

## Part 3 – Codes of Conduct

### 3.1 Introduction to the Codes of Conduct

Our Codes of Conduct outline the expected behavioural standards for interactions with each other in the Australian swimming community as well as providing guidelines specific to safeguard Children or Young People.

There are two key elements to the Codes of Conduct:

- (a) The General Code of Conduct, which relates to interactions between Members, Participants and Persons in Positions of Authority (at section 3.5); and
- (b) The Code of Conduct for interactions with Children or Young People who take part in our programs, activities, services, or events (at section 3.6). We have developed this Code of Conduct to help to safeguard those Children or Young People.

As part of your commitment to observing the General Code of Conduct and the Code of Conduct for engagement with Children or Young People (“**Codes of Conduct**”), you will be required to formally acknowledge your commitment to the Codes of Conduct, wherever practicable.

### 3.2 Commitment to the Codes of Conduct

The Codes of Conduct should be read in conjunction with:

- the specific requirements of your role as defined in your ‘position description’ statement, if applicable;
- our relevant policy and procedure documents, including our Safe Sport Commitment;
- Child Protection Commitment Statement;
- Safe Sport Complaint Procedures;
- Other Swimming Australia policies and guidelines available on the Swimming Australia website here, including, but not limited to, the Privacy Policy, Social Media Guidelines, Risk Management Policy, Anti-Doping Policy, Illicit Drugs in Sport Policy and the Gambling, Betting and Match Fixing Policy.
- all applicable laws as relevant to the jurisdiction you are in; and

- general community expectations in relation to appropriate behaviour between adults and Children or Young People and between Children or Young People themselves.

Swimming Australia and its Clubs may consider a failure to observe the Codes of Conduct as misconduct, and may take appropriate disciplinary action in accordance with Part 4, section **Error! Reference source not found.** of this Safe Sport Framework.

### 3.3 Exceptions

There may be exceptional situations where the Codes of Conduct do not apply, for example, in an emergency situation. However, it is crucial that, where possible, you seek authorisation of a Senior Person prior to taking action that contravenes the Codes or that you advise a Senior Person as soon possible after any incident in which the Codes are breached.

### 3.4 Our Values-based Sport

It is critical within swimming in Australia that values drive our behaviours and conduct. Whilst the wording of stated values and behaviours may change depending on the team or organisation within Swimming with which you are associated, there are some key principles that drive our conduct and behaviour which are common across our Sport:

#### **INTEGRITY and RESPECT**

Recognising the contribution that people make to our Sport, treating them with dignity and consideration, as well as caring for the property and equipment they use. We employ fairness in decision making out of respect to all.

#### **TEAMWORK**

We collaborate and work together to achieve outcomes and resolve issues. We support one other in and out of the pool.

#### **FUN AND ENJOYMENT**

We aim to make swimming enjoyable for all those participating in it. We recognise and reward the efforts of others and fuel the passion for everyone in our Sport to swim and have fun along the way.

#### **EXCELLENCE**

We strive for best practice in everything we do - seeking the highest standards in order to achieve the best possible outcomes for ourselves, our team and our Sport.

### 3.5 General Code of Conduct

Swimming Australia and Clubs expect that the following General Code of Conduct and the Code of Conduct for dealing with Children or Young People are followed at all times and by all people involved in any way with the Sport of swimming:

- a) Respect the rights, dignity and worth of others – treat others as you would like to be treated yourself.
- b) Be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations.
- c) Be professional in, and accept responsibility, for your actions.
- d) Be familiar with and follow - at all times - Swimming Australia's standards, rules, policies and procedures and promote those standards, rules, policies and procedures to others. This includes the Code of Conduct for dealing with Children or Young People.
- e) Operate within the rules and spirit of the Sport, including the national and international guidelines that govern Swimming Australia.
- f) Understand the possible consequences of breaching the Safe Sport Framework.
- g) Report any breaches of the Swimming Australia Safe Sport Framework to the appropriate Person(s) in a Position of Authority, as appropriate.
- h) Abide by our Child Protection Commitment Statement and our Commitment to the Safety, Wellbeing and Inclusion for all contained in Part 2 of this Safe Sport Framework and refrain from any form of Abuse, Harassment, Discrimination, Victimisation and Bullying towards others.
- i) Raise concerns regarding decisions or conduct of Persons in Positions of Authority through the appropriate channels and in a timely manner.
- j) Provide a safe environment for the conduct of activities in accordance with any relevant Swimming Australia policy.
- k) Show concern, empathy and caution toward others that may be sick or injured.
- l) Be a positive role model to all – particularly to your team.
- m) Respect and protect confidential information obtained through Swimming Australia activities or services – whether regarding individuals or organisational information.

