Sportsman Endurance Karting (here forward collectively referred to as SEK), Bullying and Harassment Policy and Protection Policy aims to uphold core values and create a safe, fair, and inclusive environment for everyone associated with SEK.

**Who does this policy apply to:**

This policy applies to all people who are engaged in the activities carried out by SEK, whether in a paid or unpaid/voluntary capacity and including, but are not limited to:

a) Persons appointed to the committees and subcommittees

b) Officials and assistant officials

c) Drivers and support crew participating at a SEK event

d) Members of SEK and Affiliated Clubs, including life members

e) Parents, guardians’ spectators, and sponsors to the full extent possible

**This policy includes but is not limited to:**

• Anti-discrimination and Harassment

• Bullying

• Child Protection

• Taking of Photographs & Use of Images

• Gender Identity

• Responsible Service and Consumption of Alcohol (including Breath Testing) and Other Substances

• Smoking

• Social Networking

• Complaint procedures

• Complaint handling

• Mediation

• Investigation

 **CODES OF BEHAVIOUR:** SEK, seeks to provide a safe, fair, and inclusive environment for everyone involved in the organisation and the sport. To achieve this, certain standards of behaviour by drivers, pit crew, officials, administrators, parents/guardians (of child participants) and spectators is expected. The codes of behaviour are underpinned by the following core values.

1. Compliance with the SEK constitution, rules, regulations, and policies.
2. Operate within the rules and spirit of the sport.
3. Treat all persons fair and ethically with regards for the dignity, rights, and obligations of others.
4. Always place the safety and welfare of children above other considerations.
5. Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws.
6. All persons are responsible and accountable for their conduct.
7. All those holding specific SEK roles abide the relevant role specific Codes of Conduct

SEK commits to ensure that every person bound by the policy is treated with respect and dignity and protected from discrimination, harassment, and abuse. It also seeks to ensure that everyone involved in the sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

Furthermore, this policy outlines the practical steps SEK will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from the sport. As part of this commitment, SEK will uphold the right to take disciplinary action against any person or persons bound by this policy should the policy be breached. **Note:** This policy will continue to apply to a person or persons even after they have stopped their association or employment with SEK if disciplinary action has commenced.

**Individual Responsibilities:**

Individuals bound by this policy must:

a) make themselves aware of the contents of this policy.

b) comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or reporting possible child abuse set out in this policy.

c) consent to the NSW Working with Children checks screening requirements set out in this policy, if the person holds or applies for a role that involves regular contact with a child or young person under the age of 18 or where otherwise required by law.

d) place the safety and welfare of children above other considerations.

e) be accountable for their behaviour.

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

**SEK Responsibilities:**

Those holding office and who function as part of the SEK governing body, are bound by this policy and must:

a) adopt, implement, and comply with this policy

b) ensure that this policy is enforceable

c) publish, distribute, and promote this policy and the consequences of any breaches of the policy

d) Always promote and model appropriate standards of behaviour

e) deal with any complaints made under this policy in an appropriate manner

f) deal with any breaches of this policy in an appropriate manner

g) recognise and enforce any penalty imposed under this policy

h) ensure that a copy of this policy is available or accessible to all people and persons to whom this policy applies

i) use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour (e.g. Member Protection Information Officers)

j) monitor and review this policy at least every two years.

**Position Statements**

**Prohibition against discrimination and harassment**

SEK prohibits all forms of harassment and discrimination based on the personal characteristics listed in the “Definitions” set out below:

**Discrimination** is the unlawful act of unfavourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws. The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. The full list of protected personal characteristics is in the “Definitions” set out in the Dictionary of Terms. Discrimination can be either direct or indirect. Direct discrimination occurs if a person treats, or proposes to threat, a person with a protected personal characteristic unfavourably because of that personal characteristic. Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining discrimination, the offender’s awareness and motive are irrelevant.

