



# Member Protection Policy

VERSION 1 (May-2018)

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## **1 Introduction to The Riverland Dinghy Club**

The Riverland Dinghy Club was established in 1981. It has achieved a reputation for its ability to conduct a unique style of dinghy racing catering for a variety of classes. It runs a six round championship series of events all offering a different style of racing. It is a not for profit club, run entirely by volunteers and financed via sponsorship, membership and race entry fees.

### ***Vision Statement***

*To create a race experience that embodies a unique opportunity to continue the tradition of the Dinghy Derby established in 1981. We are dedicated to the highest quality of dinghy racing, delivered with a sense of friendliness, individual competition and club spirit.*

### ***Mission Statement***

*We consider our Mission Statement a commitment to our club's history established in 1981.*

*Our aim is to continue to provide a race experience that embodies the unique ideas of our founding members who were deeply passionate and competitive.*

*We are an open minded club – involving racers through leadership and individual acceptance, assisting them as role models to realise their full potential.*

*We do this by delivering race events that are carried out in a manner which secures and enhances the safety of participants, officials, spectators and the public and which allows the sport to strengthen and grow.*

*We seek to continually improve and be aware of our environment.*

### **Values**

The Riverland Dinghy Club Inc. values continuous improvement, teamwork, dedication and commitment. We work as a team to provide support to our members.

### **Professionalism**

Our conduct is professional and positive and reflects the vibrant sport we undertake.

### **Service**

We provide a service to our members, sponsors, stakeholders and volunteers, which is responsive and result – focused.

### **Communication**

Our communication is open and direct utilising effective technology.

### **Commitment**

We demonstrate a strong commitment to principles of equity, diversity and inclusive practices in all activities.

### **Passion**

Our passion for sport, enjoyment and our industry is reflected in all our business.

### **Innovation**

We strive to be innovative and creative to meet challenges.

### **Governance**

Is the system under which clubs such as associations are controlled and directed, normally in the form of authority agreed upon by the members of the committee. The term governance has been described as: 'the process by which a governing body ensures that an organization is effective and properly run....' Governance is not necessarily about doing: it is about ensuring things are done.

### **Delivery**

A key focus of all our activities is reliability and delivery

## **Introduction from the President of the Riverland Dinghy Club**

*As President of the Riverland Dinghy Club I take my role of volunteering to the club as a serious matter. I have been elected by members to contribute to the management of the club. As President of the club I am required to demonstrate leadership and oversee the overall direction of the club.*

*The Riverland Dinghy Club has a proud history since its establishment in 1981. In recent years the club has experienced a huge growth in its membership and competition numbers. Today the event is recognised as a national competition. It is a vibrant and exciting club to be associated with.*

*It is important that the elected committee can meet their obligations and otherwise act and operate in an appropriate manner to facilitate a safe and positive environment for all those involved in their sport and activities.*

*Good Governance requires sporting organisations to be responsible and to make sure that their sport is safe, fair and inclusive for everyone involved. They also have legal obligations to prevent and address discrimination and all types of harassment and abuse. This policy **The Member Protection Policy** provides a general framework of the club and the individual responsibilities and codes of behaviour and conduct that apply to its members and activities.*

*A Member Protection Policy has been introduced as an important tool to outline expectation of all involved with the club. It addresses in detail the member's code of conduct and processes involved should action be required as a result of a breach of the policy.*

**This document** along with the Constitution, Competition Rules and Policies and Procedures are the rules under which the club operates.

*The club's Constitution is the rules under which the club operates.*

*The Competition Rules are the rules under which we compete.*

*Policies and Procedures are working documents based on club knowledge. These have been developed to guide the committee and future committees, and to provide a history of the workings of the club.*

*As President, with the support of the Vice President and the Committee, I give you a clear commitment at the highest level to continue to provide a safe, fair and inclusive sporting environment. We seek to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values. To achieve this we require certain standards of conduct by members, officials, competitors, volunteers and spectators.*

*As a club we cannot allow inappropriate or unlawful behaviour. We have a Code of Conduct with which everyone associated with the club is expected to abide by. Disciplinary actions will be taken against individuals, if there is a breach of the policy.*

**It is compulsory that all who seek membership to the Riverland Dinghy Club have read and understood the Member Protection Policy.** The name itself indicates that there are procedures in place within the policy to protect all who seek membership to the club.

