

FREMANTLE ROWING CLUB MEMBER PROTECTION POLICY

POLICY GUIDELINES ON PROCEDURES TO RESPOND TO: ABUSE, DISCRIMINATION, HARASSMENT & GREIVANCE

VERSION No.	DATE PREPARED	DATE ADOPTED	COMMENTS
1.1	June 2012	June 2012	
1.2	October 2015	October 2015	Amendment table and Appendix 7 added

PREFACE

Rowing is a sport that values teamwork, mateship & leadership and one that can be enjoyed by people of all ages and abilities.

Rowing Australia is committed to ensuring that a diverse range of athletes continue to enjoy our sport for years to come and to providing a safe environment in which to do so.

Rowing Australia has developed this policy to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values.

The policy provides a code of conduct forming the basis of appropriate and ethical conduct which everyone must abide by. All State and Territory Associations and rowing clubs will also be required to adopt this policy.

This policy is an essential part of Rowing Australia's proactive and preventative approach to tackling inappropriate behaviour within our sport. I trust that all administrators, coaches, athletes and support staff will assist me in promoting safe and responsible behaviour within rowing.

Colin Smith
President and Chairman
Rowing Australia
June 2012

Preface to Rowing Australia Member Protection Policy V5 2012

PURPOSE

The Fremantle Rowing Club Member Protection Policy states:

- the responsibilities and standard of behaviour expected of members, officials and volunteers;
- disciplinary action that will occur if there is a breach of the policy
- procedures for handling alleged incidents of abuse, discrimination and harassment.

MEMBER PROTECTION POLICY

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PART A

Member Protection Policy

1. RATIONALE AND PURPOSE

1.1 The Fremantle Rowing Club is committed to

- providing a healthy, safe, welcoming, inclusive, equitable and nurturing environment
- ensuring transparency and integrity in our governance and decision making
- operating with teamwork, cooperation, trust, effective communication and mutual respect

1.2 The Fremantle Rowing Club is committed to providing a sport and club environment, free of discrimination and harassment of any type, where individuals are treated with respect and dignity, and where children are protected from abuse.

The Fremantle Rowing Club will not tolerate behaviour which constitutes abuse, discrimination or harassment under any circumstances and will take disciplinary action against anyone who is in breach of the Member Protection Policy.

1.3 This Member Protection Policy aims to provide the best possible environment in which its members, coaches, committee and volunteers, can excel and discharge their responsibilities to ensure the peak performance of all crews, competitions and programs and enjoyment of all Club members.

1.4 This Member Protection Policy is complemented by the *Rowing Australia Protection Policy V5* http://www.rowingaustralia.com.au/docs/ra_member_protection_policy_2012.pdf and the *Rowing WA Code of Conduct* http://www.rowingwa.asn.au/images/stories/docs/RWA_code_of_conduct.pdf with which the Fremantle Rowing Club is required to abide as an affiliated club.

1.5 For attendance at Special Events, for example where a club team is travelling interstate to a regatta, a Special Event Code of Conduct form will be required to be signed by all people attending the event whether they are club members or not. This form can be found at Appendix 7.

1.6 To Whom this Policy Applies

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

- Fremantle Rowing Club Incorporated;
- Individuals sitting on boards, committees, sub-committees and working groups;
- Athletes;
- Coaches and assistant coaches;
- Boat Race Officials including referees, umpires and other officials;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Members, including life members;
- Any other person or organisation that is a member of or affiliated to FRC; and
- Parents, guardians, spectators and sponsors to the full extent that is possible.

Clubs and associated organisations affiliated with Rowing Australia's are required to adopt and implement a member protection policy as outlined in the RA policy. Member Associations of RA must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and of its contents.

This policy will continue to apply to a person even after they have stopped their association or with Fremantle Rowing Club if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

2 CODE OF CONDUCT

Understanding Responsibilities - Encouraging Appropriate Behaviours

2.1 General Responsibilities

In addition to the Code of Conduct in the Rowing WA Handbook and the Fremantle Rowing Club Handbook, the Fremantle Rowing Club expects all members, coaches, committee and volunteers to abide by the following Code of Conduct.