**Harassment** is any unwelcome conduct, verbal, physical or psychological, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation. The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment. Sexual harassment is one type of harassment. Sexual harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with SEK. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

**Bullying**

SEK is committed to providing an environment that is free from bullying. SEK 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 in the sport. Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person.

Bullying behaviour can include actions of an individual or a group. Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

a) verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism.

b) excluding or isolating a group or person.

c) spreading malicious rumours; or

d) psychological harassment such as intimidation.

Bullying includes cyber-bulling 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 though unwanted and inappropriate comments. We will not tolerate abusive, discriminatory, intimidating, or offensive statements being made online. Frustration at an official, driver, and sporting body should never be communicated on social networking websites.

These issues should instead be addressed – in a written or verbal statement or a complaint directly to the club by email.

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.

**Child protection**

SEK is committed to the safety and well-being of all children and young people who participate in our sport or access our services. SEK supports the rights of the child and will always act to ensure that a child-safe environment is maintained. SEK acknowledge the valuable contribution made by our members and volunteers and encourage their active participation in providing a safe, fair, and inclusive environment for all participants.

Identify and analyse risk of harm – SEK will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe the organisation is and to identify any additional steps SEK can take to minimise and prevent the risk of harm to children because of the actions of any person.

SEK will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in the sport, especially those in our care. SEK will also implement a code of behaviour to promote appropriate conduct between children. These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour.

SEK will take all reasonable steps to ensure that the organisation engages suitable and appropriate people to work with children. We will ensure that Working with Children Checks are conducted for volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, SEK will handle this information confidentially and in accordance with the relevant legal requirements.

Report and respond appropriately to suspected abuse and neglect and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected.

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint to the executive committee.

**Taking images of children**

There is a risk that images of children may be used inappropriately or illegally. SEK 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. They should also make sure the parent/guardian understands how the image will be used. To respect people’s privacy, we do not allow camera phones, videos, and cameras to be used inside changing areas, showers and toilets which SEK control or are used in connection with the sport. When using a photo of a child, SEK will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child’s parent/guardian.

**Gender**

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

Gender identity discrimination and harassment. Federal, state and territory anti-discrimination laws provide protection from discrimination against people on the basis of their gender identity.

SEK is committed to providing a safe, fair, and inclusive sporting environment where people can contribute and participate. SEK will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. SEK will not tolerate any unlawful discrimination or harassment of a person because of their gender identity. This includes discrimination or harassment of a person who is transgender or transsexual, who is assumed to be transgender or transsexual or has an association with someone who has or is assumed to be transgender or transsexual.

SEK expect all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a complaint.

We are committed to supporting participation in our sport on the basis of the gender with which a person identifies. If issues of performance advantage arise, we will consider whether the established discrimination exceptions for participation in sport are relevant in the circumstances.

**Alcohol and other substances**

**Alcohol-** SEK is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. SEK recommends that club members follow strict guidelines regarding the service and consumption of alcohol.

Whilst Participating in a motor sport activity the maximum permitted blood alcohol content during an AASA or KNSW sanctioned event is 0.01mg/100ml.

Any contractor, Official, Volunteer or Member (including but not limited to Drivers, Parents, Legal Guardians, Competitors and Support Crew) found to exceed this amount will be excluded from any further participation in the race meeting and may face further penalties.

The consumption of alcohol by any of the above persons in the Paddock, Event Headquarters or any section of a competition venue under the control Officials of the Race Meeting is strictly forbidden until all Practice and/or Competition has concluded for each day or an Event or Race Meeting.

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

**Please note:** Any person, Licence Holder, Legal Guardian, Member, Pit Crew or AASA or KNSW Official who, in the sole opinion of the Stewards, is affected by alcohol, medication, drugs or any other cause, will be excluded from the Meeting.

**Smoking**

SEK is committed to providing a safe and healthy environment at all Karting and social events that are held or endorsed. In general, the policy is that:

a) no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to drivers, trainers, officials and volunteers;

b) social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas only, if and were available.

c) officials, trainers, volunteers and drivers will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

**Social networking**

SEK acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport. Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook, Instagram, Twitter, YouTube, TikTok, WhatsApp, Snapchat, etc.

