



MEMBER PROTECTION POLICY

12x12 Gymnastics Ballina Inc. Member Protection Officer (MPO):

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SCOPE

This Member Protection Policy aims to maintain ethical and informed decision-making and responsible behaviours within our sport. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This policy informs everyone participating in activities at 12x12 Gymnastics Ballina Inc. (12x12) of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

This policy also outlines the procedures that support our commitment to eliminating Discrimination, Harassment, physical violence and other forms of inappropriate behaviour from our sport. Child protection is seen as such an important area to prioritise that 12x12 has a separate Child Safety Policy that should be read in conjunction with this policy. As part of the commitment to ensuring a safe environment for all participants, 12x12 may take disciplinary action against any person or organisation bound by this policy if they breach it or the Child Safe Policy.

WHO IS BOUND BY THIS POLICY

This policy applies to anyone involved in the teaching/coaching for 12x12 (but not limited to):

- Coaches and assistant coaches.
- Participants.
- Members,
- Personnel participating in events and activities, including holiday programs and other training sessions, held by 12x12.
- Any other person including spectators and parents/guardians.

INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- Making themselves aware of the policy and complying with its standards of behaviour.
- Complying with 12x12 screening requirements and New South Wales Working with Children Checks.



- Placing the safety and welfare of children above other considerations and in line with the 12x12 Child Safety and Wellbeing Policy.
- Being accountable for their behaviour.
- Not making false, misleading or vexatious claims against any other member or person.
- Following the procedures outlined in this policy if they wish to make a Complaint or report a concern about possible Child Abuse, Discrimination, Harassment or other inappropriate behaviour.
- Complying with any decisions and/or disciplinary measures imposed under this policy; and
- Completing a Member Protection Declaration set out in Part C of this policy (where applicable).

POSITION STATEMENTS

GENERAL

Child Protection - 12x12 is committed to the safety, wellbeing, and empowerment of all Children accessing our programs and services including indigenous children, those from culturally and linguistically diverse backgrounds and Children with disability.

12x12 has a zero-tolerance approach to any form of Child Abuse.

12x12 supports the rights of children and we will act immediately to ensure an environment is maintained where Children and all Participants feel safe, respected, valued and empowered at all times.

To show our commitment to ensuring 12x12 does everything it can to have a Child safe environment for all our young participants,

DISCRIMINATION AND HARASSMENT

12x12 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.

12x12 recognises that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed. Discrimination Unlawful Discrimination involves the less favourable treatment of a person based on one or more of the personal characteristics protected by State or Federal anti-Discrimination laws. The personal characteristics protected by anti-Discrimination laws include attributes such as race, age, disability, sexual orientation and gender.

Discrimination can be either direct or indirect. 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 purposes of determining Discrimination, the offender's awareness and motive are irrelevant.



Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and that 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 is 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.

PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT

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 the 12x12 MPO. A person may make an internal Complaint, and in some circumstances, they may also be able to make a Complaint to an external organisation.

PHYSICAL VIOLENCE

Physical violence is behaviour involving physical force intended to hurt, damage, or kill someone or something and includes (without limitation) physical assault. 12x12 will not tolerate acts of physical violence in any circumstances and takes any complaints or concerns relating to actual or threatened physical violence very seriously. 12x12 encourages any person who is, or believes that another person is, being, or has been, the subject of physical violence at the hands of another person bound by this policy to raise their concerns with 12x12 MPO. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

INTIMATE RELATIONSHIPS

12x12 understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult Participants 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 Participant, 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 Participants. In particular, they must ensure that they treat Participants in a respectful and fair manner, and that they do not engage in sexual Harassment, bullying, favouritism or exploitation. We take the position that consensual intimate relationships between coaches or officials and the adult Participants they coach should be avoided as they may have harmful effects on the Participant involved, on other Participants and coaches and on the sport'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 Participant. We recommend that if a Participant attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the Participant's approach and explain to the Participant why such a relationship is not appropriate. If a consensual intimate relationship does exist or develops between an adult Participant 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 Participant and/or other Participants.



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

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

It will often be difficult for a coach or official involved in an intimate relationship with an adult Participant to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the MPO or any other senior manager 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 Participant is inappropriate or unprofessional 12x12 may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the Participant. This could include a transfer, a request for resignation or dismissal from coaching duties. If a coach, official or Participant believes they are being, or have been, harassed they are encouraged to seek information and support from the 12x12 MPO or other 12x12 officials.