- n) Maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to your role(s).
- o) Ensure that any physical contact with others is appropriate to the situation, such as being necessary for the person's skill development.
- p) Subject to lawful exceptions, refrain from encouraging or participating in intimate relationships with persons over whom you have authority.
- q) Maintain appropriate confidentiality at all times – particularly in relation to details of complaints, disciplinary processes and any personal information of any Member or child (sensitive issues or matters).
- r) Ensure your actions or inaction does not bring the Sport into disrepute.
- s) Consider and respect the needs and background of indigenous persons, persons with a disability and/or those who are more vulnerable in society.
- t) Consider and respect the needs of Transgender, Intersex and Gender Diverse participants.
- u) Conduct yourself appropriately when using Social Networking in accordance with Section 3.5A.

### **3.5A Social Networking**

Swimming Australia acknowledges the enormous value of social networking to promote our Sport and celebrate the achievements and success of the people involved in our Sport.

All Participants must conduct themselves appropriately when using social networking. This includes using social networking as an electronic means of engaging with others through private messaging (ie, What's App and other electronic messaging forums).

When using sites to share information related to our Sport, social media activity including, but not limited to, postings, blogs, status updates and tweets must not contain material which:

- Has the potential to be offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- Is inaccurate, misleading or fraudulent;
- Is in breach of the General Code of Conduct or Code of Conduct for dealing with Children and Young People;

- Is in breach of laws, court orders, undertakings or contracts;
- Breaches the privacy or confidentiality of others; or
- Has the potential to derogate from or negatively affect the image, goodwill, name or reputation of Swimming Australia Limited, its Member Associations, our Members or our Sport.

Use of social networking by adults must be in accordance with section 3.6(b) of the Code of Conduct for dealing with Children and Young People (ie. refraining from private messaging, copying in a parent/guardian and limiting communication to required swimming activity messages, amongst others).

### **3.6 Code of Conduct for dealing with Children or Young People**

#### **PART A - applicable to all persons**

Part A of this Code of Conduct applies to all persons to which this Safe Sport Framework applies.

##### **a) Use of language and tone of voice**

Language and tone of voice used in the presence of Children or Young People should:

- provide clear direction, boost their confidence, encourage or affirm them;
- not be Harmful – therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
  - discriminatory, racist or sexist;
  - derogatory, belittling or negative, for example, by calling a Child or Young Person a 'loser' or telling them they are 'too fat';
  - threatening or frightening; and /or
  - profane or sexual.

##### **b) Sending electronic communications to Children and Young People**

Wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to a Child or Young Person by a Person in a Position of Authority and/or adults in our Sport should be copied to their parent or carer.

Where a parent or carer is not included in the communication:

- Restrict such communication to issues directly associated with delivering our services, activity or program, such as advising that a scheduled swimming event (such as training) is cancelled.
- Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature.
- Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact.
- Do not request a Child or Young Person to keep a communication a secret from their parents or carers.
- Do not communicate with Children or Young People using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

### **c) Physical contact with Children or Young People**

Any physical contact with Children or Young People must be appropriate to the delivery of Swimming Australia and its Clubs' services, events, programs or activities, such as when fitting sporting equipment like goggles, and appropriately correcting technique and based on the needs of the Child or Young Person (such as to assist or comfort a distressed young person) and should never be initiated by the desire to meet the needs of Persons in Positions of Authority.

Under no circumstances should any person have contact with Children or Young People in our Sport that involves touching of genitals, of buttocks or of the breast area (of female Children or Young People).

Contact is expressly prohibited by Persons in Positions of Authority if:

- It would appear to a reasonable observer to have a sexual connotation;
- is intended to cause pain or distress to the Child or Young Person – for example corporal punishment;
- is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing;
- is unnecessary – as is, for example, assisting with toileting when a Child or Young Person does not require assistance;

- is initiated against the wishes of the Child or Young Person, except if such contact may be necessary to prevent injury to the Child or Young Person or to others, in which case:
  - physical restraint should be a last resort;
  - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child or Young Person to prevent Harm to themselves or others; and
  - the incident must be reported to a Senior Person as soon as possible.

Persons in Positions of Authority are required to report to a Senior Person any physical contact initiated by a Child or Young Person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child or Young Person, Persons in Positions

of Authority and any other Participants.

