

AUSTRALIAN KARATE FEDERATION INC

HARASSMENT FREE SPORTS POLICY

ADOPTED

by

National Executive

BRISBANE

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MEMBER PROTECTION POLICY AUSTRALIAN KARATE FEDERATION INC

POLICY GUIDELINES ON ABUSE, DISCRIMINATION & HARASSMENT

This Member Protection Policy model is to provide the Australian Karate Federation Inc with a clear purpose to establish a Harassment Free Sport environment.

The original model was produced in consultation with a number of sport and recreation organisations and addresses a range of undesirable behaviours. Some of these behaviours are unlawful. Some are not unlawful but should not be tolerated by sport and recreation clubs and associations.

The Member Protection Policy will assist Australian Karate Federation Inc to make clear:

- the responsibilities and expected standard of behaviour of members, service providers, employees and volunteers;
- disciplinary action that will occur if there is a breach of the policy
- procedures for handling alleged incidents of abuse, discrimination and harassment.

For more detailed information concerning:

- sexual harassment and discrimination, contact your Federal/State/Territory equal opportunity or anti discrimination agency, Australian Sports Commission or State Department of Recreation and Sport.
- child protection, contact the relevant Federal/State/Territory child protection agency, Australian Sports Commission or State Department of Recreation and Sport.

MEMBER PROTECTION POLICY

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PART A

Member Protection Policy

1 RATIONALE AND PURPOSE

- 1.1 The Australian Karate Federation Inc is committed to fair and safe play in karate.
- 1.2 The Australian Karate Federation Inc is committed to providing a sport and work environment free of discrimination and harassment (sexual or otherwise), where individuals are treated with respect and dignity, and where children are protected from abuse. The Australian Karate Federation Inc will not tolerate behaviour, which constitutes abuse, discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches the Member Protection Policy.
- 1.3 This Member Protection Policy aims to provide the best possible environment in which its members, service providers and employees including volunteers, Australian Karate Federation Inc can excel and discharge their responsibilities to ensure the peak performance of all teams, competitions and programs.

2 CODE OF CONDUCT: Understanding Responsibilities - Encouraging Appropriate Behaviours

2.1 General Responsibilities

Australian Karate Federation Inc expects all members, service providers, employees including volunteers will abide by the following Code of Conduct. With regard to abuse, discrimination and harassment such members will:

- 2.1.1 not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;
- 2.1.2 be fair, considerate and honest in all dealings with others;
- 2.1.3 treat all persons with respect, dignity and proper regard for their rights and obligations;
- 2.1.4 respect the privacy of other persons;
- 2.1.5 act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between teams and other organisations;
- 2.1.6 not engage in excessive sledging during competition;
- 2.1.7 discourage people not associated with the team from fraternising with team members during tournament, competitions and events, without the express authority of team management;
- 2.1.8 ensure that all under-age team members be accompanied and/or observed during sporting and associated activities;
- 2.1.9 refrain from intimate relations with members whom they have a supervisory role or power over;
- 2.1.10 refrain from any form of victimisation towards others;

- 2.1.11 conduct themselves in a proper manner to the complete satisfaction of Australian Karate Federation Inc and its delegates, so as not to bring themselves, Australian Karate Federation Inc or the team into public disrepute or censure;
- 2.1.12 not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with the team, Australian Karate Federation Inc or its member affiliates;
- 2.1.13 not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;
- 2.1.14 understand the possible consequences of breaching the Australian Karate Federation Inc Member Protection Policy;
- 2.1.15 immediately report any breaches of the Australian Karate Federation Inc Member Protection Policy to the appropriate authority.

The following *specific guidelines* should also be followed.

2.2 Executives' Responsibilities

Executives' will ensure that:

- 2.2.1 the Australian Karate Federation Inc aims to provide and promote an environment free from abuse, discrimination and harassment in relation to its employment functions, its membership eligibility, its provision of goods and services if appropriate;
- 2.2.2 the Australian Karate Federation Inc develops, distributes and implements the Member Protection Policy, and promotes the use of the complaints procedure contained within;
- 2.2.3 the Australian Karate Federation Inc is responsible for taking all reasonable steps to prevent abuse, discrimination and harassment ensuring its position is widely known through all levels of the organisation's activities;
- 2.2.4 appropriate procedures are identified to handle abuse, discrimination, harassment and other complaints;
- 2.2.5 Harassment Contact Officers (HCOs) are identified (either internal or external to the association) to provide information and support;
- 2.2.6 Harassment Complaint Officers (HOs) (either internal or external to the association) are identified and trained to mediate/conciliate complaints;
- 2.2.7 complaints shall be treated in an impartial, sensitive, fair, timely and confidential manner;
- 2.2.8 abuse, discrimination and sexual harassment reporting shall be encouraged, appropriate training should be sought and or provided to those who manage and implement the policy, widespread awareness and understanding of the issues are provided, and the policy and procedures are monitored and reviewed regularly.

2.3 Coaches' Responsibilities

Coaches will:

- 2.3.1 agree to abide by the Code of Conduct;
- 2.3.2 always use their position of power and authority to benefit athletes and Australian Karate Federation Inc;
- 2.3.3 understand what is meant by the terms abuse, discrimination, harassment, intimate relations and other terms set out in Appendices 1 and 3 and express this understanding in their behaviour towards all people to whom this Code of Conduct applies;
- 2.3.4 make it clear to team members that any unlawful discrimination - including jokes, innuendo or sledging - based upon age, sex, race, physical or intellectual impairment, sexuality, marital status or pregnancy (or any other ground of discrimination covered by Federal/State/Territory anti-discrimination legislation) will not be tolerated;
- 2.3.5 be aware of athletes' special requirements, with the intention of reasonable consideration for them;
- 2.3.6 not look at, speak to or make contact with athletes in a manner, which is unwelcome, intrusive, abusive, discriminatory or inappropriate in the circumstances;
- 2.3.7 avoid intimate relations with athletes (see Appendix 1 and 3 - Definitions);
- 2.3.8 not unreasonably exclude or treat less favourably any athlete from playing activities or coaching activities on the basis his or her race, sex, age, marital status, sexuality, pregnancy or intellectual or physical impairment;
- 2.3.9 respond to members concerns or allegations of breaches of this Policy;
- 2.3.10 report suspected breaches of this Policy.