With regard to abuse, discrimination and harassment, such members will:

- 2.1.1 not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;
- 2.1.2 be fair, considerate and honest in all dealings with others;
- 2.1.3 treat all persons with respect, dignity and proper regard for their rights and obligations;
- 2.1.4 respect the privacy of other persons;
- 2.1.5 act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between teams and other organisations;
- 2.1.6 ensure that all under-age team members be accompanied and/or observed by a responsible adult during sporting and associated activities;
- 2.1.7 refrain from intimate relations with members whom they have a supervisory role or power over;
- 2.1.8 refrain from any form of victimisation towards others;
- 2.1.9 conduct themselves in a proper manner to the complete satisfaction of the Fremantle Rowing Club and its delegates, so as not to bring themselves, the Club or a crew into public disrepute or censure;
- 2.1.10 not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with a crew or Fremantle Rowing Club;
- 2.1.11 not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;

- 2.1.12 understand the possible consequences of breaching the Fremantle Rowing Club Member Protection Policy;
- 2.1.13 immediately report any breaches of the Fremantle Rowing Club Member Protection Policy to the appropriate authority (President, in the first instance).

The following *specific guidelines* should also be followed.

2.2 Committee Responsibilities

The Committee will ensure that Fremantle Rowing Club:

- 2.2.1 aims to provide and promote an environment free from abuse, discrimination and harassment in relation to its club functions and its membership eligibility;
- 2.2.2 develops, distributes and implements the Member Protection Policy, and promotes the use of the complaints procedure contained within;
- 2.2.3 is responsible for taking all reasonable steps to prevent abuse, discrimination and harassment ensuring its position is widely known through all levels of the club's activities;
- 2.2.4 identifies appropriate procedures to handle complaints of abuse, discrimination, harassment and other complaints;
- 2.2.5 will provide a "Member Protection Information Officer" (normally the President) to provide information and support;
- 2.2.6 treats all complaints in an impartial, sensitive, fair, timely and confidential manner;
- 2.2.7 encourages reporting of abuse, discrimination and sexual harassment.

2.3 Coaches' Responsibilities

Coaches will:

- 2.3.1 abide by the Code of Conduct;
- 2.3.2 always use their position of power and authority to benefit crews and Fremantle Rowing Club;
- 2.3.3 understand what is meant by the terms: abuse, discrimination, harassment, intimate relations and other terms set out in Appendices 1 and 3 and express this understanding in their behaviour towards all people to whom this Code of Conduct applies;
- 2.3.4 make it clear to team members that any unlawful discrimination—including jokes, innuendo and any other comment or action—based upon age, sex, race, physical or intellectual impairment, sexuality, marital status or pregnancy (or any other ground of discrimination covered by Federal and State anti-discrimination legislation) will not be tolerated;
- 2.3.5 be aware of an athlete's special requirements, with the intention of reasonably accommodating them;

- 2.3.6 not look at, speak to or make contact with athletes in a manner which is unwelcome, intrusive, abusive, discriminatory or inappropriate in the circumstances;
- 2.3.7 avoid intimate relations with athletes (see Appendix [1](#) and [3](#) — Definitions);
- 2.3.8 not unreasonably exclude or treat less favourably any athlete from rowing activities or coaching activities on the basis his or her race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment;
- 2.3.9 respond to members concerns or allegations of breaches of this Policy in accordance with the procedures outlined within it;
- 2.3.10 report suspect breaches of this Policy.

2.4 Member's Responsibilities

- 2.4.1 All persons who are members of the Fremantle Rowing Club shall at all times act in a sporting manner, having regard to principles of fairness and common courtesy.

Member's will:

- 2.4.2 understand what is meant by the terms abuse, discrimination, harassment and other terms set out in the Appendices [1](#) and [3](#), and express this understanding in their behaviour towards all people to whom this Code of Conduct applies;
- 2.4.3 co-operate with their team - mates, coach and opponents;
- 2.4.4 control their temper;
- 2.4.5 respect the rights, dignity and worth of all participants regardless of their ability, gender or cultural background;
- 2.4.6 refrain from making bullying, derogatory or demeaning remarks about other people;
- 2.4.7 refrain from making discriminatory remarks including racist or sexist jokes, or jokes about sexual preferences;
- 2.4.8 refrain from using any slur to taunt someone or to motivate better performance;
- 2.4.9 not allow offensive pictures or graffiti to be visible in Club premises or events;
- 2.4.10 refrain from looking at or touching anyone in ways that make them feel uncomfortable;
- 2.4.11 refrain from making comments that offend, intimidate or humiliate e.g. of a sexual nature;
- 2.4.12 not discriminate against, abuse or harass anyone else;
- 2.4.13 avoid intimate relationships with their coach (see Appendices [1](#) and [3](#) — Definitions);
- 2.4.14 respond to members concerns or allegations of breaches of this Policy in accordance with the procedures outlined within it;

2.4.15 report suspect breaches of this Policy.