SEK expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to the sport. In particular, social media activity including, but not limited to, postings, blogs, status updates, comments, and tweets:

a) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, or harassing.

b) embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate.

c) must not contain material, which is inaccurate, misleading, or fraudulent.
d) must not contain material, which is in breach of laws, court orders, undertakings or contracts.

e) should respect and maintain the privacy of others.

f) should promote the sport in a positive way.

**Complaints procedures**

Handling complaints - SEK aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of this policy.

In the first instance, complaints should be reported to the SEK Member Protection Information Officers through the SEK club. A complaint may be handled informally or formally. The complainant may indicate his or her preferred method.

The Member Protection Officer should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority. All complaints will be dealt with promptly, seriously, sensitively, and confidentially.

Our procedures for handling and resolving complaints are outlined below. Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

Improper complaints and victimisation - SEK aims to ensure that the complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint. SEK will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person’s complaint. If at any point in the complaint handling process it is considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the Executive Committee for review and appropriate action, including possible disciplinary action against the complainant.

Mediation - SEK aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and identify a mutually agreed solution. It may occur before or after the investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the Member Protection Information Officer, will, in consultation with the complainant, arrange for an independent mediator where possible.

Please note: SEK will not allow lawyers to participate in the mediation process.

**What is a breach of this policy?** It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

a) breaching the codes of behaviour

b) bringing SEK into disrepute or acting in a manner likely to bring SEK into disrepute.

c) failing to follow SEK policies (including this policy)

d) discriminating against, harassing or bullying (including cyber-bullying) any person;

e) victimising another person for making or supporting a complaint.

f) engaging in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority or power over;

g) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;

h) making a complaint that they know to be untrue, vexatious, malicious or improper;

i) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and

j) failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

Disciplinary measures - SEK may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

a) fair and reasonable.

b) be based on the evidence and information presented and the seriousness of the breach; and

c) be determined in accordance with the constituent documents, by-laws, this policy and/or the rules of the sport.

Factors to consider the form of discipline to be imposed on an individual or organisation will depend on factors, such as:

a) the nature and seriousness of the breach

b) if the person knew, or should have known, that the behaviour was a breach of the policy c) the person’s level of contrition

d) the effect of the proposed disciplinary measures on the person, including any personal, professional, or financial consequences

e) if there have been any relevant prior warnings or disciplinary action

f) the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)

g) any other mitigating circumstances.

**Complaints Handling**

SEK will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously. SEK will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

**Informal approaches**

Step 1: Talk with the other person (if safe, reasonable and appropriate) If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Member Protection Information Officer. SEK encourages you to talk with one of our Member Protection Information Officer (MPIO) if step 1 (above) is not appropriate.

• you are not sure how to handle the problem by yourself.

• you want to talk confidentially with someone and find out what options are available to address your concern; or

• the concern continues after you approached the other person.

Our MPIO can be contacted via the club.

The MPIO will:

• ask how you would like your concern to be resolved and if you need support seek to provide different options for you to address your concern

• act as a support person, if you wish

• refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate

• inform the relevant government authorities and/or police, if required by law to do so where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern After talking with the MPIO, you may decide: • there is no problem;

• the problem is minor and you do not wish to take the matter forward;

• to try and resolve the problem yourself, with or without a support person;

• to resolve the problem with the help of someone impartial, such as a mediator; or to resolve the matter through a formal process.

***Formal approaches:***

Step 1: Making a formal complaint If it is not possible or appropriate to resolve your complaint through an informal process, you may:

a) make a formal complaint in writing to sportsmanendurokarting@gmail.com or

b) approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, SEK MPIO will decide whether:

• he or she is the most appropriate person to receive and handle the complaint.