2.4 Athletes' Responsibilities

- 2.4.1 All persons who are members of a Australian Karate Federation Inc team shall at all times act in a sporting manner, having regard to principles of fairness and common courtesy.

Athletes will:

- 2.4.2 understand what is meant by the terms abuse, discrimination, harassment and other terms set out in the Appendices 1 and 3, and express this understanding in their behaviour towards all people to whom this Code of Conduct applies;
- 2.4.3 co-operate with their teammates, coach, officials and opponents;
- 2.4.4 control their temper;
- 2.4.5 respect the rights dignity and worth of all participants regardless of their ability, gender or cultural background;
- 2.4.6 refrain from making bullying, derogatory or demeaning remarks about other people;

- 2.4.7 refrain from making racist or sexist jokes, or jokes about sexual preferences;
- 2.4.8 refrain from using anti gay, anti women or racist slurs to taunt someone or to motivate better performance;
- 2.4.9 not allow offensive pictures or graffiti to be visible;
- 2.4.10 refrain from looking at or touching anyone in ways that make them feel uncomfortable;
- 2.4.11 refrain from making uninvited sexual comments that offend, intimidate or humiliate;
- 2.4.12 not discriminate against, abuse or harass anyone else;
- 2.4.13 refrain from throwing tantrums on or off the court;
- 2.4.14 avoid intimate relationships with their coach (see Appendices [1](#) and [3](#) - Definitions);
- 2.4.15 respond to members concerns or allegations of breaches of this Policy;
- 2.4.16 report suspect breaches of this Policy.

3. CHILD PROTECTION

- 3.1 Australian Karate Federation Inc is committed to ensuring that the safety, welfare and well being of children is maintained at all times during their participation in activities run by members and service providers. Australian Karate Federation Inc aims to promote a safe environment to children and to assist members and service providers to recognise, report and prevent child abuse. (Appendix [3](#), [4](#) and [6](#))
- 3.2 Any person involved in the instruction, leadership, management and/or coaching of any member(s) under the age of 18 years may be asked to undergo (police) screening procedures. ([Appendix 5](#))
- 3.3 Australian Karate Federation Inc will deal with allegations involving abuse, suspected abuse of children promptly, sensitively and in accordance with this policy. ([Appendix 6](#))

4 DISCIPLINARY ACTION

- 4.1 Disciplinary action will be taken by Australian Karate Federation Inc against anyone who is found to be in breach of this Member Protection Policy.
- 4.2 Disciplinary action will also be taken against anyone who victimises or retaliates against a person who has complained of abuse, discrimination or sexual harassment.
- 4.3 The discipline will depend upon the severity of the case, and may involve an apology, counselling, suspension, dismissal or any other forms of action deemed appropriate.
- 4.4 In most instances, child protection matters will have to be referred to the police or a family services authority.

5 CONFIDENTIALITY

The Australian Karate Federation's Inc executive and its officers responsible for implementing this Member Protection Policy will keep confidential the names and details related to abuse, discrimination and/or harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

6 COMPLAINT PROCEDURES

We, Australian Karate Federation Inc, undertake to develop appropriate complaint procedures to deal with any complaints about breaches of this Member Protection Policy promptly, seriously, sensitively and confidentially. (See Part [B](#) and [C](#))

7 MEMBER PROTECTION REVIEW AND APPROVAL

- 7.1 The Australian Karate Federation Inc board of directors approves this policy on.....
- 7.2 The Australian Karate Federation Inc director responsible for this Member Protection Policy will ensure an appropriate review of the policy is conducted regularly.

PART B

Procedures For Handling Allegations Of Discrimination & Harassment

We Australian Karate Federation Inc undertake to deal with any complaints brought to us concerning a breach of this Member Protection Policy sensitively, promptly and respecting the privacy rights of individuals concerned.

Should a complaint arise, the Australian Karate Federation Inc encourages the complainant to consider the following options:

1. PROCEDURAL STEPS

- 1.1 The complainant may wish to approach the person(s) causing the problem - and ask them to stop the behaviour.
- 1.2 If the behaviour continues - or if it is not reasonable to approach the person - contact either a
 - a coach, manager or chaperone
 - executive, president
 - Harassment Contact Officerfor advice and support on procedures (including police advice if such notification is required).
- 1.3 If the complainant chooses to proceed, a designated Complaint Officer will investigate the complaint. This may be someone appointed within the association or from the Australian Sports Commission 'Contact Officers Network' The Complaint Officer determines whether to investigate the complaint, or refer the matter to the National Executive.
- 1.4 The purpose of investigation is to establish whether discrimination or harassment occurred and, if so, what action should be taken to resolve the matter. If the complainant requests the Harassment Complaint Officer to investigate the complaint, this Officer's role is to
 - inform the alleged harasser, and interview both parties separately
 - confidentially and impartially keep accurate records of the process
 - attempt mediation/conciliation where appropriate
 - achieve resolution and follow-up.
- 1.5 If no resolution is achieved, the Complaint Officer will give all records to Australian Karate Federation Inc executive, who will determine the appropriate course of action.
- 1.6 If the complainant chooses not to pursue or to withdraw the complaint, the Australian Karate Federation Inc nevertheless has a legal responsibility to maintain a harassment-free sporting environment. The Complaints Officer must therefore determine whether the alleged harassment is serious enough to warrant an investigation by the Federation.
- 1.7 If the complaint is not resolved, the complainant may put a written complaint to an external organisation for mediation and/or arbitration (eg the Federal/State/Territory equal opportunity or anti discrimination agency, Australian Sports Commission or State Department of Recreation and Sport). This may be done with the support of a Complaint Officer.

