



MEMBER PROTECTION POLICY

Australian/Victorian Biathlon Association Inc

Revised and Adopted : August 2010



Australian Biathlon is pleased to be supported by the Victorian Snowsport Association, The Department of Victorian Communities, Vic Health, Lapua Ammunition, Leica/Manifrotto Scopes and Mt Hotham Alpine Resort.



HEALTH THROUGH SNOWSPORTS



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This policy has been developed for the protection and well being of all participants who are any way involved with the Sport of Biathlon. The policy is designed to cover participation in Australia or Overseas at any sanctioned event of training or competition.

The organisation is committed to ensuring a safe environment for the handling/usage of firearms for young persons and adults alike. It is further committed to providing an environment free from harassment and abuse to all involved whilst promoting positive behavioural values.

Signature of CEO and/or President



Paul Connor (CEO)

Greg Anderson (President)

Australian/Victorian Biathlon Association Inc

Date 30th December 2006

AUSTRALIAN/VICTORIAN BIATHLON ASSOCIATION INC

PART A – MEMBER PROTECTION POLICY

1. Australian/Victorian Biathlon Inc Mission Statement

To encourage grass root development of Biathlon from a junior age and assist developing athletes achieve their personal best performances through the various levels of the sport with a hope for future athletes representing Australia at National and International level.

2. Purpose of this policy

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The policy attachments provide the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Australian/Victorian Biathlon Association Inc will take disciplinary action against any person or organisation bound by this policy if they breach it.

The policy starts on 30/12/2006 and will operate until replaced. This policy and/or its attachments may be amended from time to time by *resolution of the Executive Board*. Copies of the policy and its attachments can be obtained from our website www.biathlon.asn or from contacting the executive officer of the time. This policy has been endorsed by *Australian/Victorian Biathlon Association Inc* and has been incorporated into the constitution of the AVBA

3. Who this Policy Applies To

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Athletes and players;
- Referees, umpires and other officials;
- Members, including life members;
- Member associations;
- Affiliated clubs and associated organisations;
- Peak associations and the national body;
- Any other person or organisation that is a member of or affiliated to the *Australian/Victorian Biathlon Association Inc*
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with *Australian/Victorian Biathlon Association Inc* if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

4. Code Of Conduct

Australian/Victorian Biathlon Association Inc requires every individual and organisation bound by this policy to:

- Be ethical, fair and honest in all their dealings with other people and *Australian/Victorian Biathlon Association Inc*
- Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- Always place the safety and welfare of children above other considerations;
- Comply with *Australian/Victorian Biathlon Association Inc* constitution, rules and policies including this member protection policy;

- Operate within the rules and spirit of the sport;
- Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- Be responsible and accountable for their conduct; and
- Abide by the relevant Role-Specific Codes of Conduct outlined in Part D of this policy.

5. Organisational Responsibilities

The *National body, member associations, or any affiliated clubs* of must:

- Adopt, implement and comply with this policy;
- Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- Promote appropriate standards of conduct at all times;
- Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- Apply this policy consistently without fear or favour;
- Recognise and enforce any penalty imposed under this policy;
- Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
- Appoint or have access to appropriately trained people to receive and handle complaints and allegations [*e.g. Member Protection Information Officers (MPIOs) and/or Complaint Managers*] and display the names and contact details in a way that is readily accessible; and
- Monitor and review this policy at least annually.

6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- Consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years]
- Complying with all other requirements of this policy;
- Co-operating in providing discrimination, child abuse and harassment free sporting environment;
- Understanding the possible consequences of breaching this policy.

7. Policy Position Statements

7.1 Child Protection Policy

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

Australian/Victorian Biathlon Association Inc acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. *Australian/Victorian Biathlon Association Inc* aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to direct and unsupervised contact with children. (Screening procedures are outlined in Part B of this policy);
- Ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (our complaints procedure is outlined in Part **C3** of this policy); and
- Providing education and/or information to those involved in our sport on child abuse and child protection.