The Riverland Dinghy Club has adopted a methodology of continual improvement. This includes having good management procedures in place, valuing our volunteers and sponsors, providing a positive and welcoming atmosphere whilst providing a safe environment for all who wish to participate in the sport of dinghy racing.

Yours

Scott Jenke

President Riverland Dinghy Club

## 1. Member's Code of Conduct – Required to read and understood by all who seek membership to the Riverland Dinghy Club

- a. As a member of the Riverland Dinghy Club (R.D.C.) you hereby agree to be bound by this 'Code of Conduct' and any breach of this Code may result in your membership and therefore ability to participate in R.D.C. events being cancelled or suspended;
- b. All participants in R.D.C. events **MUST BE financial members** of the R.D.C. prior to taking part in any scheduled event and membership shall be current for both Driver and Navigator of any entered boat;
- c. As a Member of the R.D.C. you agree that you **WILL NOT** at any time bring the R.D.C. into disrepute and any anti-social or conduct deemed to be unbecoming of an R.D.C. member **WILL result** in severe penalties being imposed on any offending person(s) by the R.D.C. Committee.
- d. R.D.C. risk management requires persons undertaking such actions be asked to leave the event location. If that fails event organisers will request Security personnel for assistance and or contact the Police;
- e. As a Member of R.D.C. **you agree that you will abide** by all River Rules as required by Marine and Harbours (DPTI) at all times;
- f. As a Member of R.D.C. you accept that you are solely responsible for your boat and the safety equipment that you are required to carry on board by law and acknowledge that there are no exemptions from this requirement by being an R.D.C. member except on 'event days and during event hours' when special exemptions MAY be authorised by DPTI;
- g. As a Member of R.D.C. you accept that you are responsible for the safety of all persons in your boat at all times and you are also accountable for the safety of all other River/Waterway users;
- h. As a Member of R.D.C. you agree that you **will not undertake** any 'private practice' or 'reconnaissance' in any Creek or narrow waterway outside of scheduled R.D.C. events at excessive speed unless two (2) or more boats are present and one (1) boat present shall operate as a controlled 'low speed sweep boat' of the Creek or narrow waterway to ensure the creek or narrow waterway is free of other traffic prior to your entry at above planning speeds into the waterway or narrow creek;
- i. As a Member of R.D.C. you agree that during any 'private practice' or 'reconnaissance' in any creek or narrow waterway at above planing speeds you and or your navigator **WILL** wear a suitable Personal Floatation Device and Full Face Helmet approved under the Australian Standard 1698 as per R.D.C. event rules;
- j. Any R.D.C. Member reported for undertaking 'private practice' or 'reconnaissance' as a single boat at speeds deemed to be unsafe to themselves or the general public by the R.D.C. Committee **WILL** be excluded from participating in future R.D.C. events at the discretion of the Committee;
- k. As a Member of R.D.C. you hereby give your undertaking that your Engine and Boat **will comply** with the Class Rules of the Event Class that you enter on the day and accept that any breach of the Class Rules will result in immediate disqualification from the event results and may result in additional penalties or suspension being imposed by the R.D.C. Committee;
- l. As a Member of R.D.C. you give your **unequivocal guarantee** that before participating in R.D.C. events you **will not be under the influence of ANY alcohol or ANY other illicit substance** prior to your entry or during your participation of any R.D.C. event and you further accept that random tests may be carried out by the R.D.C. or their appointed representative
- m. As a Member of the R.D.C. you understand that you will be Breath tested as part of the Pre Race Scrutineering process and that you **must not exceed a ZERO (0.00%) reading**. You further understand that you will only **be**

