



Australian Biathlon

MEMBER PROTECTION POLICY

Version 3

Adopted 25 November 2016

Australian / Victorian Biathlon Association Inc.

Reg. No. A0002041F

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Review history AVBA Member Protection Policy

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>One</i>	<i>June 2014</i>	<i>29 June 2014</i>	<i>Entire MPP revised</i>
<i>Two</i>	<i>a) May 2016</i>	<i>26 August 2016</i>	<i>b) Entire MPP revised based on changes to ASC Member Protection Policy Template (Version 8) and the Victorian Dept of Human Services Child Safe standards resources. Document complies with the standards required to be in adopted by 1 January 2017 under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015</i>
<i>Three</i>	<i>25 November 2016</i>	<i>25 November 2016</i>	<i>Minor changes to Section 4 to clarify what is not covered by MPP</i>

Part A: Purpose and application of this policy

1. Introduction

We want biathlon in Australia to operate harmoniously and with respect for everyone involved. This Member Protection Policy (“**policy**”) is being adopted to help achieve this goal.

The purpose of this policy is to assist the Australian/Victorian Biathlon Association Inc (“**AVBA**”) uphold the following values:

- To act within the rules and spirit of our sport.
- To promote cooperation and a positive experience of the sport.
- To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- To encourage and support opportunities for participation in all aspects of our sport.
- To promote personal responsibility and accountability for each person’s own behaviour and for resolving any conflicts that arise.
- To create a safe environment for children.

This policy has been adopted by the Board of the AVBA as a by-law of the AVBA. It replaces all previous member protection policies.

The policy starts on the date of adoption and will operate until replaced.

The current policy and its attachments can be obtained from our website at: www.biathlon.asn.au.

2. Who this policy applies to

This policy applies to the following people:

- (a) members of the AVBA;
- (b) athletes involved in AVBA activities, competitions or teams;
- (c) coaches, managers and other support personnel;
- (d) participants in AVBA events and activities; and
- (e) appointed officials and those elected to positions within the AVBA.

3. Responsibilities of those covered by this policy

Those who this policy covers are responsible for:

- (a) making themselves aware of the policy and complying with it;

- (b) being responsible and accountable for their behaviour;
- (c) following the steps outlined in this policy for resolving situations or making a complaint; and
- (d) complying with any decisions and/or disciplinary measures imposed under this policy.

4. What this policy does not cover

The following are not covered by this policy:

- (a) this policy only applies to the behaviour of individuals and does not apply to decisions of the Board of the AVBA or any sub-committees of the Board;
- (b) this policy does not apply to usual management actions of members of the Board or any person acting in an official capacity;
- (c) this policy does not apply in relation to the adoption, amendment, interpretation or application of event or competition rules, including decisions made by race officials under those rules;
- (d) this policy does not apply in relation to the results of any event or competition conducted by the AVBA and cannot be used as an alternative appeal process in relation to the results of such events (the AVBA has specific event and competition rules that apply in these areas);
- (e) this policy does not apply in relation to the adoption, amendment, interpretation or application of AVBA selection policies;
- (f) this policy does not apply to any decision made by the Board, a sub-committee, appeals panel or any other body under a selection policy or in relation to selection issues;
- (g) this policy cannot be used as an alternative to appeals processes that apply in relation to selection decisions (the AVBA has specific policies that apply in these areas);
- (h) this policy does not apply in relation to any decision made by the Board or any sub-committee in relation to funding, including but not limited to funding of athletes, overseas teams, coaches and support staff.

These provisions of this section 4 override all other provisions of this policy.

Part B: Specific Conduct Guidelines

1. Code of conduct

The AVBA expects all those covered by this policy to act in a manner that promotes a positive experience of the sport by other people, and therefore the following code of conduct applies:

- (a) treat everybody with respect;

- (b) be courteous and respectful in all communications;
- (c) act in a manner that furthers the interests of the sport of biathlon and the AVBA;
- (d) be accountable and take responsibility for your own behaviour: display control, respect and professionalism at all times;
- (e) respect the fact that the AVBA is staffed by volunteers: offer to help rather than criticise; be reasonable in any requests you make of volunteers; and respect the fact that our volunteers are donating their time for the benefit of the sport;
- (f) offer constructive solutions: do not make personal attacks on anyone;
- (g) be respectful of officials and the decisions they make: raise any issues you have through the proper channels;
- (h) make all communications with local or international bodies through the AVBA and with the approval of the AVBA;
- (i) create a safe environment for children;
- (j) be a model to others of all of the above.

2. Unlawful discrimination and harassment

The AVBA aims to provide an environment that is free of unlawful discrimination and harassment.

We recognise that people can better participate, enjoy themselves and perform at their best if they are not discriminated against or harassed.