3. CHILD PROTECTION

- 3.1 Fremantle Rowing Club is committed to ensuring that the safety, welfare and well being of children are maintained at all times during their participation in activities. Fremantle Rowing Club aims to promote a safe environment to children and to assist members to recognise, report and prevent child abuse. (Appendix [3](#), [4](#) and [5](#))
- 3.2 Any person involved in the instruction, leadership, management and/or coaching of any member(s) under the age of 18 years is required to obtain and maintain a current a Working With Children check card prior to undertaking that responsibility. *Working with Children (Criminal Record Checking) Act 2004* (WWC Act) ([Appendix 5](#))
- 3.3 Any person involved in the instruction, leadership, management and/or coaching of any member(s) under the age of 18 years on behalf of Fremantle Rowing Club who has not obtained and maintained a current a Working With Children check card will not be permitted to work/coach/instruct with persons under 18 years of age on behalf of the Club. *Working with Children (Criminal Record Checking) Act 2004* (WWC Act).([Appendix 5](#))
- 3.4 Supervision
Members under the age of 16 must be supervised at all times by a responsible adult. Our club will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue. If a member finds a member under the age of 16 is unsupervised, they should assume responsibility for the member's safety until the parent/guardian or supervisor can be found. Parents must be on time to collect their child for reasons of courtesy and safety.
- 3.5 Transportation
Parents/guardians are responsible for transporting their children to and from club activities (e.g. training and regattas). Where our club makes arrangements for the transportation of children (e.g. for away or over-night trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and appropriate safety measures are available (e.g. fitted working seatbelts)
- 3.6 Taking Images of Children
Images of children may not be used inappropriately or illegally. The club 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 and ensure that the parent knows the way the image will be used. Images of children must not be published without their parent's or guardian's express consent. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If the club uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc.

3.7 Fremantle Rowing Club will deal with allegations involving abuse, suspected abuse of children promptly, sensitively and in accordance with this policy. (Appendix 5)

4 DISCIPLINARY ACTION

4.1 Disciplinary action:

4.1.1 will be taken by Fremantle Rowing Club against anyone who is found to be in breach of this Member Protection Policy. See *Rowing Australia Member Protection Policy V4 2010. Attachment C6* for possible scope of penalties

4.1.2 will also be taken against anyone who victimises or retaliates against a person who has complained of abuse, discrimination or sexual harassment.

4.1.3 will depend upon the severity of the case, and may involve an apology, counselling, suspension, dismissal or any other forms of action deemed appropriate by the Committee.

4.2 Child protection matters will be referred to the police or a family services authority as required

5 CONFIDENTIALITY

The Fremantle Rowing Club Committee and members responsible for implementing this Member Protection Policy will keep confidential the names and details related to abuse, discrimination and/or harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

6 COMPLAINT PROCEDURES

Fremantle Rowing Club will use appropriate complaint procedures to deal with any complaints about breaches of this Member Protection Policy promptly, seriously, sensitively and confidentially. (See Part [B](#) and [C](#))

7 MEMBER PROTECTION REVIEW AND APPROVAL

7.1 The Fremantle Rowing Club Committee approves this policy Version No 1.1 June 2012

7.2 The Fremantle Rowing Club President, responsible for this Member Protection Policy will ensure an appropriate review of the policy is conducted regularly at at least annual intervals.

PART B

Procedures for handling allegations of Discrimination & Harassment

Fremantle Rowing Club undertakes to deal with any complaints brought to the club concerning a breach of this Member Protection Policy sensitively, promptly and respecting the privacy rights of individuals concerned.