**given one** opportunity to undertake the Breath test.

- n. As a Member of the R.D.C. you understand that you will not consume any alcohol during the course of the event. Failure to comply will result in disqualification from the event;
- o. As a Member of the R.D.C. you give your unequivocal guarantee that you **will adhere to NOT SMOKING** in the pit area and or around any boats and fuel supplies at any R.D.C. Events;
- p. As a Member of the R.D.C. you give your undertaking that you support the clubs aims to **protect the environment at all times**. A team or individual who deliberately commits any action that has an adverse effect on the environment shall be penalised as per the discretion of the committee;
- q. As Members of the R.D.C. you give your understanding that **reports confirming any of the above inappropriate areas and or actions**, received by the club via R.D.C. Scrutineering Officials, Marines and Harbour, Police or Native Parks and Wildlife could result in the R.D.C. committee imposing disqualification penalties on offenders;
- r. As a member of the R.D.C. you accept that you are responsible to render assistance during a race event to any boat whom you come across who has stopped. If they have just had a mechanical or moment they are required to wave you on. The FIRST BOAT must stop and the SECOND BOAT must stop if required, if not must report the incident to the next duty boat including the boat number and the nature of incident.

## **2. Purpose of this policy**

This Member Protection Policy aims for a fair and inclusive environment for everyone associated with our sport. It sets out our commitment 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 our sport is aware of their key legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The information included in this policy describes the practical steps we will take to eliminate discrimination, harassment, and other forms of inappropriate behaviour from our sport. As part of this commitment, the policy allows The Riverland Dinghy Club to take disciplinary action against any person or organisation bound by this policy if they breach the policy.

This policy has been endorsed by the committee and has been *incorporated into our constituent documents, rules, policies and procedures*. The policy starts on 07/05/18 and will operate until replaced.

The current policy can be obtained from our website at: [www.dinghyderby.com.au](http://www.dinghyderby.com.au)

## **3 Who is bound by this policy?**

This policy should apply to as many persons as possible who are involved with the activities of The Riverland Dinghy Club, whether they are in a paid or unpaid/voluntary capacity and including:

- 3.1 persons appointed or elected to committees and support personnel.
- 3.2 members, including life members of the Riverland Dinghy Club
- 3.3 competitors, officials and other personnel participating in events and activities, held or sanctioned by The Riverland Dinghy Club
- 3.4 any other person to whom the policy may apply eg social members, spectators.
- 3.5 this policy will continue to apply to a member even after he or she has stopped their association with The Riverland Dinghy Club of which they were a member not more than six months before the dispute occurred.

#### **4 Organisational responsibilities – The Riverland Dinghy Club must:**

- 4.1 adopt, implement and comply with this policy
- 4.2 ensure that this policy is enforceable
- 4.3 publish, distribute and promote this policy and the consequences of any breaches of the policy
- 4.4 promote and model appropriate standards of behaviour at all times
- 4.5 deal with any complaints made under this policy in an appropriate manner
- 4.6 deal with any breaches of this policy in an appropriate manner
- 4.7 recognise and enforce any penalty imposed under this policy
- 4.8 ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies
- 4.9 use appropriately trained people to receive and manage complaints and allegations of inappropriate behavior
- 4.10 monitor and review this policy at least annually.

#### **5. Individual responsibilities - Individuals bound by this policy must:**

- 5.1 make themselves aware of the contents of this policy;
- 5.2 comply with all relevant provisions of the policy, including any codes of conduct and the steps for making a complaint or grievance;
- 5.3 be accountable for their behaviour and,
- 5.4 comply with any decisions and/or disciplinary measures imposed under this policy.

#### **6 Anti-discrimination and harassment**

The Riverland Dinghy 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 and harassment.

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

**6.1 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.

The personal characteristics protected by anti-discrimination laws include attributes such as race, age, disability, gender and race. Discrimination can be either direct or indirect.

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

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

#### **6.2 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 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.

### **6.3 Prohibition against discrimination and harassment**

We prohibit all forms of harassment and discrimination based on personal characteristics. 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 us. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

### **6.4 Bullying**

The Riverland Dinghy Club 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 in our 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:

- 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. The Riverland Dinghy Club will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

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.

