



ROYAL MELBOURNE YACHT SQUADRON

ABN 64 006 124 867

Member Protection Policy

20 December 2018

This policy is made as a rule under clause 18.4 of the Royal Melbourne Yacht Squadron constitution. This policy is subject to the provisions of the constitution to the extent of any inconsistency.

The policy is based on the Australian Sailing template version 9.1 dated April 2016, except that matters dealing with child safety and protection. Child safety and protection is generally dealt with in the separate RMYS Child Safe policy. The RMYS Child Safe policy does not limit the application of this member protection policy except where so expressed in this policy or the child safe policy or where there is a clear inconsistency, in which case the Child Safe policy has precedence.



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MEMBER PROTECTION POLICY

1. Introduction

The squadron¹ aspires and requires for itself, its members, volunteers, employees and contractors:

- 1.1 to conduct themselves in accordance with the squadron's constitution, and in particular, to its objectives,
- 1.2 to not conduct themselves or fail to conduct themselves in any manner which may endanger, put at risk or adversely affect, materially prejudice; the safety, finances or well-being of the squadron, its members, its employees and its volunteers,
- 1.3 to conduct themselves ethically and lawfully,
- 1.4 in an atmosphere in which controversial or confronting issues can be presented fairly and in a manner in which the dignity of each individual is maintained.²

2. Purpose of Our Policy

The main objective of the member protection policy ("policy") is to maintain responsible behaviour and the making of informed decisions by members and other participants in this club. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse. Our policy informs everyone involved in our club³ of his or her legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our club's activities.

3. Who Our Policy Applies To

This policy applies to everyone involved in the activities of our club whether they are in a paid or unpaid/voluntary capacity and including:

- committee members, administrators and other club officials;
- coaches and assistant coaches and other personnel participating in events and activities, including camps and training sessions;
- support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- referees, umpires and other officials;
- skippers, crews, and boat owners, masters and operators;
- members, including any life members;

¹ The expressions "club" and "squadron" and "us" "we" and "our" are used interchangeably

² Clauses 1.1 and 1.2 are derived from clauses 3 and 13 of the constitution and clauses 1.3 and 1.4 are derived from clauses 7.1.1 and 7.2.2 of the RMYS Governance Manual revision 12.



- parents of children participating in squadron events or on squadron premises;
 - spectators and crew supporter;
 - those participating in training or squadron social activities; and
 - those using the squadron's marina, facilities and other assets
 - contractors engaged on Squadron premises or events hosted or managed by or on behalf of the Squadron.
- but not third party patrons of squadron caterers.

4. Extent of Our Policy

Our policy covers all matters directly and indirectly related to the squadron and its activities. In particular, the policy governs unfair selection decisions and actions, breaches of our code of behaviour and behaviour that occurs at training sessions, in the club rooms, at social events organised or sanctioned by the club (or our sport), and on away and overnight trips. It also covers private behaviour where that behaviour brings our club or sport into disrepute or there is suspicion of harm towards a child or young person.

5. Club Responsibilities

We will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to Australian Sailing.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse) and any other issues that our state or national bodies request to be referred to them.

6. Individual Responsibilities

Everyone associated with our club must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and



- comply with any decisions and/or disciplinary measures imposed under this policy.

7. Protection of Children

The squadron is committed to the safety and wellbeing of children and young people who participate in our clubs activities or use our services. We support the rights of the child and will act at all times to ensure that a child safe environment is maintained. The squadron has developed a child safe policy.

It is the role and obligation of all adults to read and understand, when and how the child safe policy operates, even if the adult has few encounters with children on squadron premises or in events associated with the squadron.

8. Discrimination, Harassment and Bullying

Our club is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

We recognize that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

8.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:

- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

8.2 Harassment

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

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

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.



Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

8.3 Bullying

The squadron is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our club.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.



Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. We will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint. (Refer to Item 10 of this policy.)

9. Inclusive practices

Our club is welcoming and we will seek to include members from all areas of our community.

The following are examples of some of our inclusive practices.

9.1 People with a disability

The squadron will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g. modifications to equipment and rules) to enable participation.