Should a complaint arise, the Fremantle Rowing Club encourages the complainant to consider the following options:

1. PROCEDURAL STEPS

- 1.1 The complainant may wish to approach the person(s) causing the problem—and ask them to stop the behaviour.
- 1.2 If the behaviour continues—or if it is not reasonable to approach the person—contact either a
 - coach or other member with whom you feel comfortable
 - Committee member
 - Member Protection Information Officerfor advice and support on procedures (including police advice if such notification is required).
- 1.3 If the complainant chooses to proceed, a designated Mediator, in conjunction with the Member Protection Officer will investigate the complaint. This may be someone appointed to this role within the Rowing Association or from the Australian Sports Commission 'Member Protection Officers Network' or other mutually agreed neutral person. The Mediator and Member Protection Officer determine whether to investigate the complaint, or refer the matter to the Committee.
- 1.4 The purpose of investigation is to establish whether discrimination or harassment is likely to have occurred and, if so, what action should be taken to resolve the matter. If the complainant requests the Mediator and /or Member Protection Officer to investigate the complaint, this Officer's role is to
 - inform the alleged harasser, and interview both parties separately
 - confidentially and impartially keep accurate records of the process
 - attempt mediation/conciliation where appropriate
 - achieve resolution and follow-up.
- 1.5 If no resolution is achieved, the Mediator will give all records in confidence to the Committee, who will determine the appropriate course of action. The committee will refer to Rowing Australia policies, Australian Sports Commission guidelines and seek relevant legal advice should this be required, to determine the appropriate course of action.
- 1.6 If the complainant chooses not to pursue or to withdraw the complaint, the Fremantle Rowing Club nevertheless has a legal responsibility to maintain a harassment-free sporting and club environment. The Mediator must therefore determine whether the alleged harassment is serious enough to warrant further investigation.
- 1.7 If the complaint is not resolved, the complainant may put a written complaint to an external organisation for mediation and/or arbitration (e.g. the Federal or State Equal Opportunity Commission or anti discrimination agency, Australian Sports Commission or State Department of Sport and Recreation). This may be done with the support of a Member Protection Mediator.

2. RIGHT TO APPEAL

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of three members *other* than those who formed the original review panel, should handle formal appeals. They are to be selected by the same process as the Mediator above. The appeal decision making process is to be managed by the Member Protection Officer and outcome reported to the Committee at the first opportunity.

3. EXTERNAL ACTION

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. The Federal and State equal opportunity or anti discrimination agency is the authority responsible for receiving complaints of unlawful discrimination or sexual harassment.

PART C

Procedures for handling allegations of Child Abuse

Organisations should deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. This is in the best interests of all parties involved. The matter should only be discussed within the organisation with the Member Protection Information Officer who has been appointed and trained to address harassment and abuse issues.

In most instances, the matter will have to be referred to the police or a family services authority. The person receiving the information on the allegation should consult these agencies if there is any doubt about whether an allegation should be reported. In such instances, it is not the responsibility of the organisation to investigate the allegation. This should only be handled by the appropriate authorities (for example, the state child protection agency or police). Where the organisation needs to make some inquiries to establish the basic facts, please follow the procedure in 1.2.

1 TYPES OF ALLEGATIONS

1.1 A member of a club or organisation may suspect abuse of a child on reasonable grounds when:

- a child tells them they have been abused;
- someone else tells them a child has been abused;
- a child tells them they know someone who has been abused (often they are referring to themselves);
- they observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse; or
- they observe a member's abuse of another member.

A member of a club or organisation, or the organisation itself may also receive allegations that:

- (1) a person in the organisation (for example, a coach) has abused a child within the same organisation (for example, a junior athlete);
 - (2) a person in the organisation (for example, a coach) has abused a child outside that organisation's jurisdiction (for example, a junior athlete he or she coaches for a state organisation or club); or
- a person outside the organisation (for example, a teacher or family member) has abused a young member of the organisation.

These allegations may be made by the child, his or her parents, or another person involved in the organisation. Where the allegation comes from is not as important as who the alleged offender and alleged victim are.

Allegations of types 1 and 2 will generally be the only ones about which the organisation may have the right to make further inquiries in accordance with their rules and regulations. An allegation of type 3 should, in all cases, simply be reported to the relevant authority and the organisation should consider any steps it can reasonably take to prevent that abuse, or similar incidents, occurring again.