### **6.5 Social networking**

The Riverland Dinghy Club 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 and Twitter.

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

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

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;

- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.

Please refer to the club's social networking policy included in the competition rules hand book.

## **7. Complaint procedures**

### **7.1 Handling complaints**

The Riverland Dinghy Club 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 Club's President or Vice President.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Club's President or Vice President, 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.

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.

### **7.2 Improper complaints and victimisation**

The Riverland Dinghy Club aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We 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 the Club's President or Vice President 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 committee for review and appropriate action, including possible disciplinary action against the complainant.

## **8. 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. The President will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of The Riverland Dinghy Club 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 The Riverland Dinghy Club 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. We 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). We 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 President or Vice President to request that the President or Vice President reconsider the complaint; and
  - approach any relevant external agency, such as Marines and Harbour, anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise 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.

## 9. Dispute Resolution

In accordance with The Riverland Dinghy Club constitution - dispute resolution:

- 9.1 The dispute resolution procedure set out in this rule applies to disputes under these Rules between, a member and another member, a member and the association.
- 9.2 The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 9.3 If the parties are unable to resolve the dispute at the meeting the parties may choose to meet and discuss the dispute before an independent third person agreed to by the parties.
- 9.4 In this rule 'member' includes any person who was a member not more than six months before the dispute occurred.
- 9.5 The rules of Natural Justice to be applied.

## 10. Discipline

- 10.1 Charges may be brought against a member for the following reasons
- 10.2 Violation of the requirements of the Constitution
- 10.3 Violation of the Code of Conduct
- 10.4 Violation of the Club's Social Media Policy
- 10.5 Unsportsmanlike conduct
- 10.6 Undue, unwarranted or malicious criticism of the club or of its elected Office Bearers
- 10.7 Offensive behaviour or conduct
- 10.8 Committing an act not in the best interests of the club or the sport of Dinghy Racing
- 10.9 Violation of any Local, State or Federal law concerning the operations of an aquatic vessel or the environment
- 10.10 Violation of any Local, State or Federal law concerning alcohol or drugs.
- 10.11 Minor charges may be address in writing to the member stating the committee decision
- 10.12 Any charges brought shall be in writing stating the full facts and all matters relative thereto and be addressed to the Club President for hearing by the Committee
- 10.13 The Committee shall accord the member concerned a hearing on the charges. The member charged may call witnesses (who may only be persons present at the time of the alleged incident) but shall present their case in person.
- 10.14 The Chairperson of the hearing shall have absolute discretion and authority as to who may be present at the hearing but shall not exclude any person called as a witness by the member charged.
- 10.15 After the hearing the charges of the committee shall have the power at their absolute discretion to censure, suspend or disaffiliate the member for a period of time they deem proper.

10.16 The decision of the committee is subject to appeal to the club as a whole

## 11 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:

- 11.1 breaching the codes of conduct
- 11.2 bringing the sport into disrepute, or acting in a manner likely to bring The Riverland Dinghy Club into disrepute.
- 11.3 failing to follow Riverland Dinghy Club policies (including this policy) and our procedures for the protection, safety of all involved with the club.
- 11.4 discriminating against, harassing or bullying (including cyber-bullying) any person;
- 11.5 victimising another person for making or supporting a complaint;
- 11.6 verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- 11.7 disclosing to any unauthorised person or organisation any Riverland Dinghy Club information that is of a private, confidential or privileged nature;
- 11.8 making a complaint that they know to be untrue, vexatious, malicious or improper;
- 11.9 failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; and
- 11.10 failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

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

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.