2. **RIGHT TO APPEAL**

Both parties to a complaint have the right to appeal the decision and seek the recommendation of a panel if the matters of procedure, bias, or fairness are called into question. An appeals panel, made up of members *other* than those who formed the original review panel, should handle formal appeals.

3. **EXTERNAL ACTION**

Both complainant and alleged harasser may pursue advice or action from an external authority at any stage of the complaint procedure. Your Federal/State/Territory equal opportunity or anti discrimination agency is the authority responsible for receiving complaints of unlawful discrimination or sexual harassment.

PART C

Procedures For Handling Allegations Of Child Abuse

The Australian Karate Federation Inc should deal with allegations involving the abuse, or suspected abuse, of children in a strictly confidential manner and with sensitivity. This is in the best interests of all parties involved. The matter should only be discussed within the organisation with the contact officer who has been appointed and trained to address harassment and abuse issues (if the organisation has one).

In most instances, the matter will have to be referred to the police or a family services authority. The person receiving the information on the allegation should consult these agencies if there is any doubt about whether an allegation should be reported. In such instances, it is not the responsibility of the organisation to investigate the allegation. This should only be handled by the appropriate authorities (for example, the state child protection agency or police). Where the organisation needs to make some inquiries to establish the basic facts, please follow the procedure in 1.2.

1 TYPES OF ALLEGATIONS

1.1 A member of a club or organisation may suspect abuse of a child on reasonable grounds when:

- a child tells them they have been abused;
- someone else tells them a child has been abused;
- a child tells them they know someone who has been abused (often they are referring to themselves);
- they observe a child's behaviour and/or injuries, and their knowledge of children leads them to suspect abuse; or
- they observe a member's abuse of another member.

A member of a club or organisation, or the organisation itself may also receive allegations that:

- (1) a person in the organisation (for example, a coach) has abused a child within the same organisation (for example, a junior athlete);
- (2) a person in the organisation (for example, a coach) has abused a child outside that organisation's jurisdiction (for example, a junior athlete he or she coaches for a state organisation or club); or
- (3) a person outside the organisation (for example, a teacher or family member) has abused a young member of the organisation.

These allegations may be made by the child, his or her parents, or another person involved in the organisation. Where the allegation comes from is not as important as who the alleged offender and alleged victim are.

Allegations of types 1 and 2 will generally be the only ones about which the organisation may have the right to make further inquiries in accordance with their rules and regulations. An allegation of type 3 should, in all cases, simply be reported to the relevant authority and the organisation should consider any steps it can reasonably take to prevent that abuse, or similar incidents, occurring again.

2

PROCEDURES

Where allegations are made regarding child abuse or someone suspects a child has been abused, the person receiving the information must treat the matter with great sensitivity. The initial response of the person to whom the child confides is crucial to the wellbeing of the child. It is important for the person receiving information to:

- listen to and believe what the child says;
- reassure the child that what has occurred is not the fault of the child;
- ensure the child is safe;
- be honest with the child and explain that other people may need to be told in order to stop what is happening;
- ensure that what the child says is quite clear, but do not elicit detailed information about the sexual abuse;
- obtain and document the following information;
 - the child's name, age and address
 - the person's reason for suspecting abuse (that is, observation, injury or information)
 - the person's assessment of danger posed to the child, including information relating to the alleged perpetrator
 - what arrangements, if any, exist for the immediate protection of the child and
 - what involvement, if any, other agencies have in dealing with the suspected incident;
- make direct and confidential contact with the contact officer appointed to address member protection, harassment and abuse issues. Consult with the officer on how to proceed (for example, reporting to the relevant state authority) and how to make a confidential and factual written report; and
- ensure that there are procedures in place to protect the confidentiality of reports (paper and electronic versions).

If there is any doubt about whether the allegation should be reported, a relevant state authority (for example, police or a family services agency) should be consulted. However, if the person receiving the information on the allegation is a member of a profession required, or 'mandated', to report any suspected child abuse, then he or she must report it to the appropriate authorities.

Depending on the rules of the organisation, the alleged offender may be suspended pending the results of an investigation by the relevant authority.

Where an accredited coach has been permanently suspended from a position because it was found that he or she abused a child, the organisation must inform the Australian Coaching Council so it can decide whether the coach has breached the Coach's Code of Ethics and should therefore be deregistered.

Where a matter has resulted in the suspension or dismissal of a person, the national, state, and regional bodies and clubs within the sport should be informed so that they can implement safeguards to prevent other clubs from engaging the services of the offender. Care should be taken with the way this is communicated to other agencies to ensure that any statements made are not defamatory.

A coach or official may suspect that a child has been abused by a family member or someone outside the sport because of behavioural signs or comments by the child. In such instances, advice should be sought from a child protection agency if the information presented is inconclusive. If there are enough reasons to suspect child abuse, the matter should be formally reported to the appropriate child protection agency for investigation.

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', pp 19 - 21

APPENDIX 1: DEFINITIONS

Discrimination

In Australia it is unlawful to treat anyone unfairly on the basis of race, sex, sexuality, pregnancy, intellectual or physical impairment, age, or marital status, in key areas of public life.

Discrimination can be direct or indirect.

A Direct Discrimination

Direct discrimination is treating a person less favourably than another person on the basis of race, sex, age, marital status, sexuality, pregnancy and intellectual or physical impairment in the same or similar circumstances.

Example:

A club/organisation states that it will only consider sending athletes to state/national squad training if they are over 15 years of age. This practice directly discriminates against athletes under the age of 15.

