection decisions and actions;
- breaches of our code of behaviour;
- behaviour that occurs at training sessions, competitions, programs/activities, in ANU Sport managed facilities, at social events organised or sanctioned by ANU Sport, and on away and overnight trips; and
- private behaviour where that behaviour brings ANU Sport or the ANU into disrepute or there is suspicion of harm towards a child/young/vulnerable person.

4. Organisational Responsibilities

ANU Sport will:

- adopt, implement and comply with this policy;
- enforce this policy and any actions required by it;
- publish, distribute and promote this policy and the consequences of any breaches of this policy, in accordance with our Privacy policy;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner, including by ensuring an appropriately trained officer receive and manage complaints;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- use appropriately trained people to receive and manage complaints and allegations e.g., Member Protection Information Officers (MPIOs);
- review this policy, where possible, at least every 12-18 months; and
- seek advice from and refer serious issues to ANU and/or UniSport Australia and/or National Sport Governing Bodies, and/or Access Canberra as appropriate.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g., physical assault, sexual assault, child abuse) and any other issues that ANU and/or UniSport Australia and/or National Sport Governing Bodies and/or Access Canberra request to be referred to them. All personal information held by ANU Sport will be handled in accordance with our Privacy Policy.

5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- making themselves aware and complying with all relevant provisions of this policy, including the standards of behaviour and codes of conduct outlined in this policy and supplementary documents;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, a vulnerable person, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

6. Position Statements

6.1 Child Protection

ANU Sport is committed to the safety and wellbeing of children and young people who participate in our activities or use our services. We support the rights of the child and will take reasonable care to ensure that a child safe environment is maintained. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

ANU Sport acknowledges the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

6.1.1 Identifying and Analysing Risks of Harm

ANU Sport will develop risk management strategies as part of the organisations risk management framework, which includes a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the action of an employee, volunteer or another person.

6.1.2 Developing Codes of Conduct for Adults and Children

ANU Sport will develop and promote a Code of Conduct that specifies standards of conduct and care we expect of adults when they deal and interact with children, particularly those in our care. We will also implement a code of conduct to promote appropriate behaviour between children. These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (See Attachment 1)

6.1.3 Choosing Suitable Employees and Volunteers

ANU Sport will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

ANU Sport will ensure that Working with Children Checks/Working with Vulnerable People Checks are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, ANU Sport will ensure that the criminal history information is dealt with confidentially and in accordance with relevant legal requirements. (See Attachment 2)

6.1.4 Support, Train, Supervise and Enhance Performance

ANU Sport will take reasonable care to ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment in our organisation.

6.1.5 Empower and Promote the Participation of Children in Decision-Making and Service Development

ANU Sport will encourage the involvement and participation of children and young people in developing and maintaining a child-safe environment in our organisation.

6.1.6 Report and Respond Appropriately to Suspected Abuse and Neglect

ANU Sport will ensure that employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable ground that a child has been, or is being, abused or neglected. (See Attachment 4)

In addition to any legal obligations, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy, they may make an internal complaint. Please refer to our complaint's procedure in Attachment 3. Any person who believes a child is in immediate danger or in a life-threatening situation, should contact the police immediately.

6.2 Taking Images of Children

Images of children can be used inappropriately or illegally. ANU Sport requires that members, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure that the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our organisation.

When using an image of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" children.

We will only use images of children that are relevant to our organisation's activities and we will ensure that they are suitably clothed in a manner that promotes our organisation. We will seek permission from a child's parent/guardian before using their images. We require our members and Clubs to do likewise.

6.3 Discrimination and Harassment

ANU Sport is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination and harassment. We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

6.3.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

Discrimination includes both direct and indirect discrimination:

- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

6.3.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends, or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks, or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

6.3.3 Prohibition against discrimination and harassment

ANU Sport prohibits all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in the Dictionary of Terms. (See Section 10)

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with ANU Sport. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation. (see Attachment 3)

6.4 Intimate relationships

ANU Sport understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult athletes (see Definitions for athlete) may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult athlete, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

ANU Sport takes the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the organisation's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the athlete.

We recommend that if an athlete attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and coach or official; and
- the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for a coach or official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the MPIO, Complaints Handling Officer or other ANU Sport dedicated official to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional, ANU Sport may take disciplinary action against the coach or official up to and including dismissal from their role as coach or official. Action may also be taken to stop the coaching relationship with the athlete. This could include a transfer, a request for resignation or dismissal from appointed duties.

If a coach, official or athlete believes they are being, or have been, harassed they are encouraged to seek information and support from the MPIO, Complaints Handling Officer or other official. Our complaints procedure is outlined in Attachment 3 of this policy.