In Australia, it is generally against the law to discriminate against someone because they possess one or more of the following personal characteristics:

- (a) age
- (b) disability
- (c) family/carer responsibilities
- (d) gender identity/transgender status
- (e) homosexuality and sexual orientation
- (f) irrelevant medical record
- (g) irrelevant criminal record
- (h) political belief/activity
- (i) pregnancy and breastfeeding
- (j) race
- (k) religious belief/activity
- (l) sex or gender
- (m) social origin
- (n) trade union membership/activity

Some states and territories include additional protected characteristics, such as physical features or association with a person with one or more of these characteristics.

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.

Unlawful discrimination can occur by refusing or failing to select someone in a sporting team, or excluding someone from participating in a sporting activity, because they possess one of these attributes.

Exceptions to state and federal anti-discrimination law apply, such as:

- restricting participation in a competitive sporting activity to people of a specified age or group;
- holding a competitive sporting activity for boys and girls only where strength, stamina or physique is relevant;
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

Unlawful harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated because of their race, sex, pregnancy, marital status, sexual orientation or some other personal characteristic protected by law (see the list above).

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability.

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays 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.

3. Harassment

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

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

Sexual harassment is one type of harassment. Sexual harassment 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.

4. Intimate relationships

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

We take the position that consensual intimate relationships between coaches or officials and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the 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 athlete.

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

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

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

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

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

If it is determined that an intimate relationship between a coach or official and an adult athlete is inappropriate or unprofessional the Board 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 athlete. This could include a transfer, a request for resignation or dismissal from coaching duties.

5. Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. The AVBA will not tolerate any discrimination or harassment against pregnant women.

Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in biathlon events. Therefore, pregnant women should take all care necessary to ensure the safety, health and well-being of themselves and their unborn children.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and the risks associated with biathlon events, and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

6. Gender identity

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

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.

The AVBA will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.

The AVBA 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 bound by this policy because of their gender identity, they may make a complaint.

Participation in sport

The AVBA 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. The AVBA 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, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

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

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

Intersex status

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

The AVBA will not tolerate any unlawful discrimination or harassment of a person because of their intersex status.

7. Responsible service and consumption of alcohol

The AVBA wants to conduct sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18.
- food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served.
- a Board member or person nominated by the Board will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed.
- safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

8. Smoke-free environment

The AVBA recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- Social events shall be smoke-free, with smoking permitted in appropriate outdoor areas only.

- Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

9. Cyber-bullying

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.

The AVBA prohibits abusive, discriminatory, intimidating or offensive statements being made online.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

10. Social networking websites

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

The AVBA acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

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

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

11. Behavioural expectations

Those who are subject to this policy must uphold the following minimum standards of behaviour:

- (a) not act in a manner that brings, or is likely to bring, the sport of biathlon or the AVBA into disrepute;
- (b) not victimizing another person for making or supporting a complaint under this policy;

- (c) not making complaints under this policy that are untrue, vexatious, malicious, improper or with ulterior motives;
- (d) failing to comply with disciplinary measures that are imposed after a finding that the person has breached this policy;
- (e) failing to comply with a direction given as part of a disciplinary process.

Part C: Resolution procedures

1. Personal resolution

Where appropriate, people should make all efforts possible to resolve the situation with the person themselves. All blame and personal attacks should be avoided. Rather, a personally responsible attitude should be taken. Look for what you can take responsibility for in the situation and how you can transform the situation into something positive.

If the person needs help resolving the situation, they can ask the Member Protection Information Officer (“**MPIO**”) for assistance.

If the complainant believes the MPIO has a personal interest in the situation, they should inform the Executive Officer of this fact and what they believe the personal interest is. The Executive Officer will then determine whether an alternative MPIO should be appointed and, if so, who the alternative MPIO will be. The Executive Officer has complete discretion in this regard.

Requests for assistance should be made in writing to the MPIO. They should briefly summarise the situation, the actions that have been taken to resolve the situation so far, and what help is needed. The MPIO may seek more information to clarify the situation, including from the people involved and anyone else they consider appropriate.

The MPIO will determine whether the situation falls within this policy. If the MPIO determines that the situation does not fall within this policy, no further action will be taken under this policy.

The MPIO will work with the parties involved to seek to bring about resolution. The goal is to help the parties reach an amicable resolution themselves. If the MPIO considers it appropriate, they may seek the help of a mediator or other third party to help resolve the situation. The costs of using a third party will be born by the person seeking assistance (unless agreed otherwise).

2. Formal Complaints

If there has been a breach of this policy that may warrant disciplinary action, the person affected by the behaviour (complainant) may make a complaint about the person they believe has breached the policy (respondent).

All complaints should be made to the Member Protection Information Officer (“**MPIO**”).

If the complainant believes the MPIO has a personal interest in the situation, they should inform the Executive Officer of this fact and what they believe the personal interest is. The Executive Officer will then determine whether an alternative MPIO should be appointed and, if so, who the alternative MPIO will be. The Executive Officer has complete discretion in this regard.

