



BORDER COLLIE CLUB
OF SOUTH AUSTRALIA

CODE OF CONDUCT

(Adopted 18/2/2021)

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1. Code of Conduct

The Border Collie Club of SA (BCCSA) requires every individual be bound by this policy to:

- a. Be ethical, fair and honest in all their dealings with other people;
- b. Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- c. Always place the safety and welfare of children above other considerations;
- d. Comply with BCCSA and the Dogs SA and Australian National Kennel Club memorandum and articles of association, rules, regulations and policies;
- e. Operate within the rules and spirit of the Association;
- f. Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- g. Be responsible and accountable for their conduct;
- h. Abide by the relevant Role-Specific Codes of Conduct.

The Committee reserves the sole right to exclude or decline any natural person or persons from membership of the club where the committee believes on reasonable grounds, that person/s may not provide for, value add, be prejudicial or be of detriment to the good reputation and ongoing enhancement of the Club and its' objects.

These actions shall be prefaced upon investigation of any or all allegations and/or proof of past or present behavioural or other issues alleged against that person or persons.

The decision of the Committee shall be final and no correspondence shall be entered into other than that permitted under natural law.

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

- a. Done anything contrary to this policy;
- b. Breached the Code of Conduct and Role-Specific Codes of Conduct;
- c. Brought the breed and/or the BCCSA and/or Dogs SA and ANKC into disrepute;
- d. Failed to follow BCCSA policies and procedures for the protection, safety and welfare of children;
- e. Discriminated against or harassed any person;
- f. Victimised another person for reporting a complaint;
- g. Engaged in unlawful sexual activity.
- h. Disclosed to any unauthorised person or organisation any BCCSA information that is of a private, confidential or privileged nature;
- i. Made a complaint they knew to be untrue, vexatious, malicious or improper;
- j. Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- k. Failed to comply with a direction given to the individual or organisation during the discipline process.

2. Organisational Responsibilities

The BCCSA has implemented this policy and codes of conduct and in turn must:

- a. Adopt, implement and comply with this policy;
- b. Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- c. Promote appropriate standards of conduct at all times;
- d. Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, timely and confidential manner;
- e. Apply this policy consistently without fear or favour;
- f. Recognise and enforce any penalty imposed under this policy;
- g. Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies;
- h. Appoint or have access to trained people to receive and handle complaints and allegations and display the names and contact details in a way that is readily accessible; and
- i. Monitor and review this policy at least annually.

3. Individual Responsibilities

Individuals bound by this policy are responsible for:

- a. Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- b. Consenting to a national police check if the individual holds or applies for a role that involves direct and unsupervised contact with people under the age of 18 years;
- c. Co-operating in providing a club environment which is free from unlawful discrimination, harassment, bullying and abuse;
- d. Complying with all other requirements of this policy.

4. Child Protection Policy

Overview

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations. Child abuse is illegal in all states and territories of Australia, with each having their own child protection laws that cover the reporting and investigation of cases of child abuse.

Child abuse relates to children (a person under 18 years old) at risk of harm, usually by adults, sometimes by other children, and often by those they know and trust. It can take many forms. Children may be harmed by verbal and emotional abuse and physical actions and by people failing to provide them with basic care. Child abuse may include:

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

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. The BCCSA requires that anyone who reasonably suspects that a child has been or is being abused by someone within our club, or by his/her parents/guardians to report it immediately to the police or relevant government agency. The BCCSA will not attempt to investigate, mediate or conduct any hearing into any allegation of child abuse as this is the role of the Police and the relevant government agency.

BCCSA Child Protection Requirements

The BCCSA requires every individual and organisation bound by this policy to:

- a. Prohibit any form of abuse against children;
- b. Carefully select people whose role requires them to have regular direct and unsupervised contact with children;
- c. Ensure codes of conduct, particularly for roles associated with junior activities, are promoted, enforced and reviewed.

5. Anti-Discrimination & Harassment Policy

Overview

The BCCSA aims to provide an environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

Under this policy discrimination and harassment are not permitted in engagement (including volunteer and unpaid); when providing any goods and services including access to facilities; when providing education and activities; the entry or otherwise of any person to any competition and the obtaining or retaining membership of the club and organisations (including the rights and privileges of membership). Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

6. Discrimination

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination).

The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics.

Under the relevant legislation across Australia, unless a specific exclusion applies, it is unlawful to discriminate against anyone on a variety of grounds including, but not limited to the following:

- a. Age;
- b. Disability;
- c. Marital status;
- d. Parental/carer status;
- e. Family/carer responsibilities;
- f. Gender identity/transgender status;
- g. Lawful sexual activity/sexual orientation;
- h. Irrelevant medical record;
- i. Irrelevant criminal record;
- j. Political belief/activity;
- k. Pregnancy and breastfeeding;
- l. Race;
- m. Religious belief/activity;
- n. Sex/gender;
- o. Social origin;
- p. Trade union membership/activity.
- q. Physical features
- r. Association with a person with one or more of the characteristics listed above.