6.5 Pregnancy

ANU Sport is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our organisation's activities. We will not tolerate any discrimination or harassment against pregnant women.

We will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our activities and programs.

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 activities and programs. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with ANU Sport.

We will only require pregnant women to sign a disclaimer in relation to their participation in our activities and program whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person bound by this policy, she may make a complaint. (See Attachment 3)

6.6 Gender Identity

All people, regardless of their gender identity, are welcome at ANU Sport. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's gender identity.

Gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person. This includes the way people express or present their gender and recognises that a person's gender identity may be an identity other than male or female. Some terms used to describe a person's gender identity include trans, transgender and gender diverse.

6.6.1 *Gender identity discrimination and harassment*

Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity. Refer to the definition in Dictionary of terms. (See Section 10)

ANU Sport is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. This includes people who identify as transgender or transsexual or are assumed to be transgender or transsexual. We expect

all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

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 any person feels they are or have been harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint. (See Attachment 3)

6.6.2 Participation in sport

ANU Sport recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, wellbeing 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 and will facilitate this right if required.

We also recognise that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, ANU Sport will seek advice on the application of those laws in the particular circumstances.

ANU Sport is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

6.6.3 Intersex status

Federal anti-discrimination law, and some state and territory anti-discrimination laws, provide protection from discrimination against a person on the basis of their intersex status. See the Dictionary for further clarification.

ANU Sport is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. We will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

6.7 Responsible service and consumption of alcohol

ANU Sport is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18
- alcohol-free social events will be provided for young people and families

- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served
- a staff 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.

We also recommend that Affiliated Clubs and programs follow strict guidelines regarding the service and consumption of alcohol. ANU Sport is a member of the Good Sports program and requires all Affiliated Clubs to become a member. Further guidance on developing an Alcohol Policy is available via the Play By The Rules and Good Sports websites.

6.8 Smoke-free environment

ANU Sport is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

6.9 Bullying

ANU Sport is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at ANU Sport.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. 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. ANU Sport will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a referee, teammate, coach or sporting body, including ANU Sport and its representatives, should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, they may make a complaint. (See Attachment 3).

6.10 Social Networking websites

ANU Sport acknowledges the enormous value of social networking to promote our organisation and celebrate the achievements and success of the people involved in our organisation.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook, Instagram, and Twitter. We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our organisation.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

7. Responding to Complaints

7.1 Complaints

ANU Sport 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 discriminated against, harassed, bullied or there has been any other breach of this policy. In the first instance, complaints should be reported to the ANU Sport's CEO, or delegated nominee.

It is preferred that a matter is dealt with at the lowest level. If a complaint relates to behaviour or an incident that occurred at the club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at organisational level, as well as serious cases referred from the club level, should be dealt with by ANU Sport.

ANU Sport reserves the right to investigate issues brought to its attention in relation to its members.

A complaint may be handled informally or formally. The Complainant will usually indicate their preferred option unless the CEO, delegated nominee or MPIO of ANU Sport considers 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 3.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

7.2 Improper Complaints and Victimization

ANU Sport 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 CEO, delegated nominee or MPIO 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 the Tribunal for review and appropriate action, including possible disciplinary action against the Complainant.

7.3 Mediation

ANU Sport aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint and be initiated by either the ANU Sport MPIO or at the Complainant's request.

If a Complainant wishes to resolve the complaint with the help of a mediator, the MPIO will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to negotiate on behalf of the Complainant and/or the Respondent.

More information on the mediation process is outlined in Attachment 3.

7.4 Tribunal

A Tribunal may be convened to hear a formal complaint:

- Referred to it by the CEO, delegated nominee or MPIO;
- Referred to it or escalated by a Member/s because of the serious nature of the complaint, because it was unable to be resolved at the Club level, or because the Club policy directs it to be;
- For an alleged breach of this policy.

Our Tribunal procedure is outlined in Attachment 3.

A Respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved. Our appeals process is outlined in Attachment 3.

Every organisation and individual bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

8. What is a Breach of this policy?

An alleged breach of this policy may relate to conduct/alleged conduct occurring in the course of an activity, program or event, sanctioned by ANU Sport, Affiliated Club or Member/s. Additionally an alleged breach of this policy may not relate to conduct / alleged conduct occurring in the course of an activity, program or event.