PREGNANCY

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in our sport should be removed. 12x12 will not tolerate any Discrimination or Harassment against pregnant women. While many sporting activities are safe for pregnant women, 12x12 advise pregnant women that there may be risks involved with their continuing participation in the sport, and 12x12 will encourage them to obtain medical advice about those risks. Those risks will depend on the nature of the sporting activity and the pregnant woman's particular circumstances. 12x12 will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. Pregnant women should be aware that their own health and wellbeing, and that of their unborn Children, should be of utmost importance in their decision making about the way they participate in our sport. 12x12 recommends that pregnant women wanting to participate in our sport consult with their medical advisors, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

BULLYING

12x12 is committed to providing an environment that is free from bullying. Bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and 12x12 therefore regards bullying in all forms as unacceptable in our 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 a 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; (iii) spreading malicious rumours.
- 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. 12x12 will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. These issues should instead be addressed, in a written or verbal statement or a Complaint, to the MPO. If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a Complaint. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

GENDER IDENTITY AND INTERSEX STATUS

12x12 is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. Everyone bound by this policy must treat people who identify as Transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Descriptions of the types of behaviour which could be regarded as Transgender Discrimination or Harassment are provided in the Glossary of Terms and include trans, Transgender and gender diverse. 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. We will not tolerate any unlawful Discrimination or Harassment of a person because of their gender identity. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. 12x12 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 has an association with someone who has or is assumed to be Transgender or transsexual. 12x12 expects all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation. If any person believes that they are being, 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.

PARTICIPATION IN SPORT

12x12 recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. 12x12 is committed to supporting participation in our sport on the basis of the gender with which a person identifies. If issues of performance advantage arise, 12x12 will consider whether the established Discrimination exceptions for participation in sport are relevant in the circumstances.



COMPLAINT PROCEDURES AND DISCIPLINARY ACTION

12x12 has developed a Complaints Management Procedure and will deal with any complaints about breaches of this Policy promptly, seriously, sensitively and confidentially. These will provide both formal and informal mechanisms for dealing with complaints.

12x12 recognises that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a complaint.

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

- Is found to be in breach of this Policy.
- Victimises or retaliates against a person who has complained of a breach of this Policy or
- Is found to have made a frivolous or vexatious complaint.

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

PROCEDURAL STEPS

12x12 undertakes to deal with any complaints of a breach of the Member Protection Policy promptly, seriously, sensitively and confidentially.

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

DISCUSSION

Should a complaint arise, 12x12 encourages the complainant to consider the following options:

- Approach the person creating the problem and ask him or her to stop the behaviour.

If the behaviour continues, or it is not possible to approach the person, contact either:

- Coach or manager or
- 12x12 Member Protection Officer:

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If the MPO determines to investigate, the MPO shall then:

- Informs the alleged wrongdoer.
- Interviews both parties separately.
- Keeps confidential records of the process.
- Attempts mediation to achieve resolution and
- Follows up on the complainant.



EXTERNAL RESOLUTION

If the complaint is not resolved, the complainant may make a written complaint to an external organisation for mediation or arbitration. This can be done with the support of the MPO.

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

RIGHT TO APPEAL

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

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

If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation/sport, he/she may choose to approach one of the sport dispute resolution bodies to assist with a resolution. These bodies offer both mediation and arbitration services for sport-related disputes. This avenue is internal to the sporting industry, but external to the organisation or specific sport of the complainant.

Sport Dispute Resolution Bodies

Government Sport and Recreation Agencies

Australian Sports Commission, Participation Division

NSW Department of Sport and Recreation, Women's Sport Unit

Human Rights and Equal Opportunity Commission Offices

CONFIDENTIALITY AND REPORTING

12x12, the MPO and committee is responsible for implementing this Policy and will keep confidential the names and details relating to complaints, unless disclosure is:

- Necessary as part of the disciplinary or corrective process or
- Required by law.

12x12 accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

RELATED POLICIES AND DOCUMENTS

Child Safety and Wellbeing Policy

Code of Behaviour Policy

Photography Policy

Privacy Policy

Staff Code of Conduct Policy