B Indirect Discrimination

Indirect discrimination is imposing a requirement, condition or practice that is the same for everyone, but which has an *unequal* or *disproportionate* effect or result on particular groups. Unless this type of requirement is reasonable in all circumstances, it is likely to be indirect discrimination-even if there was never any intention to discriminate.

Example:

A piece of equipment held/placed at a height that would make it useable only by people whose height was at least 173cm. This could lead to indirect discrimination against women, as the height would mean that women would have more difficulty using the equipment than men.

Victimisation

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their right (under anti-discrimination laws) to make a complaint or support another person in making a complaint.

Example:

A member of a club/team is threatened with non-renewal of membership after he/she states their intention to go to the Equal Opportunity Commission to lodge a complaint of sexual harassment.

Harassment

Harassment can be unwelcome verbal or written comments, conduct, or gestures directed toward one or more people; the harasser knows or should reasonably be expected to know that this behaviour is insulting, intimidating, humiliating, malicious, degrading or offensive.

Harassment is a form of unfair discrimination. It can be an offence under State and Federal anti-discrimination laws, and in some cases criminal law.

Examples of harassment include:

- *written, verbal or physical abuse or threats*
- *unwelcome physical contact,*
- *the display of offensive materials,*
- *unwelcome sexual comments, jokes and propositions,*
- *homophobic comments and/or behaviours*
- *jokes or comments directed at a person's body, looks, age, race, disability, sexuality, marital status, pregnancy*

Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal, and it may include promises or threats in return for sexual favours. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, then the behaviour must stop.

Example:

When the team was away Mary always felt uncomfortable when the men discussed the local females in front of her.

Jokes and behaviours that are genuinely enjoyed and consented to by everyone present are not harassment. However, it is important to be aware that some people may silently tolerate behaviour they find offensive - especially if they hold a lesser position relative to the group or individual engaging in the behaviour.

Sexual Harassment

Sexual harassment is unwelcome sexual behaviour, which makes the victim feel offended, intimidated or humiliated—and it is reasonable in the circumstances to feel that way.

Example:

Members of a team continue to taunt a fellow athlete about his/her homosexuality; even after it is clear that he/she finds the jokes offensive.

Disability

Disability refers to the total or partial loss of any function or part of the body (for example, faulty vision, speech impediment or hearing loss); the malfunction of any part of the body; the malformation or disfigurement of any part of the body; the presence of an organism which may cause disease (for example, HIV, hepatitis); permanent or temporary loss or imperfect development of mental faculties (except where attributable to mental illness) resulting in reduced intellectual capacity; a disorder or malfunction that results in a person learning differently from others; a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions of judgement or that results in disturbed behaviour.

The term disability covers physical, intellectual and psychiatric conditions.

The Equal Opportunity Act, 1984 (SA) uses the term impairment, which is defined to exclude mental illness.

Example:

Fred has one leg shorter than the other that causes no pain or discomfort, and performs skills and techniques well but short stances and high kicks look awkward. A senior has said if he can't do all techniques correctly, he shouldn't be doing karate.

Race Discrimination

The race of a person means the nationality, country or origin, colour or ancestry of the person or of any other person with whom he or she resides or associates.

Racial Discrimination

Racial discrimination involves a distinction, exclusion, restriction or preference based on race which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Example:

A state/national squad member complained of being subjected to regular racist comments during training and of not being selected in the team despite his ability. He was told that his inclusion might lead to team disharmony.

Sexuality

Discrimination on the basis of sexuality means treating a person less favourably because of their heterosexuality, homosexuality, bisexuality or transsexuality.

Examples:

Nick works as a barman at his local football club. He complains that co-workers constantly ridicule him about his sexuality.

Bruce complains that he is not selected in the team because other teammates state they refuse to play with a homosexual.

Pregnancy

Discriminating against a woman because she is pregnant is unlawful.

Example:

The night after announcing she was pregnant, Gail was dropped from the swimming team-event though she was only ten weeks into her term and her doctor told her that her health was fine.

Kate came to training with a doctor's certificate stating she was fit to continue training in non-contact situations and with her coach produced a training diary until she felt uncomfortable to continue or her doctor advised her to withdraw. A senior came into the club and told her to leave immediately.

Age Discrimination

Age discrimination means treating a person unfairly because of their age.

Age discrimination often arises because of stereotypes and incorrect assumptions about people's abilities, based on how old or young they are. It can occur against people of any age, and deny them the opportunity for full participation.

Example:

Anna, 31, passed all fitness and entry requirements for a State team, but was not considered for selection by the coach, who told her: "You're not going to last too long. All the best competitors are much younger than you. I don't think you'll fit in."

Exceptions may occur (see Appendix 2 - Exceptions/Exemptions).

Intimate Relations

Intimate sexual relationships between coaches and athletes - while not necessarily unlawful harassment - can have harmful effects on the athlete, on other athletes and coaches, and on the sport's public image. Such relationships tend to be exploitative because there is usually a disparity between coaches and athletes in terms of authority, maturity, status and dependence.

Because there is always a risk that the relative power of the coach is a factor in the development of such relationships, coaches working at all levels should avoid such relationships. The law is always the minimum standard for behaviour; sex with a minor, for example, is a criminal offence.

APPENDIX 2: EXCEPTIONS/EXEMPTIONS

Both State and Federal Equal Opportunity laws contain exceptions that allow certain kinds of lawful discrimination, for practical and commonsense reasons. The Equal Opportunity Tribunal in South Australia can also grant exemptions from the Equal Opportunity Act, to allow Associations to lawfully discriminate in certain circumstances. For more information about this, Associations should contact the SA Equal Opportunity Commission, on (08) 8207 1977 or their State/Territory equal opportunity or anti discrimination agencies. Exceptions include:

Disability

Organisers of a sporting activity may restrict the participation of people with a genuine or particular disability. For example, it would be lawful for the organisers of a national selection trials or para-Olympic team to restrict the participation in those events to persons with a general or particular disability.