• the nature and seriousness of the complaint requires a formal resolution procedure

• to refer the complaint to mediation

• to appoint a person to investigate the complaint.

• to refer the complaint to a tribunal hearing;

• to refer the matter to the police or other appropriate authority

• to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, SEK will take into account:

• whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;

• your wishes, and the wishes of the respondent, regarding how the complaint should be handled; the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);

• whether the facts of the complaint are in dispute

• the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If SEK MPIO is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

• provide the information received from you to the other person(s) involved and ask for a response; decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur.

• determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

Step 2: Investigating the complaint In some cases - An investigation may be required to determine the facts surrounding the complaint. The investigations procedure is outlined below. Following the investigation, a written report will be provided to the relevant officials and the complainant. If the complaint is referred to mediation, SEK will follow the steps outlined below or as agreed by you, the respondent and the mediator.). If the complaint is referred to the police or another external agency, SEK will endeavour to provide all reasonable assistance required by the police or the agency. Any costs incurred by SEK relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by SEK.

Step 3: Reconsidering a complaint or appealing a decision - If the matter is referred to mediation and is not resolved at mediation, you may request that the SEK MPIO reconsider the complaint.

Step 4: Documenting the resolution - The SEK Member Protection Information Officer will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

Step5: Approaching external organisations - If you feel that you have been harassed or discriminated against, you can seek advice from your state or territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission. The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. If you do lodge a complaint with the commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing. Serious incidents, such as assault or sexual assault, will be reported to the police.

**Mediation**

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator. The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution. Our approach to mediation follows the steps set out below.

1. SEK will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of SEK Executive Committee and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint; however, this does not preclude a person with an association with SEK acting as mediator.

2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.

3. All issues raised during mediation will be treated confidentially. SEK also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.

4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). SEK expect the parties involved to respect and comply with the terms of the agreement.

5. If the complaint is not resolved by mediation, the complainant may:

• write to the SEK MPIO to request that the MPIO reconsider the complaint; and

• approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter. SEK recognises that there are some situations where mediation may not be appropriate, including:

• when the people involved have completely different versions of the incident;

• when one or both parties are unwilling to attempt mediation.

• when there is a real or perceived power imbalance between the people involved.

• matters that involve serious allegations.

**Investigation process**

There will be times when a complaint will need to be investigated and information gathered. An investigation helps determine the facts relating to the incident. Recommendations as to possible findings and next steps. Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person. If we decide that a complaint should be investigated, SEK will follow the steps outlined below.

1. SEK will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.

2. The investigator may:

• interview the complainant and record the interview in writing.

• provide full details of the complaint to the respondent(s) so that they can respond

• interview the respondent(s) to allow them to answer the complaint

• record the interview in writing

• obtain statements from witnesses and collect other relevant evidence

• 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), mischievous, vexatious, or knowingly untrue.

• provide a report to the Operations Manager documenting the complaint, the investigation process, the evidence and, if requested, any findings and recommendations.

3. SEK will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.

4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (e.g., MPIO).

The decision of which will be final and binding.

**Dictionary of Terms**

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.

Further detail or definitions that are specific to different states and territories can be sourced from the relevant child protection authorities or equal opportunity and anti-discrimination commissions.

**Abuse** is the violation of an individual’s human or civil rights through the act or actions of another person or persons. Types of abuse include physical abuse, psychological or emotional abuse, sexual abuse, constraints and restrictive practices, financial abuse, legal or civil abuse and systemic abuse.

**Affiliated** club means those clubs or organisations (howsoever described), which are a member of, or affiliated to SEK.

**Child** means a person who is under the age of 18.

**Child abuse** involves conduct which puts a child at risk of harm and may include:

physical abuse, which occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. This may include, but is not limited to, hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child’s development or maturity.