Australian/Victorian Biathlon Association Inc requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the police or relevant government agency and *CEO of the National Federation*. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in attachment **C4** of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

7.2. Anti-Discrimination and Harassment Policy

Australian/Victorian Biathlon Association Inc aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

Australian/Victorian Biathlon Association Inc recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

Australian/Victorian Biathlon Association Inc prohibits all forms of harassment and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary at clause 11.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment *[Part E]* of this policy. This will explain what to do about the behaviour and how the *Australian/Victorian Biathlon Association Inc* will deal with the problem.

7.3. Sexual Relationships Policy

Australian/Victorian Biathlon Association Inc takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. *Australian/Victorian Biathlon Association Inc* takes the view that such relationships while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches, and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence. *Australian/Victorian Biathlon Association Inc's* policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students.

Should a sexual relationship develop between an athlete and coach, *Australian/Victorian Biathlon Association Inc* will investigate whether any action against the coach is necessary. Factors that may be relevant to consider are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.

In the event that an athlete attempts to initiate an intimate sexual relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for

such action. The coach may wish to approach the *Australian/Victorian Biathlon Association Inc* Chief Executive Officer (CEO) if they feel harassed.

The law is always the minimum standard for behaviour within *Australian/Victorian Biathlon Association Inc* and therefore sex with a child is a criminal offence.

8. Complaints Procedures

8.1. Complaints

Australian/Victorian Biathlon Association Inc aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the *CEO of the Australian/Victorian Biathlon Association Inc*.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the *CEO of the Australian/Victorian Biathlon Association Inc* considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in attachment C of this policy.

8.2. Vexatious Complaints & Victimisation

Australian/Victorian Biathlon Association Inc aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the *CEO* considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the *Executive Board* for appropriate action which may include disciplinary action against the complainant.

Australian/Victorian Biathlon Association Inc will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

8.3. Mediation

Australian/Victorian Biathlon Association Inc aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are *able* to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the *CEO* will, in consultation with the complainant, arrange for a mediator to mediate the complaint. More information on the mediation process is outlined in attachment **E4** of this policy.

8.4. Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by *CEO* or an alleged breach of the policy. Our tribunal hearings procedure is outlined in attachment **C5** of this policy.

A respondent may lodge one appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal is final and binding on the people involved to the appeal. Our appeals process is outlined in attachments of this policy.

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed, by an appeals tribunal under this policy.

Members of hearing and appeal tribunals will be indemnified by the organisation that appointed them against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function as a member of a hearings or appeals tribunal

9. What is a Breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have

- Done anything contrary to this policy;
- Breached the Code of Conduct and Role-Specific Codes of Conduct;
- Brought the sport or *the Australian/Victorian Biathlon Association Inc* into disrepute;
- Failed to follow *Australian/Victorian Biathlon Association Inc* policies and procedures for the protection, safety and welfare of children;
- Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- Discriminated against or harassed any person;
- Victimised another person for reporting a complaint;
- Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- Disclosed to any unauthorised person or organisation any *Australian/Victorian Biathlon Association Inc* information that is of a private, confidential or privileged nature;
- Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- Failed to comply with a direction given to the individual or organisation during the discipline process.

10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. More information on the range of disciplinary measures and the factors that will be considered before imposing discipline is at attachment **C6** of this policy.

11. 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. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

Affiliated club means *any recognised club that is covered under the auspice of the Australian Biathlon Association constitution and by laws.*

Child means a person who is under the age of 18 years (see also definition of young person)

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to 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 by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Complaint means a complaint made under clause **C1** of this policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership/activity;
- Transgender orientation.

Some States and Territories include additional characteristics.

Discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); the provision of goods and services; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition; obtaining or retaining membership of an organisation (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination may also be discriminatory conduct.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Junior means a person under the age of eighteen (18) years who is participating in an activity of the *Australian/Victorian Biathlon Association Inc.*

Mediator means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

Member means any current financial member of the National federation or recognized affiliated club

Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

Member Protection Information Officer (MPIO) (*delegation is to the CEO*) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The *MPIO* provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The *MPIO* may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it.

In the situation where the complaint is made of the CEO, a neutral MPIO will be sought from another sport via the ASC

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions 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 not outweigh the 'crime'

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

Policy and this policy mean this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. coaches).

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency, including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make 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 organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

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