Sex

People of one sex may be excluded from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant. This does not apply to a sporting activity for children under the age of 12 years.

Age

It is lawful to hold competitions for relevant age groups such as Under 13, Under 18, Under 21, 35 and over. However, it is unlawful to select officials or coaches for sporting activities on the basis of age alone, if that person can effectively undertake the task. For example, if a sport set a minimum age for coaching or officiating duties or for attending an accredited coaching course, it would have to demonstrate that the age limit is necessary because the position requires a certain level of maturity, experience in the sport or professional qualification that would not be held by someone under 16.

Pregnancy

Anti discrimination laws around Australia have made discrimination on the ground of pregnancy unlawful and this includes participation in sport. It could therefore be unlawful for a club or association to prevent a woman from playing her chosen sport while pregnant.

The decision of whether or not a pregnant woman should continue playing and for how long should be hers to make in consultation with her doctor and her club.

Under some circumstances exceptions may apply to pregnant employees or volunteers.

HIV/AIDS

It is only lawful to discriminate on the basis of a person's HIV/AIDS status where the discrimination is reasonably necessary to protect the health and safety of other persons. However, this exception only rarely applies.

Example:

An athlete informed his coach that he had been diagnosed as HIV positive. Upon hearing this, the coach dropped the athlete from the team and his own coach asked him to stop training. There was no assessment made in relation to the athlete's ability to compete effectively, and necessary precautions to protect both his health and safety and other athlete's health and safety.

APPENDIX 3: DEFINITION OF CHILD ABUSE IN SPORT

What is child abuse?

Child abuse is a term used to describe ways in which children are harmed, usually by adults and often by those they know and trust. It includes physical abuse, which results in non-accidental injuries; emotional abuse, which causes psychological or emotional damage; neglect, which results in ill health; and sexual abuse, which includes a range of sexual activity and exploitation of children, that can result in physical or psychological damage.

Child abuse is illegal in all states and territories of Australia. Although the legal definition of a 'child' varies from jurisdiction to jurisdiction and from legislation to legislation, the ASC feels that the policies of sport, recreation and fitness organisations which deal with protecting children should cover people 17 years of age and younger.

Child abuse in sport

During sport, various behaviours occur that amounts to child abuse. Unfortunately while most people know that some behaviour is 'bad coaching', they often don't know that some bad behaviour can also be abuse. Here are examples of behaviour that is abuse.

Non-accidental injury to children participating in sport

Most children will collect cuts and bruises in their daily lives, and certainly through their involvement in sport, but some physical injuries or bruising can only be caused non-accidentally.

Inappropriate training

People working with children in sport must tailor training programs to ensure that they are appropriate for the strength, coordination, skill and emotional levels of children. Training techniques that give extra physical loads to children, as 'punishment' can be dangerous to the health of children who are already physically tired.

Effective training techniques will also take into account the emotional individuality of children. Children should be emotionally prepared for an activity in order to perform it confidently and without anxiety. They respond differently to the challenges of sport, and what is 'pushing' (by a coach or a parent) to one child may be emotionally destructive to another. Physical abuse also includes giving children illegal or inappropriate drugs that may affect their physical or psychological development.

Emotional abuse

It is not appropriate to address children in a derogatory way when their performance is not to the coach's liking. Nor is it appropriate to demean their performance in front of others or, even if speaking to them individually, to refer to physical attributes (for example, weight or clumsiness) to make them perform better. Coaches should ensure that they do not give only negative feedback on performance. Providing constructive feedback on the negatives and praise for the positives is a more appropriate way to coach children.

Inappropriate touching

In some sports it may be necessary for a coach or trainer to have physical contact with children in order to demonstrate technique. Such contact must be necessary and appropriate to the situation and always professional. Inappropriate touching can include lengthy or uninvited contact.

Sexual abuse

Sexual abuse is a criminal offence involving a range of sexual activity between a child and a person who is older, or has power, authority or control over a child. This abuse

encompasses a wide range of behaviour from, for example, engaging a child in sexual conversation, showing sexual pictures to a child and exposing one's genitals, to sexual touching and invasive sexual acts.

Sexual abuse can involve forcing, tricking, bribing, threatening, emotionally manipulating or pressuring a child into sexual activity even if the child has, or appears to have, consented. Note that children 16 years and under cannot legally consent to sexual acts.

Sport is vulnerable to child sexual abuse because coaches, managers, officials and volunteers are able to assert authority and power over children. Unfortunately, sexual offenders take advantage of such positions of trust and authority.

Other sensitive areas

People working with children in sport should be aware of age sensitivities and cultural or religious differences, and how these may change the way people look at certain activities. For example, privacy in showers or at athlete weigh-ins could be an issue. Working with children with physical and emotional disabilities may also require careful and sensitive handling.

Coaches from diverse backgrounds, and people working with children of diverse origins, will need to adjust work practices and be sensitive to the different way in which their actions and behaviour may be seen.

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', pp 3 - 4, 2.1 & 2.2

APPENDIX 4: CHECKLIST FOR PREVENTING CHILD ABUSE

- 1 Make a clear statement that child abuse is criminal behaviour and list the actions the organisation will take in such instances.
- 2 Ensure that the organisation's constitution, regulations and by-laws support the policy and allow it to be enforced.
- 3 Ensure these policies and procedures are consistent with state laws that protect children.
- 4 Adopt a code of ethics and have all members sign it. Have members renew their pledge on a regular basis.
- 5 Define the job responsibilities of each person involved in delivering a service in the organisation. Identify high-risk positions, applicants for which should be screened and/or checked by the police.
- 6 Check the references of job applicants and interview shortlisted candidates.
- 7 Develop procedures to deal with allegations of child abuse.
- 8 Appoint a contact officer, let members know who the person is, and ensures that the person selected receives training in child protection issues.
- 9 Develop procedures for conducting a police check.
- 10 Appoint a person(s) to handle reports resulting from police checks.
- 11 Use accredited coaches and officials and check that their accreditation is current.
- 12 Provide information to coaches and others working with children about how to recognise child abuse, and give them directions on what to do if abuse is reported or suspected.
- 13 Contact the child protection agencies and education agencies in your state for assistance with education, training and policy development.