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

- failure to follow ANU Sport policies;
- breaching any part of the codes of behaviour (see Attachment 1)
- bringing into disrepute, or acting in a manner likely to be prejudicial to the interest of or likely to bring disrepute to ANU Sport or a Member/s;
- failing to follow ANU Sport policies (including this policy) and our procedures for the protection, safety and well-being of children, including:
 - appointing, or continuing to appoint a person found to be unsuitable to work with children or young people according to this policy or the relevant Federal or State law;
 - where the person is a Prohibited Person, to work or seek work in the roles that would bring them into ongoing contact with children or young persons;
 - where the person is a Prohibited Person, to knowingly declare otherwise to ANU Sport
- discriminating against, harassing or bullying (including cyber-bullying) any person;
- victimising another person for making or supporting a complaint;
- engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the organisation;
- disclosing to any unauthorised person or organisation any ANU Sport information that is of a private, confidential or privileged nature;

- making a complaint that they know to be untrue, vexatious, malicious or improper;
- failing to comply with a direction made under or in relation to this policy.

9. Disciplinary Measures

ANU Sport may take measures in relation to a breach of this policy by an individual or organisation

Any such measures will be:

- fair and reasonable;
- applied consistently with any contractual and employment rules and requirements;
- based on the evidence and information presented and the seriousness of the breach;
- and
- determined in accordance with our Constitution, By-laws, this policy and/or the rules of the organisation / program / sport.

9.1 Individual

Subject to contractual and employment requirements, if a finding is made that an individual has breached this policy, one or more of the following measures may be taken.

- 9.1.1 A direction that the individual make a verbal and/or written apology;
- 9.1.2 A written warning;
- 9.1.3 A direction that the individual attend counselling to address their behaviour;
- 9.1.4 A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any competitions, activities or events held or sanctioned by ANU Sport;
- 9.1.5 A demotion or transfer of the individual to another location, role or activity;
- 9.1.6 A suspension of the individual's ANU Sport and / or affiliated Club membership or participation or engagement in a role or activity;
- 9.1.7 Termination of the individual's ANU Sport and / or affiliated Club membership, appointment or engagement;
- 9.1.8 A recommendation that ANU Sport terminate the individual's ANU Sport and / or affiliated Club membership, appointment or engagement;
- 9.1.9 In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently;
- 9.1.10 Any other measure that the ANU Sport considers appropriate, as determined by any of the MPIO, the Hearing Tribunal or the ANU Sport CEO if the matter requires escalation.

9.2 Organisation

If a finding is made that ANU Sport, Affiliated Club or a Member has breached its own or this Member Protection Policy, one or more of the following measures may be taken by the ANU Sport CEO, MPIO or ANU Sport Board:

- 9.2.1 A written warning;
- 9.2.2 A recommendation that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;

- 9.2.3 A direction that any funding granted or given to it by ANU Sport or a peak association ceases from a specified date;
- 9.2.4 A direction that ANU Sport cease to sanction events held by or under the auspices of that organisation;
- 9.2.5 A direction that the organisation seeks appropriate guidance and/or training to address their behaviour and where relevant or directed, amend policies, procedures or other;
- 9.2.6 Any other measure that ANU Sport Board considers reasonable and appropriate.

9.3 Factors to consider

Before taking a measure, ANU Sport will consider 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 measures on the person, including any personal, professional or financial consequences;
- If there have been any relevant prior warnings or disciplinary action;
- The ability to enforce measures if the person is a parent or spectator (even if they are bound by the policy);
- Consistency with previous decisions;
- Any other mitigating circumstances.

10. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. Further detail or definitions relating to Child Protection matters for specific states and territories, can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

Abuse is the violation of an individual's human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse, systemic abuse, neglect or abuse of power. **Abusive (behaviour)** includes: bullying and humiliation by others, insults directed at an individual or group, physical intimidation and practical jokes, which cause embarrassment or which endanger the safety of others.

Affiliated Club or associated organisation means a Club or any related / associated organisation affiliated with ANU Sport.

ASADA is the Australia Sports Anti-Doping Authority.

Athlete means a participant whether recreational or competitive who is an individual member of ANU Sport or an Affiliated Club or program.

Child means a person who is under the age of 18. Current ANU Students who are under the age of 18 will be treated in accordance with the ANU Policy: Underage Student Management.

Child abuse involves conduct which puts a child at risk of harm and may include:

- **Physical abuse**, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.
- **Sexual abuse**, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g., sexual intercourse, masturbation, oral sex, pornography, including child pornography, or inappropriate touching or conversations).
- **Emotional abuse**, which occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
- **Neglect**, which occurs when a child's basic necessities of life are not met and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

CEO means the Chief Executive Officer of ANU Sport.

Complaint means a complaint made under clause 7.1 of this policy.

Complainant means the person making a complaint.