* sexual abuse, which occurs when an adult, other child, or adolescent uses their power or authority to involve a child in a sexual activity or any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography, including child pornography, sexting or inappropriate touching or conversations).
* emotional abuse, which occurs when a child’s social, emotional, cognitive or intellectual development is impaired or threatened. Emotional abuse can include, but is not limited to, emotional deprivation due to persistent rejection or criticism, hostility, teasing/bullying, humiliation, taunting, sarcasm, yelling, name-calling or placing unrealistic expectations on a child.
* neglect, which occurs when a child’s basic necessities of life are not met, and their health and development are affected. Basic needs include food, water, shelter, adequate clothing, personal hygiene, timely provision of medical treatment and adequate supervision.

**Complaint** means a complaint made under this policy.

**Complainant** means the person making a complaint.

**Complaint handler/manager** means the person appointed under this policy to investigate a complaint.

**Discrimination** occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by anti-discrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by anti-discrimination laws. In Australia, it is against the law to discriminate against someone because of:

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

**Gender identity:** The term ‘gender identity’ refers to a person deeply held internal and individual sense of gender.

**Gender expression**: The term ‘gender expression’ refers to the way in which a person externally expresses their gender or how they are perceived by others.

**Harassment** is any type of unwelcome behaviour which has the effect of offending, humiliating or intimidating the person harassed. Unlawful harassment can be based on any of the personal characteristics covered by anti-discrimination law, such as a person’s race, sex, pregnancy, marital status or sexual orientation (see the list under “Discrimination”). Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify people on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability (see also “Vilification”).

**Intersex**: The term ‘intersex’ refers to people who have genetic, hormonal or physical characteristics that are not exclusively ‘male’ or ‘female’. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Member** means a financial member of SEJK or any of its Affiliated Clubs.

**Member Protection Information Officer (MPIO)** means a person appointed by SEK to be the first point of contact for a person reporting an issue or a complaint under, or a breach of, this policy.

**Procedural fairness** requires that: the respondent knows the full details of what is being said against him or her and they have the opportunity to respond; o no person may judge their own case; and o the decision-maker(s) must be unbiased, fair and just.

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

**Policy**, and this policy means this Member Protection Policy.

**Respondent** means the person whose behaviour is the subject of the complaint.

**Role-specific** codes of conduct (or behaviour) means standards of conduct required of people holding certain roles in our organisation (e.g. officials).

**Sexual harassment** means unwelcome behaviour of a sexual nature which could reasonably be expected to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwelcome physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

* Sexual offence means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:
* rape
* indecent assault
* sexual assault
* assault with intent to commit sexual acts.
* incest
* sexual penetration of child under the age of 16 years
* indecent act with child under the age of 16 years
* sexual relationship with child under the age of 16 years
* 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 years
* bestiality
* soliciting a child under the age of 16 years to take part in an act of sexual penetration, or an indecent act.
* promoting or engaging in acts of child prostitution obtaining benefits from child prostitution
* possession of child pornography
* publishing child pornography and indecent articles.
* sexting

**Sexual orientation**: The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same sex attracted.

**Transgender** - is an umbrella term that refers to a person whose gender identity is different to their physical sex as recorded at birth. Transitioning refers to the process where a transgender person commences living as a member of another sex. This is sometimes referred to as the person ‘affirming’ their gender because transitioning means they start living in what they identify as their true gender. For people who are transitioning/affirming their gender, having their identity fully recognised in all areas of life is a crucial part of the experience of living as their affirmed gender.

**Victimisation** means treating someone unfairly or unfavourably, or threatening to do so, because that person has, or intends to, pursue their right to make any complaint, including a complaint under government legislation (e.g. anti-discrimination legislation) or under this policy, or for supporting another person to make complaint.

**Vilification** means behaviour that occurs in public which incites hatred towards, serious contempt for, or revulsion or severe ridicule of a person or group of people because that person or persons have a particular personal characteristic. Anti-discrimination laws in Australia make it unlawful to vilify a person or group of persons on the basis of race, religion, homosexuality, transgender status and HIV/AIDS status.