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', p 27

APPENDIX 5

Australian Federal Police consent to obtain personal information form

POLICE RECORDS CHECK FOR ENTITLEMENTS CONSENT TO OBTAIN PERSONAL INFORMATION FORM

GENERAL INFORMATION

This Form is used by organisations and applicants as part of the assessment process to determine whether a person is suitable for the receipt of an entitlement, including employment and a Designated Security Assessment Position (DSAP) or Position of Trust (POT), which is part of the security clearance process.

Unless statutory obligations require otherwise, the information provided on this Form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive the entitlement

POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability for the entitlement sought. On this form you are asked to disclose whether you are the subject of traffic violation(s) or any criminal or traffic charge(s) still pending before a Court, or whether you have been the subject of criminal or traffic conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which maybe protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies (see explanation note under heading *SPENT CONVICTIONS SCHEME*).

This Form may be forwarded by the employing organisation or by you direct to the Australian Federal Police (AFP), and you are asked to consent to:

- (a) the AFP disclosing criminal history information from its own records to the organisation with which you are employed or are seeking employment, and/or insurance company or other public or private organisation from which you are seeking an entitlement, and;
- (b) for the AFP to access the records of any state police and to obtain any criminal or traffic violations history information which in term would be disclosed to whom you are required to indicate.

As an alternative to completing this Form you may elect to produce a certificate from the Police Force in each state or territory in which you have lived that provides details, including nil return, of any convictions recorded, or that are pending, against you.

SPENT CONVICTIONS SCHEME

On 30 June 1990, new Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect This new law a commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the individual has not re-offended. The Scheme also coves convictions where an individual's conviction has been set aside or pardoned

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing without consent of the individual such convictions.

A spent conviction is a conviction from either a Commonwealth, territory, state or foreign offence which satisfies all of the following conditions:

it is 10 years since the date of the conviction
(or 5 years for child offenders);

the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;

the individual has not re-offended during the 10 year (5 years for child offenders) waiting period: and;

a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner)

The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists. Details of exclusions should be provided to you by the employing organisation before your consent is sought to conduct a criminal history check.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter.
The address is **GPO Box 5218, SYDNEY, NSW 2001**

PROVISION OF FALSE OR MISLEADING INFORMATION

You are asked to certify that the personal information you have provided on this form is correct. If it is subsequently discovered, for example as a result of a check of police records, that you have provided false or misleading information, you may be assessed as unsuitable to receive the entitlement you seek.

It should be noted that the Australian Federal Police does not assess or adjudge your application but merely provides the tools to the prospective employer to assist them in assessing your suitability as an employee.

You should note that the existence of a record does not mean that you will be assessed automatically as being unsuitable to receive an entitlement. Each case will be assessed on its merit hence it is in your interests to provide full and frank details on the form.

POINTS TO NOTE WHEN COMPLETING YOUR APPLICATION

The Australian Federal Police advise all applicants for Character checks they must meet the following requirements in the application.


This Department now requires:

1. Photocopy of Drivers Licence or other document must accompany application.
2. SELF-STAMPED ADDRESSED ENVELOPE TO BE INCLUDED WITH FORM.
3. Full postal address on the bottom left hand corner of the Personal Particulars side of the form.
4. If there has been a change of names, then previous and current names **MUST** be included on the form, (eg. **MAIDEN, DEFACTO, DEED POLL**, etc).
5. Applicants signature must not be more than 3 months old.
6. Please check the date of birth to see if it is the correct year. Also see that all the necessary details have been completed and that the form is signed.
7. Payment of the required fee in Australian Dollars as calculated below:
\$36 each NAME CHECK APPLICATION.
\$130 for a FINGERPRINT APPLICATION
(where fingerprints taken and processed by the AFP)
\$103 Processing a FINGERPRINT APPLICATION
(where fingerprints supplied by applicant)
8. Cheque or money order made payable to AUSTRALIAN FEDERAL POLICE must be included with all applications and posted to:

AUSTRALIAN FEDERAL POLICE
Criminal History Branch
Locked Bag No. 1
WESTON ACT 2611

Failure to meet the required standards will result in the forms being returned for amendment.

For more information please contact

 (02) 6256 7777

Australian Federal Police – *Consent to obtain personal information form*

Personal Particulars

Surname (present)		All other surnames used	
Christian or given names		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
Date of birth	Town/city of birth	State/country of birth	
Contact phone number	Drivers Licence number	State	

Permanent Residential Address Over Last Ten Years

If full details of previous address are unavailable details of town(s) and state(s) will suffice. <i>Attach list if insufficient room.</i>	If actual dates are unavailable, details of year of residence will suffice
Current	Period of residence / / to / /
	/ / to / /
	/ / to / /
	/ / to / /

CRIMINAL/TRAFFIC CHARGE, CONVICTION OR PECUNIARY PENALTIES

(i) Are you the subject of any traffic violation, criminal or traffic charge(s) still pending before a court	<input type="checkbox"/> Yes <input type="checkbox"/> No
(ii) Do you have any conviction(s) or finding(s) of guilt which are less than ten (10) years old, or any juvenile conviction(s) of finding(s) of guilt which are less than five (5) years old?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iii) Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was <u>less</u> than thirty (30) months imprisonment for offences of the type(s) mentioned at (i) on the reverse of this form (ie. offences for which an exclusion has been granted)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iv) Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was <u>greater</u> than thirty (30) months imprisonment?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered YES to any of the above questions, please attach details:

<p><u>USER CODE -</u> Pleases return the completed application together with a cheque or money order and a stamped self returned envelope to: Australian Federal Police Locked Bag 1 WESTON ACT 2611</p> <p><u>YOUR RETURN ADDRESS</u> (if same as current address write ‘as above’)</p> <p>_____</p> <p>_____</p>	<p><u>Police Use Only</u> Australian Federal Police NOT RECORDED / RECORDED</p> <p>NOTE: As fingerprints do not accompany your request, the Australian Federal Police cannot guarantee in any manner, that the information supplied herewith concerns the individual in whom you are interested.</p> <p>Signature:</p> <p>Date:/...../.....</p> <p>For Commissioner Australian Federal Police</p>
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STAFF-IN-CONFIDENCE

PART EXCLUSION

Commonwealth of Australia

CONSENT TO OBTAIN PERSONAL INFORMATION

(for categories where PART EXCLUSION has been granted from spent convictions legislation)

I.....hereby:

(Full name - **BLOCK LETTERS** and in **INK**)

- (i) acknowledge that I have read the General Information document provided with this Form and understand that I do not have to disclose old protected convictions information, which is described under the heading Spent Convictions Scheme in the General Information document, except any of a type listed below for which an exclusion has been granted;

.....
(Agency to list category(ies) of offence(s) for which an exclusion has been granted)

- (ii) certify that the personal information I have provided on both the front and back of this form relates to me and is correct;

- (iii) consent to

(Name of Organisation seeking information)
forwarding this form to the Australian Federal Police and/or the Police Services of the State or Territories of the Commonwealth of Australia and providing relevant information to the above organization.

- (iv) specify position applied for;

- (v) consent to the AFP or other relevant Australian police force(s) extracting from their records copies of traffic violations, and criminal and/or traffic records relating to me pending before a Court and/or details of convictions or findings of guilt which have been recorded against me and which are not covered by Part VIIC of the Crimes Act 1914 dealing with spent convictions;

- (vi) acknowledge that any information provided by me on this Form or by the police as a result of the records check may be taken into account by the organisation mentioned in (iii) above in assessing my suitability to receive the entitlement

Signature Date:/...../.....

Note: The Information you have provided on this form and which the police provide to this organisation on receipt of the form, will be used only for the purpose stated above unless statutory obligations require otherwise.

Source: Official Australian Federal Police Consent to obtain personal information form

APPENDIX 6

State	Education agencies	Legislation	When must abuse be reported?	Who to notify
New South Wales	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) NSW Tel (02) 9211 0224 Fax (02) 9211 5676</p> <p>NSW Commission for Children and Young People, Tel (02) 9286 7220 or 9286 7276 Fax (02) 9286 7201 Email: check@kids.nsw.gov.au Web site http://www.kids.nsw.gov.au/check</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998</i></p> <p><i>The Commission for Children and Young People Act 1998</i></p> <p><i>The Child Protection (Prohibited Employment Act) 1998</i></p> <p><i>The Ombudsman Amendment (Child Protection and Community Services) Act 1998</i></p>	<p>If a medical practitioner, person in a profession (including teaching, counselling, early childhood teaching) or principal or deputy principal of a school, has reasonable grounds to suspect that a child (under 16 years) has been abused, they must report it as soon as practicable.</p> <p>If a person who, in their professional work or other paid employment, delivers health care, welfare, education, children's services or residential services, or holds a management position in an organization the duties of which include direct responsibility for, or direct supervision of the provision of health care, welfare and so on, and that person has reasonable grounds to suspect a child is at risk of harm, they must report it as soon as practicable.</p> <p>In addition any person may report abuse of a child (under 17 years).</p>	<p>NSW Department of Community Services Tel (02) 9716 2199 Fax (02) 9716 2144</p> <p>Child Protection and Family Crisis Service (24-hours, all areas) Tel 1800 066 777 Tel (02) 9228 3434 (switch)</p>
Victoria	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) VIC Tel (03) 9380 9219 Fax (03) 9380 9219</p>	<p><i>Children and Young Persons Act 1989</i></p>	<p>If a medical practitioner, psychologist, nurse, teacher, police officer, youth worker and so on, in the course of their duties, forms the belief on reasonable grounds that a child (under 17 years) is in need of protection (suffers significant harm as a result of physical or emotional injury, abuse, harm or the child's development is or is likely to be harmed and so on), they must report it as soon as practicable.</p>	<p>Department of Human Services Child Protection Service Tel (03) 9479 6222 Tel 13 12 78 (after hours) Web site http://hnb.dhs.vic.gov.au/commcare/yafsinte.nsf/VP/Children+and+Families</p>
Queensland	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) QLD Tel (07) 3857 3221 Fax (07) 3857 4600 web site http://www.families.qld.gov.au/families/cpis/pdfs/booklet.pdf Positive Parenting Coordination Section Tel (07) 3224 7588 Fax (07) 3247 4856</p>	<p><i>Child Protection Act 1999</i></p> <p><i>Commission for Children & Young People Bill 2000 (draft legislation)</i></p> <p><i>Children Services Tribunal Bill 2000 (draft legislation)</i></p>	<p>If a medical practitioner suspects, on reasonable grounds, the maltreatment or neglect of a child (under 17 years), which has or might subject a child to unnecessary injury, suffering or danger, he or she must report it within 24 hours.</p>	<p>Department of Families, Youth and Community Care Tel (07) 3235 9935 Tel (07) 3224 4225 (after hours Brisbane) Tel 1800 637 711 (After hours outside Brisbane) Crisis Care Tel 1800 177 135 (Brisbane) Crisis Care Tel 1800 811 810 (outside Brisbane)</p>
Western Australia	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) WA Tel (08) 9357 1157 Fax (08) 9387 6094</p>	<p><i>Child Welfare Act 1947</i></p> <p><i>Community Services Act 1972</i></p>	<p>There is no legislation requiring reporting.</p>	<p>Family and Children's Services Tel (08) 9222 2555 (switch)</p> <p>24-hour crisis care Tel 1800 199 008</p>