Examples of Discrimination:

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior member is overlooked because of his/her mild epilepsy.

Family responsibilities: A club decides not to promote a trainer because he/she has a child with a disability even though the trainer is the best person for the job.

Lawful sexual activity/sexual orientation: A member is ostracised from the Club after he/she states that he/she is same sex attracted.

Pregnancy: A woman is dropped as a judge when she becomes pregnant.

Race: An Italian judge is not permitted to judge an Australian breed because of his/her race.

Sex/Gender: Specialist training is only offered to male players in a mixed activity.

7. Harassment

The BCCSA aims to ensure our members and guests, Judges and spectators are free from harassment. This includes those occasions where the BCCSA is interstate or elsewhere.

Unlawful Harassment is any type of behaviour that is unwanted, unwelcome or uninvited and is offensive, intimidating and/or humiliating. It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

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

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment. Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, or feels that another person is being harassed or discriminated against by another person or organisation bound by this policy, please refer to the complaints procedure outlined in this policy.

8. Victimization

The BCCSA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation.

It is unlawful to victimise a person who is involved in making a complaint of discrimination or harassment. Victimization means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint. For example, a member is ostracised by her male trainer for complaining about his sexist behaviour to another club official or for supporting another person who has made such a complaint.

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

9. Drugs and Alcohol

The use of Illegal drugs is not tolerated by the BCCSA. Any person found to be using, in possession of, or suspected of being under the influence of illegal drugs, at grounds, whilst at any venue, or at training or elsewhere whilst undertaking activities representing the BCCSA may be reported to the Police and may face a subsequent hearing of the BCCSA Disciplinary Committee.

No person under the age of 18 will be served alcohol and no person under the age of 18 is to consume alcohol while present at any BCCSA club function including training or competition.

Drunken behaviour will not be tolerated at any time and persons suspected to be under the influence of alcohol may be asked to leave the BCCSA club or venue environs. Failure to comply with this direction may see the Police called to effect a person's removal, and the person may be subject to a Disciplinary Committee hearing.

10. Vexatious complaints

If at any point in the complaint process the BCCSA Committee considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the relevant grievance tribunal/committee for appropriate action which may include disciplinary action against the complainant.

11. Mediation

The BCCSA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the BCCSA will, in consultation with the complainant, arrange for an appropriate, unbiased mediator to mediate the complaint.

12. Forms of Discipline

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

13 COMPLAINTS PROCEDURE

Overview

This procedure has been developed to ensure that complaints about inappropriate behaviour described in this policy are addressed sensitively, consistently, fairly and confidentially.

A complaint may be reported about an individual or group behaviour informally or formally. It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of this policy.

A complaint should be reported to the BCCSA President, Vice President or any other Management Committee member.

Internal Procedure

Self Resolution

Self-resolution may be appropriate where the alleged harasser or bully is oblivious to the impact of their behaviour towards the complainant. If the complainant feels it is appropriate they can attempt to resolve the issue directly with the alleged harasser, without the assistance of BCCSA, by speaking directly to the person/s involved and asking them to stop the offensive behaviour immediately.

Resolve the Complaint Informally

Informal assistance may be appropriate where the complainant is not sure how to handle the problem and wants to talk confidentially about the problem or the problem continues after the complainant has tried to approach the person/s involved. If this is the case, individual/s should talk with the BCCSA President, Vice President or any other Management Committee member.

Informal procedures that may be adopted could include the following:

- a. Provide possible options/methods for the complainant to resolve the problem and/or make a referral to an appropriate person to help the complainant resolve the problem eg: a mediator;
- b. Explain how the BCCSA complaints procedure works;
- c. Act as a support person;
- d. Privately speak with the alleged offender on behalf of the complainant;
- e. Inform the relevant government authorities and/or police if required by law to do so.

Resolve the Complaint Formally

Formal procedures may be appropriate where informal procedures have been ineffective, the complaint involves serious and/or criminal allegations or the complainant wishes to make a formal complaint from the outset. Formal complaints can be lodged with any member of the BCCSA Management Committee.

Both parties involved in a formal complaint have a number of rights and responsibilities which are detailed below:

Complainant's Rights and Respondent's Rights:

- a. Have the complaint investigated and if necessary conciliated;
- b. Have support/representation if requested;
- c. Express views and opinions without intimidation from others;
- d. Discontinue a complaint;
- e. Have the situations remedied;
- f. Privacy;
- g. Have natural justice;
- h. Not be discriminated against;
- i. Not be dismissed unfairly, harshly or unreasonably;
- j. Privacy;
- k. Have support/representation if requested;
- l. Not be defamed;
- m. Not be the subject of unfounded or malicious complaints.

A formal procedure will be followed as appropriate for each individual complaint which may include one or more of the following steps:

- a. Document full information from the complainant about the complaint and how they want it resolved;
- b. Put the information received from the complainant to the person/people that the complaint is about and ask them to provide their side of the story;
- c. Decide whether enough information has been obtained to determine whether the matter alleged in the complaint did or didn't happen; and/or
- d. Determine what, if any, further action to take. This action may include appointing a person to investigate the complaint, referring the complaint to an informal or a formal mediation session and/or referring the complaint to the police or other appropriate authority.