2 PROCEDURES

Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity. The initial response of the person to whom the child confides is crucial to the wellbeing of the child. It is important for the person receiving information to:

- listen to and believe what the child says;
- reassure the child that what has occurred is not the fault of the child;
- ensure the child is safe;
- be honest with the child and explain that other people may need to be told in order to stop what is happening;
- ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse;
- obtain and document the following information;
 - the child's name, age and address
 - the person's reason for suspecting abuse (that is, observation, injury or information
 - the person's assessment of danger posed to the child, including information relating to the alleged perpetrator
 - what arrangements, if any, exist for the immediate protection of the child and
 - what involvement, if any, other agencies have in dealing with the suspected incident;
- make direct and confidential contact with the Member Protection Officer appointed to address member protection, harassment and abuse issues. Consult with the officer on how to proceed (for example, reporting to the relevant state authority) and how to make a confidential and factual written report; and
- ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

If there is any doubt about whether the allegation should be reported, a relevant state authority (for example, police or a family services agency) should be consulted. However, if the person receiving the information on the allegation is a member of a profession required, or 'mandated', to report any suspected child abuse, then they must report it to the appropriate authorities.

The alleged offender may be suspended pending the results of an investigation by the relevant authority.

Where an accredited coach has been permanently suspended from a position because it was found that he or she abused a child, the organisation must inform the Australian Coaching Council so it can decide whether the coach has breached the Coach's Code of Ethics and should therefore be deregistered.

A coach or official may suspect that a child has been abused by a family member or someone outside the sport because of behavioural signs or comments by the child. In such instances, advice should be sought from a child protection agency if the information presented is inconclusive. If there are enough reasons to suspect child abuse, the matter should be formally reported to the appropriate child protection agency for investigation.

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', pp 19 - 21

APPENDIX 1: DEFINITIONS

Discrimination

In Australia there are state, territory and federal laws which protect people from certain forms of unlawful treatment, including discrimination because of your race, sex, sexuality, pregnancy, impairment, age, or marital status, in key areas of public life.

Discrimination can be direct or indirect.

A Direct Discrimination

Direct discrimination is treating a person less favourably than another person on the basis of race, sex, age, marital status, sexuality, pregnancy and impairment in the same or similar circumstances.

Example:

A rowing club states that it will only consider granting transfers for rowers to go to another club if they are over 21 years of age. This practice directly discriminates against rowers under the age of 21.

B Indirect Discrimination

Indirect discrimination is imposing a requirement, condition or practice that is the same for everyone, but which has an *unequal* or *disproportionate* effect or result on particular groups. Unless this type of requirement is reasonable in all circumstances, it is likely to be indirect discrimination—even if there was never any intention to discriminate.

Example:

Victimisation

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 right (under anti-discrimination laws) to make a complaint or support another person in making a complaint.

Example:

A member of a club is threatened with non-renewal of membership after he/she states their intention to go to an equal opportunity agency to lodge a complaint of sexual harassment.

Harassment

Harassment can be unwelcome verbal or written comments, conduct, or gestures directed toward one or more people; the harasser knows or should reasonably be expected to know that this behaviour is insulting, intimidating, humiliating, malicious, degrading or offensive.

Harassment is a form of unfair discrimination. It can be an offence under State and Federal anti-discrimination laws, and in some cases criminal law.

Examples of harassment include:

- *written, verbal or physical abuse or threats*
- *unwelcome physical contact,*
- *the display of offensive materials,*
- *unwelcome sexual comments, jokes and propositions,*
- *homophobic comments and/or behaviours*

- *jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status, pregnancy*

Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, then the behaviour must stop.

Jokes and behaviours that are genuinely enjoyed and consented to by everyone present are not harassment. However, it is important to be aware that some people may silently tolerate behaviour they find offensive—especially if they hold a subordinate position relative to the group or individual engaging in the behaviour.

Sexual Harassment

Sexual harassment is unwelcome sexual behaviour, which makes the victim feel offended, intimidated or humiliated—and it is reasonable in the circumstances to feel that way.

Example:

Members of a crew continue to taunt a fellow crew member about his homosexuality; even after it is clear that he finds the jokes offensive.