## 12. Complaint handling procedures

The Riverland Dinghy Club is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

**We will endeavour to deal with complaints on a confidential basis.** We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

- 12.1 We will provide **informal and formal procedures** to deal with complaints.
- 12.2 Individuals and organisations can also make **complaints to external organisations** under anti-discrimination, marines and harbour and other relevant laws.
- 12.3 We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.
- 12.4 We will provide individuals with a process to resolve the matter, based on the nature of the complaint and our rules and regulations.
- 12.5 We also provide an appeals process for those matters.
- 12.6 We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

### 13. Reporting requirements and documents/forms

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

We will ensure that everyone who volunteers with our organisation understands how to appropriately receive and record allegations.

### 14. 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, if requested, recommendations as to possible findings and next steps.

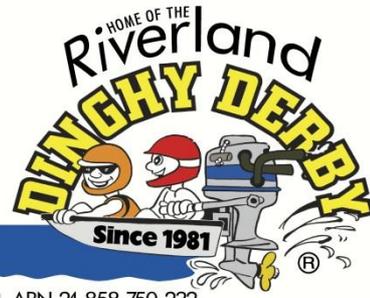
Any investigation we conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

- 14.1 We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
- 14.2 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 and 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 President and or Vice President, documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
- 14.3 We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
- 14.4 The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser

# RIVERLAND DINGHY CLUB

I N C O R P O R A T E D



PO Box 1421 | Shed 2 | Renmark Sport Complex | Paringa Street | Renmark | SA | 5341 | ABN 24 858 750 232

## Complaint and Grievance Policy

To be used as guidance for disputes

This policy has been created to aid as guidance in the process of a complaint or grievance. This policy is for the protection of all participants in dinghy racing. There is a particular emphasis on the offences under the code of conduct, with considerably heavier penalties for offences committed against officials.

This policy compliments the club's Constitution and Competition Rules. It is a mechanism for incidents to be investigated and acted upon where they are not observed by officials or do not occur in the direct context of a club function.

**This policy defines the difference between a complaint and a grievance as follows:**

- A complaint is a general expression of dissatisfaction with a situation or the behaviors of other person(s) within the association – generally a complaint will be able to managed within an individual discussion/meeting.
- A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within the Club.
- Mediation is the attempt to effect a peaceful settlement between disputing parties via the facilitation of a meeting with all parties and the club's note taker. The parties involved in the dispute determine the resolution themselves rather than have it imposed on them.

**Procedures – Complaints**

- Any person who feels unhappy with the behavior of another participant should attempt to resolve the matter directly with the other party in a calm and orderly way.
- Should the person be unable to resolve the matter and wish to take further action, they should raise a complaint either verbally or in writing with to The Member Protection Information Officer/s (President and Vice President).
- The officers must attempt to mediate the matter within two weeks of receiving the complaint – this may include discussions/meetings/statements between affected parties and involve other relevant people, if appropriate.
- Should the mediation between parties resolve a complaint, then no further action is required.
- Should a complainant be unhappy with the outcomes of the complaint process, they may lodge a grievance with the officers. They must lodge a formal grievance in writing if it has not already been done so.
- If these officers after investigations and discussions/meetings of the parties involved there is a breach of the code of conduct they will take the necessary action and inform the committee.

**Procedures – Grievances**

- The Member Protection Information Officer/s (President and Vice President) will only receive grievances in writing and will log all grievances in an appropriate register to record the date of receipt, name of the complainant and general nature of the grievance
- The Member Protection Information Officer/s will initially assess a grievance on the basis of the written information-should they determine that the grievance is vexatious or trivial then the complainant should be notified in writing and the grievance closed.
- The Member Protection Information Officer/s may determine that a grievance is more appropriately handled as a complaint
- Once it has been determined a grievance is legitimate and in need to action, the Member Protection Information Officer will convene a grievance panel. The panel should consist of three people who are impartial to the grievance and must include a note taker on behalf of the Riverland Dinghy Club. The recommended size of this panel is three (3) but not restricted to.
- Once an outcome of the grievance is determined, the grievance should be closed and recorded in the register with a filed copy of the report to be kept in a confidential manner.

## Dictionary of terms

**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.

**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.

**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. 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

**Member** means members of the Riverland Dinghy Club..

**Member Protection Information Officer** of The Riverland Dinghy Club means a person appointed by the committee to be a 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;
- no person may judge their own case; and
- the decision-maker(s) must be unbiased, fair and just.