NB: Where a complaint relates to an allegation of child abuse the matter will immediately be referred to the Police or relevant state government authority.

Disciplinary Committee

The BCCSA has a Disciplinary Committee consisting of the President, Vice President and, Secretary. Other Management Committee members may sit on the Disciplinary Committee as required. The Disciplinary Committee is charged with hearing and adjudicating all formal complaints.

If the Disciplinary Committee after hearing all relevant arguments determines that a BCCSA member should be sanctioned the following steps will be taken:

- I. On the first occasion of disciplinary action, a verbal warning will be given to the member involved;
- II. On the second occasion of disciplinary action, a written warning will be given to the member involved;

- III. On the third occasion of disciplinary action, a written warning will be given to the member involved which may include a suspension or alternative punishment as determined by the Disciplinary Committee;
- IV. On the fourth occasion of disciplinary action, a written warning will be given to the member involved which may include expulsion from the BCCSA if so determined by the Disciplinary Committee.

If the Disciplinary Committee determines that any particular offence against the BCCSA Code of Conduct warrants it, the Disciplinary Committee may escalate any warnings or punishments to the most fitting level.

For example, a member who has been found guilty of a serious offence may be automatically escalated to step IV and faced with expulsion, bypassing the preliminary steps I – III.

Any decision by the Disciplinary Committee will be fully documented and presented to the BCCSA Management Committee for ratification.

Appeal Process

Members of the BCCSA who are subject to a disciplinary decision may appeal in writing to the Secretary for consideration by the Management Committee who will hear the case and reach a decision. If the claimant does not agree with the decision he/she will have the right of appeal once only. Such appeal must be made in writing to the Secretary within three (3) days of receipt of written notification of the Management Committee's decision and must be heard within seven (7) days by the Management Committee.

During such appeals hearings, all involved parties may call witnesses as desired to support their claim. The President or Vice President in the Presidents absence will chair any such hearings. At the conclusion of any such appeals hearings, the decision handed down by the Management Committee will be considered final and all parties are to abide by the decision.

If the internal complaints processes set out in this Policy do not achieve a satisfactory resolution/outcome, or if the complainant believes it would be impossible to get an impartial resolution within the BCCSA, an external agency such as Dogs SA may be involved. Opportunity Commission may be contacted to assist with a resolution. In the case of a Club suspension or expulsion, the committee decision will stand while the external agency deliberates.

Internal Procedure

There may be a range of external options available depending on the nature of the complaint. In the case of harassment or discrimination advice can be sought from the Dogs SA or the ANKC without being obliged to make a formal complaint. In the case of more serious breaches such as child abuse, the Police or relevant State government department responsible for issues of child welfare should be notified. If an individual wishes to lay a complaint to an external body then guidance and support is available from Dogs SA and ANKC.

14 DICTIONARY

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

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

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

Complaint means a complaint made under this policy.

Complainant means the person making a complaint.

Guest means any person within the environs of the club there for the purpose of promoting the Border Collie breed. This can include but is not limited to spectators, Judges and visitors.

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

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

Member means any person paying fees and registration to the BCCSA for the intent of participating in the activities of the Club and also includes all volunteers to the club, be they committee members etc that are involved in the BCCSA. This also includes those awarded honorary memberships. In respect to the parents of junior members, this also includes their parents or guardians.

Natural justice incorporates the following principles:

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

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

Policy and this policy mean this Code of Conduct Policy.

Respondent means the person who is being complained about.

Racial Hatred: Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. States and Territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Role-specific codes of conduct means standards of conduct required of certain roles (e.g. trainers).

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

- a. Rape;
- b. Indecent assault;
- c. Sexual assault;
- d. Assault with intent to have sexual intercourse;
- e. Incest;
- f. Sexual penetration of child under the age of 16;
- g. Indecent act with child under the age of 16;
- h. Sexual relationship with child under the age of 16;
- i. Sexual offences against people with impaired mental functioning;
- j. Abduction and detention;
- k. Procuring sexual penetration by threats or fraud;
- l. Procuring sexual penetration of child under the age of 16;
- m. Bestiality;
- n. Soliciting acts of sexual penetration or indecent acts;
- o. Promoting or engaging in acts of child prostitution;
- p. Obtaining benefits from child prostitution;
- q. Possession of child pornography;
- r. Publishing child pornography and indecent articles.

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

Young People/person means people **up to the age of 18 years**.



AGREEMENT

BORDER COLLIE CLUB OF SOUTH AUSTRALIA

By accepting a role and membership with the BCCSA I agree to abide by these principles.

I support the Club in its undertakings and encourage the Club to take any necessary disciplinary actions including the suspension and banning where warranted of any members for repeated or serious breaches of the BCCSA Code of Conduct.

Members Name _____
(print name)

(signature)

Date ____ / ____ / ____