Complaint handler/manager means the person appointed under this policy to investigate a complaint.

Cyberbullying involves the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as **direct discrimination**. **Indirect discrimination** occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws.

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

- Age
- Sex or gender
- Gender identity
- Intersex status
- Race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- Disability, mental and physical impairment
- Family/carer responsibilities, status as a parent or carer
- Marital status
- Pregnancy, potential pregnancy, breastfeeding
- Sexual orientation and gender identity
- Physical features
- Irrelevant medical record
- Irrelevant criminal record, spent convictions
- Political beliefs or activities
- Religion, religious beliefs or activities
- National extraction or social origin
- Lawful sexual activity
- Profession, trade, occupation or calling
- Member of association or organisation of employees or employers, industrial activity, trade union activity
- Defence service
- Personal association with someone who has, or is assumed to have, any of the above characteristics

Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as:

- Holding a competitive sporting activity for a specific age or age group (e.g., only those who are under the age of 15 years);
- Excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique

- of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and
- Not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

Disrepute means the state of being held in low esteem by the public. A member or individual may be considered to have brought ANU Sport or the 'University' into 'disrepute' if any of the following occurs, or is undertaken by them, as follows:

- a. Discriminatory behaviour, including public disparagement of, discrimination against, or vilification of, a person on account of an attribute;
- b. Harassment, including sexual harassment or any unwelcome sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances;
- c. Offensive behaviour, including offensive, obscene, provocative or insulting gestures, language or chanting;
- d. Provocation or incitement of hatred or violence;
- e. Spectator or crowd violence;
- f. Intimidation of Match Officials, which may take the form of (but is not restricted to) derogatory or abusive words or gestures toward a Match Official or the use of violence or threats to pressure a Match Official to take or omit to take certain action regardless of where such action is taken;
- g. Corruption, including offering a benefit or an advantage to a Player or an Official in an attempt to incite him or her to violate Australian laws, including the national legislation on Match Fixing in Sport;
- h. Abuse of position to obtain personal benefit;
- i. Commission or charge of a criminal offence; or
- j. Any other conduct, behaviour or statement that materially injures the reputation and goodwill of ANU Sport or the University generally.

Gender diversity refers to a diverse range of different gender expressions and identities.

Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.

With respect to the Gender Identity terms referred to within this Policy, ANU Sport acknowledges the complexities of language and identity in this area and recognises the terms we use are not necessarily applicable to everyone. We know that the term 'transgender' encompasses a broad range of people whose gender identity is different from their sex as recorded at birth and that some people may not identify with this term. In particular, some people, particularly younger people, may prefer the term 'gender diverse'. We also know that some people prefer the term 'gender transition', while others prefer the term 'gender affirmation'. ANU Sport acknowledges and respects an individual's right to identify and describe their gender identity as they choose.

Gender expression: The term 'gender expression' refers to the way in which a person externally expresses their gender or how they are perceived by others.

Harassment is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person's race, sex, pregnancy, marital status or sexual orientation (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").

Intersex: The term 'intersex' refers to people who have genetic, hormonal or physical characteristics that are not exclusively 'male' or 'female'. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means an Affiliated Club or Program, or individual Member of an Affiliated Club or Program. A program includes the ANU Sport Fitness Centre, Group Fitness and associated fitness programs.

Member Protection Information Officer (MPIO) means a person appointed by us to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy. The MPIO provides impartial and confidential support to the person making the complaint

Procedural fairness (Natural Justice) 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;
- Irrelevant matters should not be taken into account.
- No person may judge their own case;
- The decision maker/s must be unbiased, fair and just;
- The penalties imposed must be fair.

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

Policy means this Member Protection Policy.

Prohibited Person means a person who has been convicted of a Serious Sex Offence or other criminal offence.

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, officials, umpires).

Sexual harassment means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

Sexual offence means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, 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 years
- indecent act with child under the age of 16 years
- sexual relationship with child under the age of 16 years
- 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 years
- bestiality
- soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles.

Sexual orientation: The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.

Transgender is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person ‘affirming’ their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

Vexatious means an action or the bringer of an action that is brought without sufficient grounds, purely to cause annoyance to the defendant, i.e., “a frivolous or vexatious litigant”.

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 a 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”.

Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

WADA is the World Sports Anti-Doping Authority.

Working with Children Check or WWCC means the relevant process for assessing or re-assessing whether a person is suitable to work in child-related work in a particular state or territory.

World Anti-Doping Agency's Prohibited List means the list published by the World Anti-Doping Agency. It identifies substances and methods prohibited in competition, out of competition and in particular sports.

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