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

**Sexual harassment**, means unwelcome behavior 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 behavior that creates a sexually hostile environment. Sexual harassment does not have to be intentional.

## NEED TO LODGE A COMPLAINT or GRIEVANCE?

### 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

We encourage you to talk with the Member Protection Information Officers of the Riverland Dinghy Club. This is the current elected President of the club or Vice President.

Please contact by email to [riverlanddinghyclub@hotmail.com](mailto:riverlanddinghyclub@hotmail.com)

### 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.

The Member Protection Information Officer 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 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 Member Protection Information Officer, 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.

### Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the President or Vice President of the Riverland Dinghy Club
- 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, the President or Vice President 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 matter to the **police or other appropriate authority**; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the President and or Vice President 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; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the President or Vice President 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; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

#### **Step 5: Investigating the complaint**

In some cases, an investigation may be required to determine the facts surrounding the complaint.

If the complaint is referred to **mediation**, we will follow the steps as agreed by you, the respondent and the mediator.

- If the complaint is referred to the **police or another external agency**, we will endeavor to provide all reasonable assistance required by the police or the agency.

#### **Step 6: 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 President or Vice President reconsider the complaint in accordance with Step 3.

In accordance with The Riverland Dinghy Club rules you or the respondent(s) may also appeal a decision made.

#### **Step 7: Documenting the resolution**

The President or Vice President will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place.

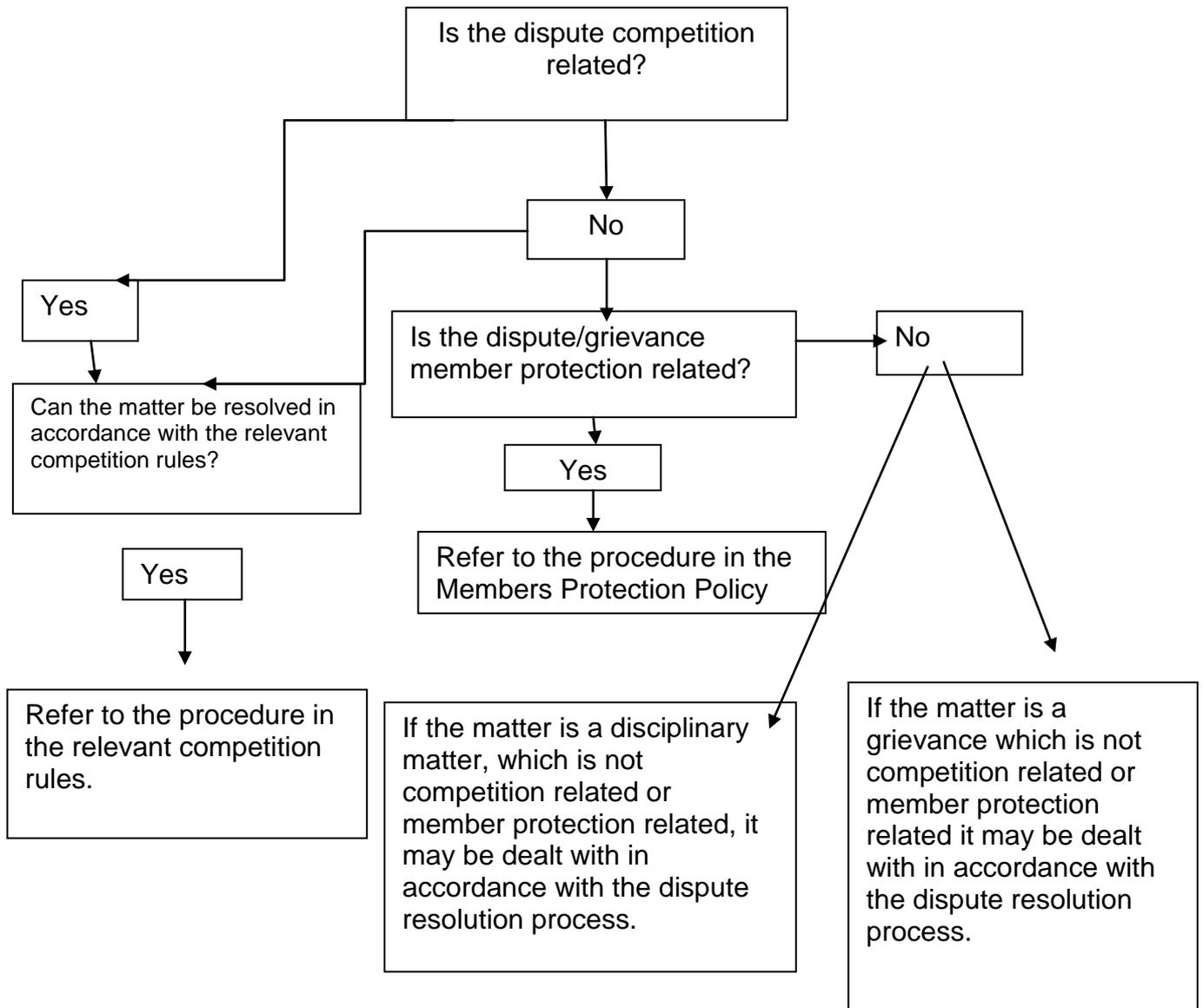
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<b>In Formal or Formal resolution procedures followed for Grievance or Complaint (outline)</b>	
If investigated:	Finding
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  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: Signature: <span style="float: right;">Date / /</span>