Disability

Disability refers to the total or partial loss of any function or part of the body (for example, faulty vision, speech impediment or hearing loss); the malfunction of any part of the body; the malformation or disfigurement of any part of the body; the presence of an organism which may cause disease (for example, HIV, hepatitis); permanent or temporary loss or imperfect development of mental faculties (except where attributable to mental illness) resulting in reduced intellectual capacity; a disorder or malfunction that results in a person learning differently from others; a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

The term disability covers physical, intellectual and psychiatric conditions.

Example:

Race Discrimination

The race of a person means the nationality, country or origin, colour or ancestry of the person or of any other person with whom he or she resides or associates.

Racial Discrimination

Racial discrimination involves a distinction, exclusion, restriction or preference based on race which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Example:

A rower complained of being subjected to regular racist comments during training and of not being selected in the A crew despite her ability. She was told that his inclusion might lead to crew disharmony.

Sexuality

Discrimination on the basis of sexuality means treating a person less favourably because of their heterosexuality, homosexuality, bisexuality or trans-sexuality.

Example:

Deanne complains that she is not selected in the A rowing squad because other team mates state they refuse to row with a homosexual.

Pregnancy

Discriminating against a woman because she is pregnant is unlawful.

Example:

The night after announcing she was pregnant, Gail was dropped from the Masters squad—even though she was only ten weeks into her term and her doctor told her that her health was fine.

Age Discrimination

Age discrimination means treating a person unfairly because of their age.

Age discrimination often arises because of stereotypes and incorrect assumptions about people's abilities, based on how old or young they are. It can occur against people of any age, and deny them the opportunity for full participation.

Example:

Jim, 35, passed all fitness and entry requirements for a State WA rowing crew, but was not considered for selection by the coach, who told him: “You’re not going to last too long. All the best crews are much younger than you. I don’t think you’ll fit in.”

Exceptions may occur (see Appendix 2—Exceptions/Exemptions).

Intimate Relations

Intimate sexual relationships between coaches and players—while not necessarily unlawful harassment—can have harmful effects on the player, on other players and coaches, and on the sport’s public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and players in terms of authority, maturity, status and dependence.

Because there is always a risk that the relative power of the coach is a factor in the development of such relationships, coaches working at all levels should avoid such relationships.

The law is always the minimum standard for behaviour; sex with a minor, for example, is a criminal offence.

APPENDIX 2: EXCEPTIONS/EXEMPTIONS

Both State and Federal equal opportunity laws contain exceptions that allow certain kinds of lawful discrimination, for practical and commonsense reasons. Equal opportunity courts can also grant exemptions from equal opportunity laws, to allow Associations to lawfully discriminate in certain circumstances. For more information about this, Associations should contact their State equal opportunity or anti discrimination agencies. Exceptions include:

Disability

Organisers of a sporting activity may restrict the participation of people with a genuine or particular disability. For example, it would be lawful for the organisers of a national selection trials or Para-Olympic team to restrict the participation in those events to persons with a general or particular disability.

Sex

People of one sex may be excluded from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant. This does not apply to a sporting activity for children under the age of 12 years.

Age

It is lawful to hold competitions for relevant age groups such as Under 13, Under 18, Under 21, 35 and over. However, it is unlawful to select officials or coaches for sporting activities on the basis of age alone, if that person can effectively undertake the task. For example, if a sport set a minimum age for coaching or officiating duties or for attending an accredited coaching course, it would have to demonstrate that the age limit is necessary because the position requires a certain level of maturity, experience in the sport or professional qualification that would not be held by someone under 16.

Pregnancy

Anti discrimination laws around Australia have made discrimination on the ground of pregnancy unlawful and this includes participation in sport. It could therefore be unlawful for a club or association to prevent a woman from playing her chosen sport while pregnant.

The decision of whether or not a pregnant woman should continue playing and for how long should be hers to make in consultation with her doctor and her club.

Under some circumstances exceptions may apply to pregnant employees or volunteers.

HIV/AIDS

It is only lawful to discriminate on the basis of a person's HIV/AIDS status where the discrimination is reasonably necessary to protect the health and safety of other persons. However, this exception only rarely applies.

Example:

A basketballer informed his coach that he had been diagnosed as HIV positive. Upon hearing this, the coach dropped the player from the team. There was no assessment made in relation to the player's ability to compete effectively, and necessary precautions to protect both his health and safety and other player's health and safety.