9.2 People from diverse cultures

We will support, respect and encourage people from diverse cultures and religions to participate in our club and where possible we will accommodate requests for flexibility (e.g. modifications to uniforms).

9.3 Sexual & Gender Identity

All people, regardless of their sexuality or gender identity, are welcome at our club. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

9.4 Pregnancy

The squadron is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our club's activities. We will not tolerate any discrimination or harassment against pregnant women.

The squadron will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sport, and we will 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 child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

Pregnant women have a shared responsibility to notify the squadron and their skipper and other crew members, if there is any reasonable special or specific matter action or steps it should reasonably take to mitigate the risks to continuing safety, health and wellbeing of pregnant woman and unborn child through the woman's participation.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their



participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with the squadron. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person bound by this policy, she may make a complaint (see section 10).

9.5 Mixed gender crews

Federal anti-discrimination laws provide that it is not unlawful to discriminate on grounds of sex by excluding persons from participation in any competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

10. Responding to Complaints

10.1 Complaints

Our club takes all complaints about behaviour seriously whether on and off water and whether in competition or not.

There are many forms for disputes procedures. They include:

- Requesting that the squadron or an officer of the squadron attempt to informally mediate the issue,
- lodging a protest or request for redress under the Racing Rules of Sailing,
- lodging a complaint or an appeal under clause 13 of the squadron's constitution,
- referring the matter to Australian Sailing if it is a complaint about a serious matter,
- reporting a suspected criminal offence to the police,
- making a complaint or report to a state or commonwealth agency, or
- issuing civil proceedings.

The squadron may determine which dispute procedure is the most appropriate to be followed.

Our club will handle complaints based on the principles of procedural fairness, and ensure:

- all complaints will be taken seriously;
- the person making the complaint (complainant) needs to state the complaint and provide details to enable the complaint to be dealt with;
- the person against whom the complaint is made will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our club may need to report the behaviour to the police and/or relevant government authority.



10.2 Complaint Handling Process

When a complaint is received by our club, the person receiving the complaint (e.g. the commodore, other flag officer, general manager or member protection information officer) will:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask what the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so; and
- where possible and appropriate, maintain confidentiality but not necessarily anonymity.

Once the complainant decides on their preferred option for resolution, the club will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the person complaining to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- gathering more information (e.g. from other people that may have seen the behaviour);
- seeking advice from our district, regional, state and/or national body or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to Australian Sailing; and/or
- referring the complainant to an external agency such as a community mediation centre, police or anti-discrimination agency.

In situations where a complaint is referred to Australian Sailing and an investigation is conducted, the club will:

- co-operate fully with the investigation;
- where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
- act on Australian Sailing recommendations.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

10.3 Disciplinary Sanctions

Our club may take disciplinary action against anyone found to have breached our policy or made false and malicious allegations. Any disciplinary measure imposed under our policy must:

- be applied consistent with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our constituent documents, by Laws and the rules of the game.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by our club;
- suspension or termination of membership, participation or engagement in a role or activity;
- de-registration of accreditation for a period of time or permanently;
- a fine; or



- any other form of discipline provided in the constitution that our club considers reasonable and appropriate.

10.4 Appeals

The complainant or respondent may be entitled to lodge an appeal against a decision made in relation to a complaint (including a decision where disciplinary sanctions are imposed by our club) to Australian Sailing. Appeals must be based on any right of appeal provided for in the relevant constituent documents, rules, regulations or by laws.

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Attachment: Member Protection Policy Report & Record of Complaint Form

[To be used if another specific form is not required]

Name of person receiving complaint		Date: / /
Complainant's name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in club	<input type="checkbox"/> Administrator /volunteer <input type="checkbox"/> Parent <input type="checkbox"/> skipper/crew/ other participant <input type="checkbox"/> Spectator/ observer <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee/ contractor (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
The role/status in club of the person complained about	<input type="checkbox"/> Administrator /volunteer <input type="checkbox"/> Parent <input type="checkbox"/> skipper/crew/ other participant <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Location/event & time of alleged issue		
Description of alleged issue		



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