**This record and any notes must be kept confidential and secure.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the state level, the original record must be provided to the President or Vice President, and a copy kept with the organisation where the complaint was first made.

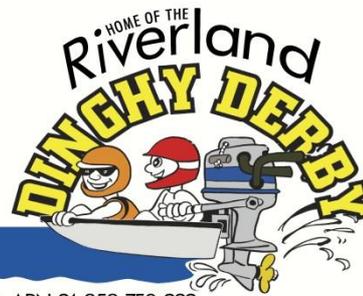
# DISPUTE RESOLUTION PROCESS FLOW CHART



# RIVERLAND DINGHY CLUB

I N C O R P O R A T E D

PO Box 1421 | Shed 2 | Renmark Sport Complex | Paringa Street | Renmark | SA | 5341 | ABN 24 858 750 232



## Membership Application and Renewal

Name:

Postal Address Line 1:

Suburb/Town:

Post Code:

Contact Phone Number:

Date submitting:

Date of Birth:

Email Address:

Riverland Dinghy Club Membership

**\$35.00 in 2018** ( price reviewed each financial year)

**By submitting and paying membership fees, you acknowledge the following INDEMNITY:**In becoming a financial member of the Riverland Dinghy Club Incorporated (The Club), I hereby acknowledge that I have read and agree to abide by the rules governing The Club. I agree to indemnify The Club (Inc) and all and any of its members, officials, officers, volunteers and employees of or persons in any way connected with The Club for all actions, charges, claims, costs, demands, damages, expenses, injuries and other losses arising out of or in conjunction with The Club regardless of the nature or cause of any occurrence given rise to such actions, damages, demands, expenses, charges or other losses. I acknowledge that I am entering and/or participating in The Club entirely and absolutely at my own risk.

If under the age of eighteen (18) years at the date of this membership a Parent or Guardian must complete the following section and submit via post or at any Riverland Dinghy Club Event.

Name of Parent or Guardian \_\_\_\_\_

Parent or Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

**Please note .....By signing this form you acknowledge the indemnity above**

**To pay your membership you can include this with your first race entry for the year.**

**You may join up at any Riverland Dinghy Club Race Event**

**or by emailing [riverlanddinghyclub@hotmail.com](mailto:riverlanddinghyclub@hotmail.com) who will respond via return email with membership form for you to complete and the club's EFT payment details**

**Your membership form does not become valid until you return the signed completed form.**