APPENDIX 3: DEFINITION OF CHILD ABUSE IN SPORT

What is child abuse?

Child abuse is a term used to describe ways in which children are harmed, usually by adults and often by those they know and trust. It includes physical abuse, which results in non-accidental injuries; emotional abuse, which causes psychological or emotional damage; neglect, which results in ill health; and sexual abuse, which includes a range of sexual activity and exploitation of children, which can result in physical or psychological damage.

Child abuse is illegal in all states and territories of Australia. Although the legal definition of a 'child' varies from jurisdiction to jurisdiction and from legislation to legislation, the Australian Sports Commission feels that the policies of sport, recreation and fitness organisations which deal with protecting children should cover people 17 years of age and younger.

Child abuse in sport

Unfortunately while most people know that some behaviour is 'bad coaching', they often don't know that some bad behaviour can also be abuse. Here are examples of behaviour that is abuse.

Non-accidental injury to children participating in sport

Most children will collect cuts and bruises in their daily lives, and certainly through their involvement in sport, but some physical injuries or bruising can only be caused non-accidentally.

Inappropriate training People working with children in sport must tailor training programs to ensure that they are appropriate for the strength, coordination, skill and emotional levels of children. Training techniques that give extra physical loads to children as 'punishment' can be dangerous to the health of children who are already physically tired.

Effective training techniques will also take into account the emotional individuality of children. Children should be emotionally prepared for an activity in order to perform it confidently and without anxiety. They respond differently to the challenges of sport, and what is 'pushing' (by a coach or a parent) to one child may be emotionally destructive to another. Physical abuse also includes giving children illegal or inappropriate drugs that may affect their physical or psychological development.

Emotional abuse It is not appropriate to address children in a derogatory way when their performance is not to the coach's liking. Nor is it appropriate to demean their performance in front of others or, even if speaking to them individually, to refer to physical attributes (for example, weight or clumsiness) to make them perform better. Coaches should ensure that they do not give only negative feedback on performance. Providing constructive feedback on the negatives and praise for the positives is a more appropriate way to coach children.

Inappropriate touching In some sports it may be necessary for a coach or trainer to have physical contact with children in order to demonstrate technique. Such contact must be necessary and appropriate to the situation and always professional. Inappropriate touching can include lengthy or uninvited contact.

Sexual abuse Sexual abuse is a criminal offence involving a range of sexual activity between a child and a person who is older, or has power, authority or control over a child. This abuse encompasses a wide range of behaviour from, for example, engaging a child in sexual conversation, showing sexual pictures to a child and exposing one's genitals, to sexual touching and invasive sexual acts.

Sexual abuse can involve forcing, tricking, bribing, threatening, emotionally manipulating or pressuring a child into sexual activity even if the child has, or appears to have, consented. Note that children 16 years and under cannot legally consent to sexual acts.

Sport is vulnerable to child sexual abuse because coaches, managers, officials and volunteers are able to assert authority and power over children. Unfortunately, sexual offenders take advantage of such positions of trust and authority.

Other sensitive areas People working with children in sport should be aware of age sensitivities and cultural or religious differences, and how these may change the way people look at certain activities. For example, privacy in showers or at athlete weigh-ins could be an issue. Working with children with physical and emotional disabilities may also require careful and sensitive handling.

Coaches from diverse backgrounds, and people working with children of diverse origins, will need to adjust work practices and be sensitive to the different way in which their actions and behaviour may be seen.

Source: *Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', pp 3 - 4, 2.1 & 2.2*

APPENDIX 4: CHECKLIST FOR PREVENTING CHILD ABUSE

- 1 Make a clear statement that child abuse is criminal behaviour and list the actions the organisation will take in such instances.
- 2 Ensure that the organisation's constitution, regulations and by-laws support the policy and allow it to be enforced.
- 3 Ensure these policies and procedures are consistent with state laws that protect children.
- 4 Adopt a code of ethics and have all members sign it. Have members renew their pledge on a regular basis.
- 5 Define the job responsibilities of each person involved in delivering a service in the organisation. Identify high-risk positions, applicants for which should be screened and/or checked by the police.
- 6 Check the references of job applicants and interview shortlisted candidates.
- 7 Develop procedures to deal with allegations of child abuse.
- 8 Appoint a Member Protection Officer, let members know who the person is, and ensure that the person selected receives training in child protection issues.
- 9 Develop procedures for conducting a police check.
- 10 Appoint a person(s) to handle reports resulting from police checks.
- 11 Use accredited coaches and officials and check that their accreditation is current.
- 12 Provide information to coaches and others working with children about how to recognise child abuse, and give them directions on what to do if abuse is reported or suspected.
- 13 Contact the child protection agencies and education agencies in your state for assistance with education, training and policy development.

