



Equal Opportunity Policy

This policy had been developed using the following resources:

Australian Sports Commission Member protection template Version 7
www.ausport.gov.au/supporting/integrity_in_sport/resources/national_member_protection_policy_template

Australian University Sport Equal Opportunity Policy
www.unisport.com.au/InsideAUS/OrganisationalPolicies/Pages/EventParticipationGuidelinesPolicies.aspx

AU Sport aims to provide equal opportunity for all. This includes men, women, people with a disability, people from multicultural, religious and indigenous backgrounds and those with different sexual orientation all having the same rights to access opportunities to participate in sport.

It is also pertinent that officials, staff, referees, volunteers and coaches collectively be afforded equal opportunity. AU Sport recognises that not all of these groups may be able to be fully integrated into sport through AU Sport, however, we will at all times not discriminate according to gender, disability, multicultural, religious or indigenous backgrounds and those with differing sexual orientation.

Anti-Discrimination and Harassment

AU Sport opposes all forms of harassment, discrimination and bullying*. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, please refer to **AU Sport Complaint Handling Policy**.

Cultural and religious backgrounds

AU Sport aims to provide opportunities for people from multicultural, indigenous and religious backgrounds to participate in sport. AU Sport will, wherever possible, draw expertise from and/or lobby the appropriate sporting organisation, as well as multicultural, indigenous and religious groups to maximise opportunities on a sport by sport basis.

For people with a disability (physical and intellectual)

AU Sport aims to provide opportunities for people with a disability. AU Sport will, wherever possible, draw expertise from and/or lobby the appropriate sporting organisation, as well as disability organisations, to maximise opportunities on a sport by sport basis.

This is will be achieved by addressing the following areas:

- Consult with any athlete, volunteer or person with a disability on their requirements

- Determine the accessible expertise and assistance available from the appropriate organisations within the disability and sport sectors
- Consult with sporting organisations and AU Sport Clubs to determine their capability to cater for people with disabilities. This includes issues of facility accessibility, field of play requirements and duty of care requirements.
- Promote and encourage all AU Sport activities for people with a disability.
- Establish a cooperative working relationship with the Adelaide University's Disability Service.

Gender

AU Sport does not discriminate against people on the basis of gender. The organisation will not restrict entry to sports activity to any one gender except where strength, stamina or physique of the competitor is relevant to the sport.

AU Sport is also committed to providing competitions in divisions that are recognised by the relevant National and State Sporting Organisations (NSO/SSO). AU Sport will adopt the Australian University Sport (AUS) and NSO rules, regulations and policies in relation to gender where these are available and in line with anti-discrimination laws.

AU Sport recognises gender divisions endorsed by AUS/NSOs, which may be 'men's', 'women's', 'open' and/or 'mixed' (sport dependant)

- i. Men's: participation is restricted to male athletes
- ii. Women's: participation is restricted to female athletes
- iii. Open: participation is unrestricted to gender
- iv. Mixed: participation is restricted to the proportion of male and female athletes as prescribed in the rules of that particular sport

Gender Identity

Those who identify as transgender, like anyone else should be treated fairly, with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition.

AU Sport recognises that the exclusion of transgender people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general AU Sport, in cooperation with the NSO/SSO, will facilitate transgender persons participating in sport with the gender with which they identify. AU Sport recognises that where the strength, stamina or physique of competitors is relevant to a sport, it may be inappropriate to offer participation in all competitions.

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

Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and while many sporting activities are safe for pregnant women, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the sporting activity and the particular pregnant woman's circumstances. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in sport.

AU Sport recommends that pregnant women wanting to participate in sport consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, consult their NSO Policy (which would override this policy) and ensure that they make informed decisions about participation.

The pregnant player or official is covered by the same personal accident policy that is provided for all registered members of AU Sport. However, the player or official is not covered if the injury is found to be due to the pregnancy and no cover is provided for the unborn child.

Sexual Relationships between coach and athlete

AU Sport takes the view that intimate relationships (whether or not of a sexual nature) between coaches and athletes, while not necessarily constituting harassment, can have harmful effects on the athlete, on other athletes and on the sport's public image. Such relationships may be perceived to be exploitative because there can be a disparity between coaches and athletes in terms of authority, maturity, status, influence and dependence.

AU Sport recommends that, in the event that an athlete attempts to initiate an intimate relationship, the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

The coach or athlete may wish to approach AU Sport if they feel harassed.

*Anti-Discrimination and Harassment Definitions

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

Bullying is repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.

Discrimination occurs when someone is treated unfairly or less favorably than another person in the same or similar circumstances because of a particular personal characteristic. This is known as direct discrimination. Indirect discrimination occurs when a rule, policy or practice disadvantages one group of people in comparison with others, even though it appears to treat all people the same.

In Australia, it is against the law to discriminate against someone because of their:

- age
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender
- social origin
- trade union membership/activity.

Harassment is any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is, if someone else finds it harassing then it could be harassment. Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal.

Discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any player or other person to any competition and the obtaining or retaining of membership of clubs and organisations (including the rights and privileges of membership).

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are under 12 years of age or of any age where strength, stamina or physique is relevant or
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular sporting activity.

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also a breach of discrimination law to victimise a person, who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour or for supporting another player, who has made such a complaint.

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 on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see **Vilification** below.

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.

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):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

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 rights to make a complaint under government legislation (e.g. anti-discrimination) or under this Policy, or for supporting such a person.

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.