The complaint should be in writing. It should clearly and specifically set out:

- (a) the section or sections of the policy that the complainant believes the respondent has breached; and
- (b) the specific behaviour that the complainant believes the respondent has engaged in that is in breach of that section or sections.

The MPIO may seek more information to clarify the situation, including from the people involved and anyone else they consider appropriate.

The MPIO will first determine whether the complaint falls within this policy. If the MPIO determines that the complaint does not fall within this policy, no further action will be taken under this policy.

If the MPIO determines that the complaint does fall within this policy, the MPIO will refer the matter to the AVBA's disciplinary committee. If no disciplinary committee is currently constituted, the AVBA will appoint a committee for this purpose, constituted as it sees fit.

The disciplinary committee will have complete discretion as to how to handle the matter and the steps that it takes to handle the matter.

The disciplinary committee may take any steps it considers necessary to gather more information about the situation, including appointing someone to conduct an investigation.

The disciplinary committee may conduct a hearing into the matter. If so, the disciplinary committee will have complete discretion as to what procedures are followed.

The disciplinary committee will determine whether or not a breach of the policy has occurred. If it determines that a breach has occurred, it may take such disciplinary measures that it considers appropriate. This may include:

- (a) a written warning;
- (b) requiring a verbal or written apology;
- (c) counseling to address the behaviour;
- (d) withdrawal of any awards, placings, records or achievements bestowed in any biathlon competitions or events;
- (e) referral to the AVBA Board for consideration of suspension or expulsion from membership;
- (f) withdrawal of accreditation for a period of time; and
- (g) any other form of discipline that it considers appropriate.

The respondent may appeal a decision of the disciplinary committee to the Board of the AVBA within 7 days of being notified of the decision.

The Board of the AVBA may also conduct a review of the decision of the disciplinary committee on its own motion and come to a different determination.

The Board of the AVBA will have complete discretion as to the process to be followed in the event of an appeal or review of a decision of the disciplinary committee.

The decision of the Board of the AVBA in any appeal or review is final. No other appeals are permitted for any reason.

3. Board initiated disciplinary proceedings

The AVBA Board may initiate disciplinary proceedings under this policy if it becomes aware of a breach of this policy. If so, the Board will refer the matter to the disciplinary committee and the same procedures outlined above will apply (including for appeals and reviews of decisions of the disciplinary committee).

Nothing in this policy prevents the Board from initiating disciplinary proceedings outside this policy or for matters not covered by this policy.

4. Approaching external organisations

If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission.

Once a complaint is received by the commission, it will investigate the matter. If it appears that unlawful harassment or discrimination has occurred, the commission will attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. This could include an apology or financial compensation for distress, lost earnings or medical and counselling expenses incurred.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website:

<http://www.playbytherules.net.au/resources/quick-reference-guide>.

Serious incidents, such as assault or sexual assault, should be reported to the police.

5. Victimization and improper complaints

The AVBA aims to ensure that our complaints procedure is free of unfair repercussions or victimisation against the person making the complaint. Therefore, disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the MPIO considers that a complainant has knowingly made an untrue complaint, or the complaint is improper, malicious or intended to cause distress to the respondent, the matter may be referred to the disciplinary committee for review and appropriate action, including possible disciplinary action against the complainant.

Part D: Child Protection

The AVBA is committed to the safety and well-being of all children and young people who participate in our sport. The AVBA child safe policy may be found at Annex A to this document.

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<p>u) Nature of complaint (category/basis/grounds)</p> <p>v) Tick more than one box if necessary</p>	<p>w) ÿ Harassment or ÿ Discrimination</p> <p>ÿ Sexual/sexist methods ÿ Selection dispute ÿ Coaching</p> <p><input type="checkbox"/> Sexuality abuse ÿ Personality clash ÿ Verbal</p> <p><input type="checkbox"/> Race abuse ÿ Bullying ÿ Physical</p> <p><input type="checkbox"/> Religion Victimization ÿ Disability ÿ</p> <p><input type="checkbox"/> Pregnancy decision ÿ Child Abuse ÿ Unfair</p> <p><input type="checkbox"/> Other</p>
<p>x) Methods (if any) of attempted informal resolution</p>	
<p>y) Formal resolution procedures followed</p> <p>z) (outline)</p>	
<p>aa) If investigated:</p>	<p>bb) Finding</p>
<p>cc) If heard by Tribunal:</p>	<p>dd) Decision</p> <p>ee) Action recommended</p>
<p>ff) If mediated:</p>	<p>gg) Date of mediation:</p> <p>hh) Both/all parties present</p> <p>ii) Agreement</p> <p>jj) Any other action taken</p>

kk) If decision was appealed	ll) Decision mm) Action recommended
nn) Resolution	ÿ Less than 3 months to resolve oo) ÿ Between 3 – 8 months to resolve pp) ÿ More than 8 months to resolve
qq) Completed by	rr) Name: ss) Position: tt) Signature: Date / /
uu) Signed by:	vv) Complainant: ww) Respondent: