



MEMBER PROTECTION POLICY

**Approved by the
SKI & SNOWBOARD AUSTRALIA LIMITED Board
26th October 2009**

**Adopted by the
NSW SNOWSPORTS Committee
1 March 2012**



PREFACE

NSW SNOWSPORTS ("**NSWSS**") is the state body governing Snowsports in NSW and is recognised by Ski and Snowboard Australia 'Ltd' (SSA) and the NSW Department of Sport and Recreation in this role. NSWSS has a specific charter to promote, manage and control skiing and snowboarding (collectively "**Snowsports**") in NSW and to represent these interests nationally.

NSWSS is adopting the Members Protection Policy of SSA as its Members Protection Policy. In doing so, this Policy will be applicable to all life members of NSW Snowsports who are not members of SSA through the SSA membership system and all other members of NSW Snowsports who are NSW members of SSA.

Ski & Snowboard Australia Limited ("**SSA**") is the national governing body recognised by the Federation International de Ski, the Australian Sports Commission and the Australian Olympic Committee with a specific charter to promote, manage and control skiing and snowboarding (collectively "**Snowsport**") in Australia and to represent skiing interests internationally.

SSA operates under a unitary model constitution ("**SSA Constitution**") which does not include state associations or division membership. However, it has a broad definition of "Members", which includes the State and Territory governing bodies of Snowsport, being Snowsports ACT, NSW Ski Association Limited, Victorian Snowsports Association Inc., South Australian Ski Association and Tasmanian Ski Council, (collectively, "**SSOs**"). The SSOs are responsible for the administration of Snowsport in the States and Territories of Australia and work in co-operation with SSA to deliver Snowsport related services, implement policies and practices in Australia.

It is unlawful to discriminate against people on the basis of an attribute or personal characteristic. It is unlawful to harass and bully people. It is therefore unlawful, let alone socially unacceptable to discriminate, harass or bully our Snowsports Members.

SSA will take all measures possible to create a safe and happy environment for all participants. This policy provides a code of conduct forming the basis of appropriate and ethical behaviours which everyone must abide by. This policy confirms that SSA is committed to the principles of The Essence of Australian Sport.

This policy stipulates what compulsory actions SSA must take including screening, legal requirements and complaint procedures if in the unfortunate event that these practices crept into our disciplines.

The policy also details the relevant child protection and Work, Health and Safety requirements for all volunteer and employed persons within NSWSS.

The ideology of our Members experiencing only happy, respectful, safe and fulfilling experiences in Snowsports will be a forthright philosophy.

Mr Michael Kennedy
Chief Executive Officer

Ski & Snowboard Australia Limited
October 2009

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PART A: MEMBER PROTECTION POLICY

1. SSA MISSION AND CORE VALUES

1.1 Vision

Our vision is to facilitate continual growth of Snowsports within Australia.

1.2 Mission

Our mission is to nationally develop, promote, administer and co-ordinate in a professional and efficient manner the uniquely Australian sport of Snowsport for the enjoyment and benefit of all.

1.3 Core Values

- Strive for excellence and innovation.
- Value the well being and diversity of our people.
- Be responsive to our stakeholders needs.
- Listen and communicate openly.
- Be open and transparent.
- Be co operative and work as a team.
- Be objective, fair and nationally focused in our decision making.

2. WHAT IS THE PURPOSE OF THIS POLICY?

This policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse and harm.

This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities. This policy also reflects our support and implementation of the sport industry principles and values outlined in The Essence of Australian Sport - principles of fairness, respect, responsibility and safety.

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

This policy has been endorsed as a By-Law by the SSA Board under the SSA Constitution. The policy starts on 12th September 2007 and will operate until replaced. This policy and/or its attachments may be amended from time to time by amendments, by resolution of the SSA Board. Copies of the policy and its

attachments can be obtained from our website www.skiandsnowboard.org.au or www.nswsnowsports.com.au.

3. WHO DOES THIS POLICY APPLY TO?

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

- (a) individuals appointed or elected to boards of directors, executives and/or committees and sub-committees of SSA or of the SSO's;
- (b) employees, paid contractors and volunteers of SSA or a SSO;
- (c) support personnel (including, but not limited to, team managers and chaperons);
- (d) coaches and assistant coaches who:
 - (i) are appointed and/or employed by SSA or a SSO (whether paid or unpaid);
 - (ii) have an agreement (written or verbal) with SSA, a SSO or to coach at a facility owned/hired or managed by such organisation; or
 - (iii) are registered members of an SSA related coaching association.
- (e) participants who participate in Snowsports or who enter any competition, activity or events (including, but not limited to, camps and training sessions, etc) which are held or sanctioned by or through SSA or an SSO;
- (f) competition officials;
- (g) Members;
- (h) Member associations, including SSO's;
- (i) any other person or organisation that is a member of or affiliated to SSA; and
- (j) parents, guardians, spectators and sponsors to the full extent that is possible including where such persons or organisations have agreed, in writing or otherwise, to be bound by this policy.

This policy will continue to apply to a person (even after they have stopped their association with SSA or a SSO) if disciplinary action relating to an allegation of child abuse against that person, has commenced or in the event of work, health and safety compensation.

4. CODE OF CONDUCT

SSA requires every individual and organisation bound by this policy to:

- (a) be ethical, fair and honest in all their dealings with other people and the SSA and NSWSS;
- (b) treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- (c) always place the safety and welfare of children above other considerations;
- (d) comply with the SSA Constitution and SSA's rules and policies, (including this policy) and comply with the Memorandum and Articles of Association and Sub-Committee By-Laws of the NSW Ski Association Limited (trading as NSW Snowsports);
- (e) operate within the rules and spirit of the sport;
- (f) comply with all relevant Australian laws (Federal and State), particularly anti-discrimination, work, health and safety and child protection laws;
- (g) be responsible and accountable for their conduct; and
- (h) abide by the relevant Codes of Conduct outlined in Part D of this policy.

5. ORGANISATIONAL RESPONSIBILITIES UNDER THIS POLICY

5.1 NSWSS and the stakeholders (including affiliated clubs) must:

- (a) adopt, implement and comply with this policy;
- (b) publish, distribute and otherwise promote this policy and the consequences for breaching it;
- (c) promote appropriate standards of conduct at all times;
- (d) promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- (e) apply this policy consistently without fear or favour;
- (f) recognise and enforce any penalty imposed under this policy;
- (g) ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- (h) appoint at least one Member Protection Information Officer ("**MPIO**") to receive and handle complaints and allegations and display the names and contact details of such person(s) in a way that is readily accessible;
- (i) monitor and review this policy at least annually; and
- (j) make such amendments to their constitution, rules or by laws in order for this policy to be enforceable, as required by SSA.

- 5.2** The SSA Board (with the cooperation of the Boards of the SSOs) is responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of this policy.

6. INDIVIDUAL RESPONSIBILITIES

Individuals bound by this policy are responsible for:

- (a) making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- (b) consenting to a national police check if the individual is a registered coach or holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
- (c) complying with all other requirements of this policy;
- (d) co-operating in providing discrimination, child abuse and harassment free sporting environment; and
- (e) understanding the possible consequences of breaching this policy.

7. POLICY POSITION STATEMENTS

7.1 Child Protection Policy

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

SSA acknowledge that our staff and volunteers provide a valuable contribution to the positive experiences of our junior participants. NSWSS aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- (a) prohibiting any form of abuse against children;
- (b) providing opportunities for our juniors to contribute to and provide feedback on our program development;
- (c) carefully selecting and screening people whose role requires them to work with junior participants and or have direct and unsupervised contact with children (screening procedures are outlined in Part B of this policy);
- (d) ensuring our codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed;
- (e) providing procedures for raising concerns or complaints (complaints procedure is outlined in Part C of this policy); and
- (f) Providing education and/or information to those involved in our sport on child abuse and child protection.

SSA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it

immediately to the police or relevant government agency and to your State MPIO. Descriptions of the sorts of activity which may be abuse are in the Dictionary at clause 11.

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

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

7.1 Taking Images of Children

Images of children can be used inappropriately or illegally. SSA requires that individuals and associations, 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. SSA also requires the privacy of others to be respected and disallows the use of camera phones, videos and cameras inside changing areas, showers and toilets.

If SSA 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. SSA will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. SSA will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. SSA 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.

SSA requires its members, member associations and clubs to do likewise.

7.2 Anti-Discrimination and Harassment Policy

SSA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

SSA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

SSA prohibits all forms of harassment and discrimination based on personal characteristics listed in the Dictionary. Discrimination and harassment are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment are against the law.

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

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C of this policy. This will explain what to do about the behaviour and how the SSA will deal with the problem.

7.3 Sexual Relationships Policy

SSA takes the view that intimate relationships (whether or not of a sexual nature) between coaches and participants, while not necessarily of constituting harassment, can have harmful effects on the individual participant involved, on other participants and on the sport's public image. Such relationships may be perceived to be exploitative because there is usually a disparity between coaches and participants in terms of authority, maturity, status and dependence. Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a participant attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The law is always the minimum standard for behaviour within SSA and therefore sexual acts with a child is a criminal offence.

7.4 Pregnancy Policy

SSA is committed to providing an inclusive sporting environment for pregnant women involved in its activities. SSA expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

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

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C of this policy. This will explain what to do about the behaviour and how SSA will deal with the problem.

While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances. SSA will take reasonable care to ensure the safety, health and well being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost

importance in their decision making about the extent and manner in which they participate in our sport.

We encourage all pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation in particular sporting activities.

We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

7.5 Gender Identity Policy

SSA is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. SSA expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

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

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to our complaints procedure outlined in attachment C of this policy. This will explain what to do about the behaviour and how SSA will deal with the problem.

SSA recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general, SSA will facilitate transgender or transsexual persons participating in our sport of the sex with which they identify.

8. COMPLAINTS PROCEDURES

8.1 Complaints

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

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the MPIO considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

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

8.2 Vexatious Complaints & Victimisation

SSA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the relevant discipline committee or the NSWSS Board for appropriate action which may include disciplinary action against the complainant.

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

8.3 Mediation

SSA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint; the complainant and the person complained about (respondent); may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

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

8.4 Tribunals

A hearings tribunal may be formed to conduct a hearing into an alleged breach of the policy or a formal complaint that has been referred by the SSA Board or a discipline committee. Our tribunal hearings procedure is outlined in attachment C of this policy.

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

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

9. WHAT IS A BREACH OF THIS POLICY?

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

- (a) do anything contrary to this policy;

- (b) breach the Code of Conduct or any of the Role-Specific Codes of Conduct incorporated in this Policy;
- (c) bring the sport, SSA or a SSO into disrepute;
- (d) fail to follow NSWSS policies and procedures for the protection, safety and welfare of children and staff;
- (e) have appointed or continue to appoint a person to a role that involves working with children and young people contrary to this policy;
- (f) discriminate against or harass any person;
- (g) victimise another person for reporting a complaint;
- (h) engage in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- (i) disclose to any unauthorised person or organisation any SSA information that is of a private, confidential or privileged nature;
- (j) make a complaint they **knew** to be untrue, vexatious, malicious or improper;
- (k) fail to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- (l) fail to comply with a direction given to the individual or organisation during the discipline process.

10. FORMS OF DISCIPLINE

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated.

11. DICTIONARY

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State/Territory specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State/Territory child protection commissions, or equal opportunity and anti-discrimination commissions.

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

SSA means the Ski and Snowboard Australia Limited, the national governing body for Snowsport in Australia.

SSA Constitution means the constitution of SSA as amended from time to time.

Chief Executive Officer has the same meaning as in the SSA Constitution.

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

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

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

Codes of Conduct means the standard of conduct required by SSA which is set out in the codes of conduct and the Role-specific Codes of Conduct annexed to this policy.

Complaint means a complaint made under this policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is **Direct Discrimination**). The law also covers **Indirect Discrimination**. The latter is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

- age;
- disability;
- family/carer responsibilities;
- gender identity/transgender status;
- homosexuality and sexual orientation;

- irrelevant medical record;
- irrelevant criminal record;
- political belief/activity;
- pregnancy and breastfeeding;
- race;
- religious belief/activity;
- sex or gender;
- social origin;
- trade union Membership/activity.

Some States and Territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

Examples of Discrimination

- age: a club refuses to allow an older person to coach a team simply because of their age;
- breastfeeding: a member of the club who is breastfeeding her baby in the class venue is asked to leave;
- disability: a junior player is overlooked because of her mild epilepsy;
- family responsibilities: a club decides not to appoint a person because they have a child with a disability even though the person is the best person for the job;
- gender identity: a transgender contract worker is harassed when employees refuse to call her by her female name;
- homosexuality: an athlete is ostracised from her team after she tells a team mate that she is a lesbian;
- marital status: a player is deliberately excluded from team activities and social functions because she is single;
- pregnancy: a woman is dropped from her team when she becomes pregnant;
- race: an Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race; and
- sex: specialist coaching is only offered to male players in a mixed team.

Frivolous means trifling or futile.

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

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

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any participant or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples may include:

- holding a competitive sporting activity for females only who are 14 years of age or over where strength, stamina or physique is relevant; or
- 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 sporting activity.

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

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment.

Public acts of racial hatred which are reasonably likely in the circumstances 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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see Vilification definition.

Hearings Convenor means a person appointed in accordance with Attachment C4, who is responsible for the administration of hearings by the Hearings Tribunal.

Hearings Tribunal means the tribunal of SSA or a discipline committee member established to hear and determine alleged breaches and appeals under this Policy.

Junior means a person under the age of eighteen (18) years who is participating in an activity of the SSA, or an SSO.

Malicious means with wrongful intention.

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

Member has the same meaning as in the SSA Constitution.

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

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

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

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them;
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence;
- all parties need to be heard and all relevant submissions considered;
- irrelevant matters should not be taken into account;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must not outweigh the 'crime'.

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

Policy and **this policy** mean this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific Codes of Conduct means standards of conduct required of people in certain roles (e.g. coaches).

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

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

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

- rape;
- indecent assault;
- sexual assault;
- assault with intent to have sexual intercourse;
- incest;
- sexual penetration of child under the age of 16;
- indecent act with child under the age of 16;
- sexual relationship with child under the age of 16;
- sexual offences against people with impaired mental functioning;
- abduction and detention;
- procuring sexual penetration by threats or fraud;
- procuring sexual penetration of child under the age of 16;
- bestiality;
- soliciting acts of sexual penetration or indecent acts;
- promoting or engaging in acts of child prostitution;
- obtaining benefits from child prostitution;
- possession of child pornography;

- publishing child pornography and indecent articles.

Staff Staff refers to individuals who work under a contract (verbal or written) of employment or apprenticeship. This includes individuals who are paid or non-paid.

SSA means the Ski and Snowboard Australia Limited, the national governing body for Snowsports in Australia.

SSO has the meaning given to it in the preface section of this policy

Vexatious means malicious or trivial of intent.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

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

PART B: CHILD PROTECTION REQUIREMENTS

Background

Child Protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

The Northern Territory government has passed new law and screening will be compulsory from January 2010. The Australian Capital Territory and Tasmania are currently reviewing their screening laws. New requirements and amendments will be added to this policy as they are introduced.

State and Territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if a SSO takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The State WWCC requirements apply regardless of SSA's Policy or any similar policy adopted by a SSO.

The attachments in this Part B provide:

- summary information on State and Territory WWCC requirements and where to obtain more information and relevant forms;
- SSA's Member Protection Declaration (for all States/Territories except NSW who must complete a Prohibited Employment Declaration provided by the NSW Commission for Children and Young People); and
- SSA's screening requirements for people residing in ACT and Tasmania.

As part of SSA's commitment to protecting the safety and welfare of children and young people involved in Snowsport activities, SSA requires the requirements outlined in the attachments to Part B to be met.

Attachment B1: SCREENING REQUIREMENTS

Screening requirements apply in States/Territories without Working With Children Checks such as ACT and Tasmania.

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our sport that involves direct and unsupervised contact with people under the age of 18 years.

Screening under this policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

SSA and its SSOs will:

1. Identify positions (paid or voluntary) that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years.
2. Obtain a completed Member Protection Declaration (MPD) (Attachment B2) from all people who are identified in the above step and keep it in a secure place.
3. Provide an opportunity for a person to give an explanation if a MPD is not provided or it reveals that the person does not satisfactorily meet any of the clauses in the MPD. SSA (or the SSO) will then make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years. If unsatisfied, it will not appoint the person to the role/position.
4. Where possible, check a person's referees (verbal or written) about his/her suitability for the role.
5. Ask the people identified in step 1 (including people applying for a position and people who currently occupy a position that involves direct and unsupervised contact with people under the age of 18 years) to sign a consent form for a national police check.
6. Request (or ask the person to request) a national 'Part Exclusion' police check from the relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, SSA (or the SSO) will provide an opportunity for the person to give an explanation, and then it will make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years. If SSA (or the SSO) remains unsatisfied then it will not appoint the person to the role.
7. Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person does not agree to a national police check after explaining why it is a requirement under SSA's policy. If unsatisfied, SSA (or the SSO) will:
 - (a) in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment; and

- (b) in the case of someone applying for the position/role, not appoint them.
8. Decide whether to offer the person the position taking into account the result of the police check and any other information SSA (or the SSO) has available to it. Where it is not practical to complete the police check prior to the person commencing in the position, SSA (or the SSO) will complete the check as soon as possible, and if necessary, act immediately on the outcome.
 9. Protect the privacy of any person who is checked and maintain confidentiality of any information obtained through the checking process.
 10. Return information collected during screening (such as a completed MPD form, police records and referee reports) to the relevant person if that person is not appointed to the position, or otherwise destroy such records within 28 days of the date of the decision or the expiry of any appeal period, unless within that time the person requests that the documents be returned to him/her. For appointed persons, information will be kept on file in a secure location.

Attachment B2: Member Protection Declaration

SSA has a duty of care to its Members and to the general public who interact with its employees, volunteers, Members and others involved with SSA’s activities. As part of this duty of care and as a requirement of SSA’s Policy, the SSA must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

I..... (name) of

..... (address)

born

sincerely declare:

- 11. I do not have any criminal charge pending before the courts.
- 12. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
- 13. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
- 14. To my knowledge there is no other matter that the SSA may consider to constitute a risk to its Members, employees, volunteers, athletes or reputation by engaging me.
- 15. I will notify the Chief Executive Officer of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in the clauses above has changed for whatever reason.

Declared in the State/Territory of

on(date) Signature.....

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:

Signature:.....

Date:.....

Attachment B3: WORKING WITH CHILDREN CHILD PROTECTION REQUIREMENTS

The following information was updated in April 2009. It is subject to change at any time.

QUEENSLAND

A person will need a Working with Children Check, also known as the blue card, if they propose to work in a paid or voluntary capacity or to carry on a business in a child-related area regulated by the Commission for *Children and Young People and Child Guardian Act 2000*. Once a person is checked and approved they are issued with a "blue card." Volunteers and paid employees employed in sporting organisations generally fall under the 'churches, clubs and associations' category of regulated employment. Volunteers and paid employees employed in private businesses may fall under the 'sport and active recreation' category of regulated employment. The check is a detailed national criminal history check including charges and investigations relating to children.

People such as those with previous convictions involving children are disqualified from applying for or renewing a blue card (refer to website below for details).

A blue card remains current for two years. Existing card holders will be notified by the Queensland Commission for Children and Young People and Child Guardian before their card expires.

In addition to obligations regarding the blue card, employers must develop and implement a written child protection risk management strategy and review it each year.

For more information on the blue card, including current forms: www.ccyppg.qld.gov.au or call 1800 113 611.

NEW SOUTH WALES

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working with Children Check (WWCC). Child related employment is work which primarily involves direct unsupervised contact with children. The WWCC involves three components:

1. Ensuring all paid and unpaid employees sign a Prohibited Employment Declaration which states they are not prohibited from working with children.
2. Submitting all applicants for paid employment to NSW Sport and Recreation for a WWCC background check. NSW Sport and Recreation only carries out checks for paid employees.
3. Reporting relevant employment proceedings for any paid and unpaid employees to the Commission for Children and Young People. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a child/ren.

Sporting organisations are responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. Sporting organisations should register with NSW Sport and Recreation, providing a contact who will receive the information on the background checks.

A WWCC is valid for employment in that position within the organisation. Short-term employees (where that person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked once every 12 months.

For more information, including the required forms: www.kids.nsw.gov.au or call 02 9286 7219 or www.dsr.nsw.gov.au/children/resources.asp or call 02 9006 3700.

WESTERN AUSTRALIA

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of his/her work involves, or is likely to involve, contact with a child in connection with specified categories of work (see the website below for further details). It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information: www.checkwwc.wa.gov.au or call 1800 883 979 (toll free).

VICTORIA

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The Working with Children Act 2005 requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an assessment notice. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a negative notice and cannot work in child-related work in Victoria.

For more information: www.justice.vic.gov.au/workingwithchildren or call 1300 652 879.

SOUTH AUSTRALIA

There are provisions under the Children's Protection (Miscellaneous) Amendment Act 2005 that apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Staff and volunteers who work with children are mandated notifiers and have a legal obligation to report any suspected child abuse and/or neglect.

For more information: www.families.sa.gov.au/childsafes or call 08 8226 7000.

NORTHERN TERRITORY

From January 2010, all persons employed in child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with children are caught.

Clearance notices are valid for two years from date of issue unless revoked, and are transferable within employment fields. As a part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

For more information contact 1800 SAFE NT (1800 723 368).

PART C: PROCEDURES

To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting complaints, allegations, investigations, tribunals and disciplinary measures, SSA will follow and implement the following procedures. In applying these procedures SSA aims to and actively encourages the settlement of Complaints as quickly and as informally as possible.

Attachment C1: Complaints Procedure

1. Complaint Resolution Procedure

1. Any person or organisation may make a complaint about a person or organisation to whom this Policy applies, if they consider that a person or organisation has, or may have, committed a breach of any part of this Policy ("**Complaint**").
2. The Complaint always belongs to the complainant, who will also determine how their Complaint is dealt with and is not divulged to another person without the complainant's agreement, except in the case where a person is required by law to report the matter to governmental authorities (for example, in the case of suspected child abuse).

2. Informal Complaint Resolution Procedure

3. It is not necessary to provide a written Complaint under this clause.
4. A person or organisation that has a Complaint ("**complainant**") may seek to resolve the Complaint informally. The complainant **may** make an initial approach to a member protection information officer (MPIO): An MPIO may include but is not limited to;
 - (i) MPIO of SSA or of a SSO; or
 - (ii) the Chief Executive Officer or in their absence their Nominee; or
 - (iii) another appropriate person within the organisation (eg team manager, coach etc).

Any person approached by a complainant will use all reasonable efforts to encourage the complainant to resolve the Complaint with the person who the complainant considers has breached this Policy.

5. If the person approached is a MPIO, they may:
 1. listen to and inform the complainant about their possible options;
 2. encourage the complainant to resolve the Complaint with the person who the complainant considers has breached this Policy; and/or
 3. act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint.
6. The MPIO will:
 1. keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint;
 2. inform the relevant governmental authority, if required by law.

If the complainant wishes to try and resolve the Complaint by mediation, the MPIO will arrange for a mediator to mediate the Complaint. The MPIO cannot also be a mediator.

The Mediator shall:

- (iv) notify the person complained about that an informal Complaint has been made and provide them with details of the Complaint; and
- (v) attempt to mediate a resolution between the complainant and the person complained about.

If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this Policy.

If the Complaint is not resolved informally following this process, the complainant may make a formal Complaint as set out below.

Nothing in this Policy prevents the complainant taking action under federal or state legislation.

3. Formal Complaint Resolution Procedure

In order for a Complaint to be dealt with in accordance with this clause, a Complaint must be made in writing (however it need not be called or referred to as a Complaint).

A written Complaint must be made to one of the following people:

- (i) a MPIO of SSA or of a SSO (a list of the MPIOs must be made available to any person requesting such list and shall be displayed at the premises of SSA and at the SSO's) or
- (ii) the Chief Executive Officer or in their absence their Nominee, of SSA or of a SSO.

If a person listed in clause 3(b) above receives a Complaint then they must do the following:

- (iii) if such person is not a MPIO, they shall forward such Complaint as soon as possible to a MPIO at either SSA or at a SSO, whichever organisation the person complained about holds the highest role.
- (iv) the MPIO must then ask the complainant whether s/he wishes them to:
 - A. listen to and inform the complainant about their possible options; and/or

- B. encourage the complainant to resolve the Complaint with the person who the complainant considers has breached this Policy.
 - C. act as a support person for the complainant, including supporting them through any mediation process undertaken to resolve the Complaint; and/or
 - D. refer the Complaint to the Hearings Convenor at SSA or a SSO, whichever organisation the person complained about holds the highest role, for a hearing to be held under the procedure in Attachment C4 (if mediation is not a relevant/appropriate option).
- (b) Having determined the complainant's wishes in clause 3(c)(iii), the MPIO will:
- (i) act in accordance with the complainant's direction in relation to the options set out in clause 3(c)(iii);
 - (ii) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the Complaint; and
 - (iii) inform the relevant governmental authority, if required by law.

If the complainant wishes to try and resolve the Complaint by mediation, the MPIO shall immediately arrange for a mediator to mediate the Complaint and will provide the mediator with a copy of the written Complaint. If an attempt to mediate was made under clause 2(f), the Mediator under this clause cannot be the same person. The MPIO cannot also be a mediator

The mediator shall:

- (iv) notify the person complained about, in writing, that a Complaint has been made and provide them with a copy of the written Complaint; and
- (v) attempt to mediate a resolution between the complainant and the person complained about.

If an agreed resolution is reached between the complainant and the person complained about, the Complaint shall be deemed to have been withdrawn and no further action in relation to that Complaint may be taken (except for that which is agreed) under this Policy.

If following the process above an agreed resolution is not reached then, with the complainant's agreement, the mediator shall refer the Complaint to the Hearings Convenor at SSA or a SSO, whichever organisation the person complained about holds the highest role, for a hearing to be held under the procedure in Attachment C4.

If a complainant withdraws the Complaint, no further action in relation to that Complaint may be taken (unless required by law) under this Policy.

For the avoidance of doubt, any Complaint relating to a SSO, shall be referred to the MPIO and/or Hearings Convenor of the SSO.

Nothing in this Policy prevents the complainant taking action under federal or state legislation.

4. External procedure

There may be a range of external options available to you depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory equal opportunity commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be a type of harassment that comes within its jurisdiction, you may then make a decision as to whether or not to lodge a formal complaint with the commission.

Once a complaint is received by an anti-discrimination commission, an investigation will be conducted. If it appears that unlawful harassment or discrimination has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made as to whether unlawful harassment or discrimination occurred. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

An anti-discrimination commission can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

If you do lodge a complaint under anti-discrimination law, you may use an appropriate person (e.g. an MPIO) as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

Attachment C2: Investigation Process

If a Complaint is not received, but the Chief Executive Officer or in their absence their Nominee, or a MPIO of NSWSS receives information (whether or not in writing) which gives them reasonable cause to suspect that a breach of this Policy may have been committed, then he or she shall use their reasonable endeavours to advise the person who is suspected of being subject to Harassment, of the complaints procedures under this Policy.

Except as otherwise provided in this Policy, all information obtained by the Chief Executive Officer or in their absence their Nominee, or a MPIO of NSWSS in accordance with this clause must be kept confidential.

If an investigation needs to be conducted the following steps should be followed where relevant:

1. SSA or a SSO will appoint an independent investigator to conduct the investigation. This person cannot be an MPIO.
2. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
3. The complainant will be interviewed and the complaint documented in writing.
4. The details of the complaint will be conveyed to the person/people complained about (respondent(s)) in full. The respondent(s) must be given sufficient information to enable them to properly respond to the complaint.
5. The respondent(s) will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing.
6. If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
7. The investigator will make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint);
 - inconclusive (there is insufficient evidence either way);
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - mischievous, vexatious or knowingly untrue.
8. A report documenting the complaint, investigation process, evidence, finding and, if requested, recommendations, will be given to the relevant person/tribunal.
9. A report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the complainant and the respondent(s).
10. Both the complainant and the respondent(s) are entitled to support throughout this process from their chosen support person/adviser (e.g. MPIO or other person).

The complainant and the respondent(s) may have the right to appeal against any decision based on the investigation. Information on our appeals process is in Attachment C4.

Attachment C3: Investigation Procedure: Child Abuse

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow. More information can be obtained from your relevant State or Territory government agency.

Step 1: Clarify basic details of the allegation

- Any complaints, concerns or allegations of child abuse should be made or referred to the MPIO.
- The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
 - listen to, be supportive and do not dispute 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; and
 - ensure that what the child says is quite clear but do not elicit detailed information about the abuse. You should avoid suggestive or leading questions.
- The person receiving the complaint should obtain and clarify basic details (if possible) such as:
 - child's name, age and address;
 - person's reason for suspecting abuse (observation, injury or other); and
 - names and contact details of all people involved, including witnesses.

Step 2: Report allegations of a serious or criminal nature

- Any individual or organisation to which this policy applies, **should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.**
- If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or other appropriate government agency. You may need to report to both the police and the relevant government agency.
- The relevant State or Territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.

- If the child's parent/s are suspected of committing the abuse, report the allegation to the relevant government agency.

Step 3: Protect the child

- The MIPO should assess the risks and take interim action to ensure the child's/children's safety. Some options that the SSA could implement include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined. Please be aware it is not the MPIO's role to actually undertake action such as redeploying someone – an MPIO should only recommend possible actions.
- The MIPO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

Step 4: Further clarify and investigate allegation

- Seek advice from the police and relevant government agency as to whether the SSA/SSO should carry out its own internal investigation (in addition to or in conjunction with any police or relevant government agency investigation).
- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
 - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government agency.
 - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of SSA/SSO if required (example, professional counselling).
 - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.
 - Obtain a signed statement and record of interview from the person.
 - Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
 - Obtain other information that could assist in making a decision on the allegation.

- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

Step 5 – Record and analyse all information

- If an internal investigation was conducted under Step 4, the investigator will provide a report to the Chief Executive Officer or in their absence their Nominee.
- The decision-maker(s) will be the nominee of the SSA Board/SSO Board, and will remain separate and at arm's length from the investigator.
- The decision-maker will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

Step 6: Undertake disciplinary action

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- If disciplinary action is to be taken, follow the procedures outlined in Attachment C5 of the policy.
- Implement any disciplinary decision recommended. The action should be immediate.
- Check with the relevant state government authority to see if you need to forward a report (e.g. the NSW Commission for Children and Young People requires notification of relevant employment proceedings).

Attachment C4: Hearings & Appeals Tribunal Procedure

1. Hearings

Where the Hearings Convenor at SSA or a SSO receives a Complaint referred to it under Attachment C1, he or she shall follow the procedures set out in this clause.

Upon receipt of the Complaint, the Hearings Convenor shall as soon as possible do the following:

- (i) Determine the composition of the Hearings Tribunal, as detailed in clause 1(c) below.
 - (ii) Send to the person complained about:
 - A. a notice setting out the alleged breach including details of when/where it is alleged to have occurred;
 - B. a notice setting out the date, time and place for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the Complaint; and
 - C. a copy of the Complaint,
 - (**"Notice of Alleged Breach"**).
 - (iii) Send to the complainant(s) and the chairperson of the Hearings Tribunal a copy of the Notice of Alleged Breach.
- (b) The Hearings Tribunal for each hearing shall be appointed by the SSA Board or relevant SSO Board and shall comprise of the following persons:
- (i) A barrister or solicitor (who shall be the "**chairperson**") or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
 - (ii) a person with a thorough knowledge of the sport; and
 - (iii) one other person of experience and skills suitable to the function of the Hearings Tribunal, **provided that** such persons do not include:
 - A. a person who is a member of the Board (however described) of the organisation which appoints the Hearings Tribunal; or
 - B. a person who would, by reason of their relationship with the complainant or the person complained about, be reasonably considered to be other than impartial.
- (c) Frivolous, vexatious or malicious Complaints:

- (i) If within 48 hours of sending the Notice of Alleged Breach, the person complained about alleges in writing to the Hearings Convenor that the Complaint is frivolous, vexatious or malicious, the chairperson shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and shall advise the parties of his or her determination.
 - (ii) The Hearings Convenor shall provide to the other parties to the hearing (see clause 1(f)) a copy of the written allegation made by the person complained about, that the Complaint is frivolous, vexatious or malicious.
 - (iii) The chairperson shall determine such preliminary issue as soon as practicable and in whatever manner the chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
 - (iv) The decision of the chairperson under this clause 1(d) may be appealed within 48 hours of the determination to the relevant appeal body under clause 2 below.
- (d) The Hearings Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the person complained about has committed a breach of this Policy. If the Hearings Tribunal considers that the person complained about has committed a breach of this Policy, it may impose any one or more of the penalties set out in Attachment C5.
- (e) The parties to the hearing shall include the complainant, the person complained about and the relevant organisation (being SSA or the relevant SSO) and any witnesses which the Hearings Tribunal considers necessary to participate in the hearing.
- (f) If upon receipt of the Notice of Alleged Breach, the Hearings Tribunal considers that pending the determination of the matter the person complained about may put at risk the safety and welfare of the complainant or others, it may order that the person complained about be:
- (i) suspended from any role they hold with SSA or an SSO;
 - (ii) banned from any event or activities held by or sanctioned by SSA and/pr by the relevant SSO; and/or
 - (iii) required not to contact or in any way associate with the complainant or other person about whom the alleged breach relates,
- pending the determination of the hearing.
- (g) There is no right of appeal of the decision by a Hearings Tribunal under clause 1(g).

- (h) No party to the hearing may be represented by a barrister or solicitor. However the chairperson of the Hearings Tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or proprietary is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.
- (i) Each party to the hearing shall bear their own costs in relation to the hearing.
- (j) The Hearings Tribunal shall give its decision as soon as practicable after the hearing and the Hearings Convenor will deliver to the following a statement of the written reasons:
 - (i) the complainant;
 - (ii) the person complained about; and
 - (iii) any other party represented in the hearing.
- (k) Each member of each Hearings Tribunal established under this Policy shall be indemnified by the organisation which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal under this Policy.
- (l) Except as otherwise provided in this Policy, all members of the Hearings Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing and the decision of the Hearings Tribunal) confidential.
- (m) To the extent of any inconsistency between the hearing procedure set out in the SSA Constitution and the hearing procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

2. **How can a decision be appealed?**

- (a) The person complained about may appeal a decision of a Hearings Tribunal on the grounds that natural justice has not been provided.
- (b) An appeal shall be made to the following appeal body:
 - (i) an appeal against a decision of a Hearings Tribunal established by SSO, shall be made to the Hearings Tribunal of SSA. Subject to the discretion of the chairperson of the Hearings Tribunal, all appeals to SSA shall be heard at a location nominated by SSA; and
 - (ii) an appeal against a decision of a Hearings Tribunal established by SSA, shall be made to the appeal division of the Court of Arbitration for Sport (Oceania Registry) ("**CAS**"),

(referred to as the "**Appeal Body**").

- (c) There is only one right of appeal following the decision of the initial Hearings Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties. It is agreed that no party to such appeal may institute or maintain proceedings in any court or tribunal other than the relevant Appeal Body. **Note: This provision does not prevent any person or organisation taking separate action under federal or state legislation.**
- (d) The process for such appeal is as follows:
- (i) the party wishing to appeal ("**Appellant**") shall within 72 hours of the Hearings Tribunal delivering its decision:
 - A. in the case of an appeal to SSA, advise in writing the Hearings Convenor of SSA of their intention to appeal ("**Notice of Intention to Appeal**");
 - B. in the case of an appeal to CAS, complete and file an application to appeal with CAS in accordance with the Code of Sports Related Arbitration;
 - C. for an appeal to the SSA, as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Convenor of SSA shall appoint a Hearings Tribunal to hear and determine the appeal, which shall comprise of persons in accordance with clause 1(c) above; and
 - D. within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
 - (ii) pay the appeal fee to the Hearings Convenor of SSA, which shall be \$110.00 (including GST) which is non-refundable, or in the case of an appeal to CAS, the fee as per the Code of Sports-Related Arbitration applicable to CAS; and
 - (iii) submit to the Hearings Convenor of SSA or CAS (as the case may be) four written copies of the grounds of appeal. The Hearings Convenor of SSA shall provide a copy of the grounds of appeal to the other party, to the Hearing Convenor of the organisation which established the Hearings Tribunal who made the decision which is the subject of the appeal and the chairperson of the Appeal Body.
- (e) If either of the requirements in this sub-clause are not met by the due time the appeal shall be deemed to be withdrawn;
- (i) on completion of the procedures in (d), the Hearings Convenor of SSA or the chairperson of CAS (as the case may be) shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and

- (ii) the procedure for the appeal shall be the same as the procedure for the Hearings Tribunal set out in clause 1 except where the Appeal Body is CAS, in which case the Code of Sports-Related Arbitration shall apply.
- (f) The Appeal Body may reject an appeal on the basis that the grounds of appeal are not satisfied.
- (g) Upon hearing the appeal, the Appeal Body may do any one or more of the following:
 - (i) dismiss the appeal;
 - (ii) uphold the appeal;
 - (iii) impose any of the penalties set out in Attachment C5; and/or
 - (iv) reduce, increase or otherwise vary any penalty imposed by the initial Hearings Tribunal.
- (h) If the penalty imposed by the Appeal Body affects other organisations required to comply with this Policy, the Hearings Convenor of the Appeal Body shall as soon as possible notify in writing the relevant organisation of the penalty. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by an Appeal Body under this Policy.
- (i) The Appeal Body has no power to award costs and each party shall bear their own costs in relation to any appeal.
- (j) To the extent of any inconsistency between the hearing appeal procedure set out in the SSA Constitution and the hearing appeal procedure set out in this Policy, this Policy shall prevail in relation to all Complaints under this Policy.

Attachment C5: Disciplinary Measures

What Penalties may be Imposed?

1. **For breaches committed by organisations:** If the Hearings Tribunal considers that SSA, a SSO or any organisation has breached this Policy, it may impose any one or more of the following penalties on such organisation:
 - (a) direct that any funding granted or given to it by SSA or a SSO cease from a specified date;
 - (b) impose a monetary fine for an amount determined by the Hearings Tribunal;
 - (c) impose a warning;
 - (d) recommend to SSA and/or the relevant SSO that its membership of such organisation be suspended or terminated in accordance with their applicable constitution;
 - (e) direct that any rights, privileges and benefits provided to that organisation by SSA or a SSO be suspended for a specified period and/or terminated;
 - (f) direct SSA and/or a SSO to cease to sanction events held by or under the auspices of that organisation; and/or
 - (g) any other such penalty as the Hearings Tribunal considers appropriate.

2. **For breaches committed by individual persons:** If the Hearings Tribunal considers that an individual to whom this Policy applies has breached this Policy, it may impose any one or more of the following penalties on such person:
 - (a) direct that the offender attend counselling to address their conduct;
 - (b) recommend that SSA or the relevant SSO terminate the appointment of the role which the offender holds with such organisation;
 - (c) impose a monetary fine for an amount determined by the Hearings Tribunal;
 - (d) impose a warning;
 - (e) withdraw any awards, placings, records won in any competitions, activities or events held or sanctioned by SSA or a SSO;
 - (f) direct the offender to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by any state funding agency, SSA or SSO or any other organisation which has provided funding; and/or
 - (g) any other such penalty as the Hearings Tribunal considers appropriate.

3. If an organisation or individual commits a second or subsequent breach under this Policy, then the Hearings Tribunal shall have regard to the previous breach, the

penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.

4. If the penalty imposed by the Hearings Tribunal affects other organisations required to comply with this Policy, the Hearings Convenor of the organisation from which the Hearings Tribunal is established shall as soon as possible notify the relevant organisations of the penalty.
5. Every organisation to which this Policy applies shall recognise and enforce any decision and penalty imposed by a Hearings Tribunal under this Policy.

When imposing any form of discipline, it will be accompanied by a warning that a similar breach of policy by the organisation in the future may result in more serious form of discipline.

Factors to consider when imposing discipline

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- any difficulty that might arise in enforcing the penalty;
- nature and seriousness of the behaviour or incidents;
- in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
- if the individual concerned knew or should have known that the behaviour was a breach of the policy;
- level of contrition of the respondent(s);
- the effect of the proposed disciplinary measures on the respondent(s) including any personal, professional or financial consequences;
- if there have been relevant prior warnings or disciplinary action; and/or
- if there are any mitigating circumstances such that the respondent(s) shouldn't be disciplined at all or not disciplined so seriously.

Any disciplinary measure imposed under this policy must:

- observe any contractual and employment rules and requirements;
- conform to the principles of natural justice;
- be fair and reasonable;
- be based on the evidence and information presented; and
- be within the powers of the relevant person or body to impose the disciplinary measure.

PART D: CODES OF CONDUCT**Attachment D1: General Code Of Behaviour**

As a person required to comply with this Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in any role you hold within SSA or a SSO:

1. Respect the rights dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for your actions.
4. Make a commitment to providing quality service.
5. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
6. Be aware of, and maintain an uncompromising adherence to NSWSS standards, rules, regulations and policies.
7. Operate within the rules of SSA including national policies and guidelines which govern SSA and the SSO's.
8. Understand your responsibility if you breach, or are aware of any breaches of this Code of Behaviour.
9. Do not use your involvement with SSA or a SSO to promote your own beliefs, behaviours or practices where these are inconsistent with those of SSA or the State SSO's.
10. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
11. Refrain from any form of abuse towards others.
12. Refrain from any form of harassment towards, or discrimination of, others.
13. Provide a safe environment for the conduct of the activity.
14. Show concern and caution towards others who may be sick or injured.
15. Be a positive role model.

Attachment D2: Administrator Code Of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of SSA or a SSO and in any role as an administrator of SSA or a SSO:

1. Be fair, considerate and honest in all dealing with others.
2. Be professional in, and accept responsibility for your actions. Your language, presentation, manners and punctuality should reflect high standards.
3. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
4. Resolve conflicts fairly and promptly through established procedures.
5. Maintain strict impartiality.
6. Maintain a safe environment for you and others.
7. Be aware of your legal responsibilities.
8. Be a positive role model for others.

Attachment D3: Coach Code Of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in your role as a coach of SSA or a SSO:

1. Treat all participants with respect at all times. Be honest and consistent with them. Honour all promises and commitments, both verbal and written.
2. Provide feedback to participants in a caring sensitive manner to their needs. Avoid overly negative feedback.
3. Recognise participants' rights to consult with other coaches and advisers. Cooperate fully with other specialists.
4. Treat all participants fairly within the context of their sporting activities, regardless of gender, race, place of origin, athletic potential, colour, sexual orientation, religion, political beliefs, socio-economic status and other conditions.
5. Encourage and facilitate participants' independence and responsibility for their own behaviour, performance, decisions and actions.
6. Involve the participants in decisions that affect them.
7. Determine, in consultation with participants and others, what information is confidential and respect that confidentiality.
8. Encourage a climate of mutual support among your participants.
9. Encourage participants to respect one another and to expect respect for their worth as individuals regardless of their level of play.
10. At all times use appropriate training methods which in the long term will benefit the participants and avoid those which could be harmful.
11. Ensure that the tasks/training set are suitable for age, experience, ability and physical and psychological conditions of the participants.
12. Be acutely aware of the power that you as a coach develop with your participants in the coaching relationship and avoid any sexual intimacy with participants that could develop as a result.
13. Avoid situations with your participants that could be construed as compromising.
14. Actively discourage the use of performance enhancing drugs, the use of alcohol and tobacco and illegal substance.
15. Respect the fact that your goal as a coach for the participant may not always be the same as that of the participant. Aim for excellence based upon realistic goals and due consideration for the participant's growth and development.
16. Recognise individual differences in participants and always think of the participant's long-term best interests.

17. Set challenges for each participant which are both achievable and motivating.
18. At all times act as a role model that promotes the positive aspects of sport and of Snowsports by maintaining the highest standards of personal conduct and projecting a favourable image of the sport of Snowsports and of coaching at all times.
19. Do not exploit any coaching relationship to further personal, political, or business interests at the expense of the best interest of your participants.
20. Encourage participants and coaches to develop and maintain integrity in their relationship with others.
21. Respect other coaches and always act in a manner characterised by courtesy and good faith.
22. When asked to coach participants, ensure that any previous coach-participant relationship has been ended by the participant-others in a professional manner.
23. Accept and respect the role of officials in ensuring that competitions are conducted fairly and according to established rules.
24. Know and abide by SSA rules, policies and standards, and encourage participants to do likewise. Accept both the letter and the spirit of the rules.
25. Be honest and ensure that qualifications are not misrepresented.
26. Be open to other people's opinion and willingness to continually learn and develop.

Attachment D4: Participants Code Of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in your role as participants of SSA or a SSO:

1. Respect the rights, dignity and worth of fellow participants, coaches, officials and spectators.
2. Refrain from conduct which could be regarded as sexual or other harassment towards fellow participants and coaches.
3. Respect the talent, potential and development of fellow team Members and competitors.
4. Care and respect the equipment provided to you as part of your program.
5. Be frank and honest with your coach concerning illness and injury and your ability to train fully within the program requirements.
6. Conduct yourself in a professional manner relating to language, temper and punctuality.
7. Maintain high personal behaviour standards at all times.
8. Abide by the rules and respect the decision of the adjudicator.
9. Be honest in your attitude and preparation to training. Work equally hard for yourself and your team.
- 10.** Cooperate with coaches and staff in development of programs to adequately prepare you for competition at the highest level.