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', p 27

APPENDIX 5

State	Education agencies	Legislation	When must abuse be reported?	Who to notify
Western Australia	<i>National Association for Prevention of Child Abuse and Neglect (NAPCAN) WA Tel (08) 9357 1157 Fax (08) 9387 6094</i>	<i>Child Welfare Act 1947 Community Services Act 1972 Working with Children (Criminal Record Checking) Act 2004 (WWC Act).</i>	<i>Refer to legislation requiring reporting.</i>	<i>Family and Children's Services Tel (08) 9222 2555 24-hour crisis care Tel 1800 199 008</i>

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', p 28-32

APPENDIX 6

ASC: REPORTING FORMS

RECORD OF COMPLAINT – to be provided in confidence to Club Member Protection Officer

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Person complained about role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Location/event of alleged issue		
Description of alleged issue		

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	

Source: Australian Sports Commission: www.playbytherules.net.au

APPENDIX 7



Fremantle Rowing Club (Incorporated)

Special Event Code of Conduct

Event Name

Team Manager

1. WHO THIS DOCUMENT APPLIES TO

All people attending the above event as a part of the Fremantle Rowing Club Team are required to sign and return this document to the Team Manager, except in the case of the Team Manager who shall return the document to the President. This includes club members and non members performing, but not limited to, the following roles:

- Athlete (competitor);
- Coach;
- Volunteer; and
- Supporter.

2. RELATIONSHIP TO MEMBER PROTECTION POLICY

All of the people attending the above event as a part of the Fremantle Rowing Club Team reconfirm their agreement to abide by the Fremantle Rowing Club's Constitution, Handbook and related policies.

In this regard particular attention is drawn to the following extracts from the Member Protection Policy:

1.5 To Whom this Policy Applies

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

- *Athletes;*
- *Coaches and assistant coaches;*
- *Employees and volunteers;*
- *Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);*
- *Members, including life members;*
- *Parents, guardians, spectators and sponsors to the full extent that is possible.*

2 CODE OF CONDUCT

Understanding Responsibilities - Encouraging Appropriate Behaviours

2.1 General Responsibilities

In addition to the Code of Conduct in the Rowing WA Handbook and the Fremantle Rowing Club Handbook, the Fremantle Rowing Club expects all members, coaches, committee and volunteers to abide by the following Code of Conduct.

With regard to abuse, discrimination and harassment, such members will:

- 2.1.1 not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;*
- 2.1.2 be fair, considerate and honest in all dealings with others;*
- 2.1.3 treat all persons with respect, dignity and proper regard for their rights and obligations;*
- 2.1.4 respect the privacy of other persons;*
- 2.1.5 act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between teams and other organisations;*
- 2.1.6 ensure that all under-age team members be accompanied and/or observed by a responsible adult during sporting and associated activities;*
- 2.1.7 refrain from intimate relations with members whom they have a supervisory role or power over;*
- 2.1.8 refrain from any form of victimisation towards others;*
- 2.1.9 conduct themselves in a proper manner to the complete satisfaction of the Fremantle Rowing Club and its delegates, so as not to bring themselves, the Club or a crew into public disrepute or censure;*
- 2.1.10 not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with a crew or Fremantle Rowing Club;*
- 2.1.11 not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;*

3. DISCIPLINARY ACTION

Notwithstanding disciplinary action that can be taken for any breach in accordance with the Member Protection Policy and the Club's Constitution the following actions may be taken for a breach during this event:

- Immediate removal from the Team and competition;
- Immediately being sent home at the individual's expense (in severe cases);
- Any other action deemed appropriate and fair by the Official(s) dealing with the case.

4. ACKNOWLEDGEMENT

Signed

Date

Name

Received by Team Manager (or President).

Signed

Date