State	Education agencies	Legislation	When must abuse be reported?	Who to notify
South Australia	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) SA Tel (08) 8232 8304 Fax (08) 8232 8305</p> <p>Child and Youth Health Tel (08) 8303 1500 Fax (08) 8303 1656</p> <p>Family and Youth Services Mandated Notifier Training and Consultancy Service Tel (08) 8226 6725</p>	<p>Children's Protection and Young Offenders Act 1979</p> <p><i>Children's Protection Act 1993</i></p>	<p>If a medical practitioner, nurse, dentist, psychologist, police officer, social worker, teacher or person employed or a volunteer in an agency which provides health, welfare, education or child care partly or wholly for children, or holds a management position in an organization, the duties of which include direct responsibility for, or direct supervision of, the provision of those services, suspects on reasonable grounds that a child (under 18 years) has been or is being abused (including sexually, physically, emotionally) or neglected, they must report it as soon as practicable.</p>	<p>Family and Youth Services Child Abuse Report Line, 24-hours, all areas Tel 131 478</p>
Tasmania	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) TAS Tel (03) 6239 1079 Fax (03) 6239 1225</p>	<p>Children and Young Persons and Their Families Act (1997)</p> <p><i>Alcohol and Drug Dependency Act (1968)</i></p>	<p>Any person who suspects, on reasonable grounds, that a child (under 18 years of age) has suffered maltreatment, or that there is substantial risk of maltreatment, may report it. Reporting is mandatory for registered medical practitioners, nurses, dentists, police officers, psychologists, school principals and teachers, persons who manage childcare services or provide childcare for a fee or reward, people who are employed or who are volunteers in government agencies.</p>	<p>Department of Health and Human Services Child, Youth and Family Support Tel (03) 6233 4745 Tollfree Tel (24 hr) 1800 001 219 South office Tel (03) 6230 7650 North office Tel (03) 6336 2376 North West (03) 6421 7803 or Police</p>
Northern Territory	<p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) NT Tel (08) 8972 2252</p> <p>Community Care Tel (08) 8922 7301 Fax (08) 8922 7477</p> <p>Family and Children's Services Tel (08) 8999 4789</p>	<p>Community Welfare Act 1983</p>	<p>Any person who believes, on reasonable grounds, that a child (under 18 years) has suffered or is suffering maltreatment (physical injury, emotional or intellectual impairment and so on), must report it as soon as practicable.</p>	<p>Police</p> <p>Or</p> <p>Child Protection Unit Child and Family Protective Services Tel (08) 8922 7111 Tel (08) 8941 1644 (after hours)</p>
Australian Capital Territory	<p>Family Services Child Abuse Prevention and Education Unit Tel (02) 6207 1382</p> <p>National Association for Prevention of Child Abuse and Neglect (NAPCAN) ACT Tel (02) 6295 2210 Fax (02) 6295 9944</p> <p>Sexual Assault and Child Abuse Team, Australian Federal Police Tel (02) 6256 7696</p>	<p>The Children and Young People Act 1999</p>	<p>Where a person, on reasonable grounds, suspects there exists or has existed circumstances in respect of a child (under 18 years) that the person considers it appropriate that action should be taken, they may report such circumstances.</p> <p>Where a medical practitioner, dentist, nurse, teacher, police officer, or person employed to counsel children in a school, public servant whose duties relate to children, or person providing child care at licensed premises, suspects on reasonable grounds that a child (under 18 years) has suffered physical injury (other than by accident) or has been sexually abused, they must report it.</p>	<p>Child Youth and Family Affairs Northside Tel (02) 6207 1069 Southside Tel (02) 6207 1466 After hours Tel (02) 6207 0720</p>

Source: Australian Sports Commission 'Protecting Children from Abuse in Sport 2000', p 28-32

APPENDIX 7: IMPLEMENTING THE MEMBER PROTECTION POLICY: TAKING REASONABLE STEPS

Reasonable steps to be taken by your club or association to prevent inappropriate behaviour and having policies and procedures for dealing with inappropriate behaviour should it occur includes:

Ensuring that your board or management committee understands and endorses the Member Protection Policy.

Checking that the Member Protection Policy is tailored to the particular needs of your club or association -you may want to add more information, for example on drugs and alcohol. Contact the Australian Sports Commission or your local Department for Sport and Recreation for further advice and assistance.

Ensuring that the Member Protection Policy is communicated to all members, service providers and employees, including volunteers. You may do this through an official launch of the Policy, newsletters, noticeboards and computer networks, as well as in personnel manuals and in coaching, volunteer and other handbooks.

Assigning responsibility for the Member Protection Policy's circulation and review to a specific position.

Appointing a member of your board or other appropriate people to receive and handle complaints. Remember this could be someone from your club, or a person from the Australian Sports' Commissions' Contact Officer Network. If someone is appointed within your club or association to handle these responsibilities it is important that appropriate training is provided in receiving and handling complaints. For information on such training contact the Australian Sports Commission or your local Department for Sport and Recreation.

Making sure members, service providers and volunteers know who to go to regarding queries and complaints around behaviours involving abuse, discrimination or harassment.

Ensuring your club or association have developed clear procedures for dealing with abuse, discrimination and harassment and that if a complaint arises it is dealt with promptly, sensitively and in a confidential manner.

Monitor the Member Protection Policy's effectiveness through surveys, and interviews with employees or members who leave the Association.