Attachment D5: Officials Code Of Conduct

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in your role as an official appointed by SSA or a SSO:

1. Place the safety and welfare of the participants/participants above all else.
2. Accept responsibility for all actions taken.
3. Be impartial.
4. Avoid any situation which may lead to a conflict of interest.
5. Be courteous, respectful and open to discussion and interaction.
6. Value the individual in sport.
7. Encourage inclusivity and access to all areas of officiating.

Attachment D6: Parent/Guardian Code Of Behaviour

In addition to the General Code of Behaviour, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by SSA or a SSO and in your role as a parent/guardian of a participants of SSA or a SSO:

1. Treat your child the same irrespective of them winning or losing.
2. Remember that your child participates in the sport of Snowsports for their enjoyment not yours.
3. Try to have fun when you are around your children at competitions. Well-directed humour can be a great de-stressor.
4. Look relaxed, calm and positive on the sidelines.
5. Try and make friends with other parents at competitions.
6. Get involved in appropriate ways if your child or the coach behaves in unacceptable ways during competitions.
7. Let the coach do the coaching.
8. Understand that children will benefit from a break sometimes and that involvement in other sports is okay.
9. Be there when your child performs poorly. Be an understanding listener rather than a critic, judge and/or fixer.
10. Be prepared to give your child some space so that he/she can grow and develop as an independent person.
11. Let your child know that your love for them is not associated with their sporting performances.
12. Communicate with your child and ask them how they are really feeling about their sport and about competing in particular.
13. Occasionally let your child compete without you being there and hovering over them.
14. Emphasise the good things your child did in preparing for and during the competition.
15. Try to avoid:
 - Saying "we're competing today". Instead say "you're competing today". Give your child credit for accepting the responsibility of performing.
 - Getting too pushy or believe that you are indispensable. Let the coach do the coaching.
 - Living through your child's performances.

- Turning away when your child performs.
- Turning away when your child's behaviour is unsportsmanlike.
- Telling your child what he/she did wrong after a tough competition.
- Making enemies with your child's opponents or family during a competition.
- Making your child feel guilty by reminding them about all the time, money and sacrifices you are making for his or her sport.
- Thinking of your child's sporting performances as an investment for which you expect a return.
- Badgering, harassing or use sarcasm to motivate your child.
- Comparing your child's performances with those of other children.
- Forcing your child to go to training. If they are sick of training find out why and discuss it with them.

PART E: REPORTING DOCUMENTS/FORMS

To assist in consistency and accuracy in following procedure and reporting on the issues covered by SSA Policy, the following documents are to be used:

E1: Confidential Record of informal complaint – to be used by MPIOs or others who receive a complaint or allegation

E2: Confidential Record of Formal Complaint – to be used when a formal complaint is received by SSA or a SSO

E3: Confidential Record of Child Abuse Allegation – to be used by MPIOs or others who receive complaints/allegations of child abuse

E4: Record of Mediation – to be used by those who conduct a mediation

E5: Record of Tribunal Decision

General principles to be followed when completing a report of a complaint:

- Treat all complaints seriously.
- Deal with complaints promptly, sensitively and confidentially.
- Maintain a calm attitude.
- Ask the complainant if they will consent to you taking notes.
- Write the description of the complaint /problem using the complainants own words (as much as is possible).
- Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team Members, etc) and if there is any relevant history.
- Take a note of the facts and do not pre-judge the situation.
- Ask the complainant whether they fear victimisation or other consequences.
- Find out what outcome the complainant wants and if they need any support.
- Ask the complainant how they want to the complaint to be dealt with under the policy.
- Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.

Attachment E1: Confidential Record of Informal Complaint

MPIO Name	Date: / /	
Complainant's Name	<input type="checkbox"/> Over 18	<input type="checkbox"/> Under 18
Role/status in Snowsports	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		
Facts as stated by complainant		
Nature of complaint (category/basis/grounds) Can tick more than one box	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	
Feelings expressed by complainant (completing this may help to separate emotional content from facts)		
What they want to happen to fix issue		

What information I provided?	
What they are going to do now?	

This record and any notes must be kept in a confidential place – do not enter it on a computer system. If the issue becomes a formal complaint, this record is to be sent to the Chief Executive Officer or in their absence their Nominee, of SSA or a SSO.

Formal resolution procedures followed (outline)	
If investigated: Finding -	
If went to hearing tribunal: Decision - Action recommended -	
If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -	
If went to appeals tribunal: Decision Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position in SSA: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to SSA and a copy kept at the SSO or club/state/district level club (whatever level the complaint was made) also.

Attachment E3: Confidential Record of Child Abuse Allegation

Before completing, ensure the procedures outlined in attachment C4 have been followed and advice has been sought from the relevant government agency and/or police.

Complainant's Name (if other than the child)		Date Complaint Received: / /	Formal Received:
Role/status in Snowsports			
Child's name		Age:	
Child's address			
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)			
Name of person complained about			
Role/status in Snowsports	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other	
Witnesses (if more than 3 witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:		
Interim action (if any) taken (to ensure child's safety and/or to support needs of person complained about)			
Police contacted	Who: When: Advice provided:		
Government agency contacted	Who: When: Advice provided:		

CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position in SSA: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.

Attachment E4: Record of Mediation

Present at Mediation	
Date of mediation	
Venue of mediation	
Mediator	
Summary of mediation (minutes attached)	
Outcome of mediation	
Follow-up to occur (if required)	
Completed by: (signature)	
Signed by: Complainant (signature)	
Respondent (signature)	

Attachment E5: Record of Tribunal Decision

Complainant's Name		Date Formal Complaint Received: / /
Role/status in Snowsports	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other Official
Name of person complained about		
Role/status in Snowsports	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Location/event of alleged issue		
Description of alleged issue		
Nature of complaint (basis/grounds/category)	<input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Pregnancy <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Victimization <input type="checkbox"/> Child Abuse Other	
Methods (if any) of attempted informal resolution		
Support person (if any)		
Tribunal Members		
Tribunal Hearing Date and venue		
Tribunal Decision (attach report)		

Action recommended and any follow up report required	
Decision Appealed	
Date of Appeal lodged	
Appeal Hearing Date	
Appeal Decision (attach report)	
Action Recommended	
Completed by	Name: Position in SSA: Signature: / /
Signed by:	Complainant Respondent