#### **d) Sexual Misconduct**

Except to the extent permitted by law, under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of, Children or Young People participating in any Swimming Australia or Club environment.

Whilst Swimming Australia and its Clubs do not seek to prohibit lawful sexual behaviour, any sexual behaviour occurring in the presence of Children or Young People participating in the Swimming Australia or Club environment has the potential to:

- make other Participants uncomfortable; or
- impact on the overall success of the activity, including the ability of other Participants to successfully participate to their fullest extent.

Swimming Australia and its Clubs acknowledge that, in certain circumstances, consenting Children or Young People can engage in lawful sexual behaviour, and that age of consent laws differ between each State and Territory. See the "Age of Consent Information" document on the Safe Sport Resources section of the Swimming Australia Limited website.

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a Child or Young Person through prostitution; and/or
- 'non-contact behaviour', such as flirting between adults and Children or Young People, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

## **PART B - applicable to all Persons in Positions of Authority**

Part B of this Code of Conduct applies to all Persons in Positions of Authority in our Sport.

### **e) Positive guidance**

We strive to ensure that Children or Young People participating in Swimming Australia and Club events, services, programs and activities receive positive guidance to create a positive environment.

We require Persons in Positions of Authority to use guidance strategies that are fair, respectful and appropriate to the developmental stage of the Children or Young People involved. Children or Young People need to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are Persons in Positions of Authority to take disciplinary action involving physical punishment. Nor is any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating to be tolerated.

### **f) Adhering to role boundaries**

Persons in Positions of Authority should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person.

Except where expressly and specifically authorised by the relevant parents/carers of a Child or Young Person to act otherwise, Persons in Positions of Authority must not:

- provide unauthorised transportation;
- engage in activities with, or seek contact with, Children or Young People in our Sport; or
- accept an invitation to attend any private social function at the request of a Child or Young Person in our Sport.

For the purposes of this provision, express consent will only be construed as specific consent for particular activities that are stated verbally or in writing.

If any Persons in Positions of Authority become aware of a situation in which a Child or Young Person requires assistance that is beyond the confines of that person's role, or beyond the scope of Swimming Australia or its Club's usual service, they should at the earliest opportunity seek advice from a Senior Person (see Part 4, sections **Error! Reference source not found.** and 4.13, Step 2), and, if necessary:

- contact the Child or Young Person's parent or guardian as appropriate (which may be in consultation with Swimming Australia Limited) (see Part 4, sections **Error! Reference source not found.** and 4.13, Step 2);
- refer the matter to an appropriate support agency, as well as to Swimming Australia Limited (see Part 4, sections **Error! Reference source not found.** and 4.13, Step 5); or
- refer the Child or Young Person to an appropriate support agency (see Part 4, sections **Error! Reference source not found.** and 4.13, Step 5).

#### **g) Uniform and identity card/pass/badge/WWCC**

Persons in Positions of Authority should wear their uniform or identification tag/badge/pass (where available) only while involved in delivering services, programs, events or activities or as required by their role, such as when representing Swimming Australia and/or its Clubs at designated events and functions, or to and from that work.

#### **h) Supervision of Children or Young People**

Persons in Positions of Authority responsible for supervising Children or Young People in relation to whom Swimming Australia and its Clubs have a direct role in providing activities, events, programs and services must strive to ensure that those Participants:

- engage positively within the delivery of the service, program or event;
- behave appropriately toward one another; and
- are in a safe environment and are protected from external threats.

Persons in Positions of Authority are required to avoid unsupervised situations with Children or Young People in our Sport. Where possible, all activities and/or discussions with such Participants should be conducted in view of other Persons in Positions of Authority or adult Participants.

**i) Use of electronic communications**

All Persons in Positions of Authority who deliver services, programs, events and activities are required to follow our 'acceptable use' policy in relation to browsing websites on Swimming Australia and its Clubs' computers.

Persons in Positions of Authority are required to ensure appropriate monitoring of Children or Young People when they use Swimming Australia and its Clubs' electronic communication equipment to ensure that they do not inadvertently place themselves at risk of committing Abuse or Sexual Exploitation via social networking sites, gaming sites or web searches, or through inappropriate email communication.

**j) Giving gifts to Children or Young People**

The giving of gifts by Persons in Positions of Authority to Children or Young People to whom we provide service is subject to:

- obtaining prior authorisation from a Senior Person permitted to authorise gift-giving from Swimming Australia or its Clubs; and
- parents/carers or other responsible adults being made aware of any gift given.

**k) Visual media of Children or Young People**

Under these guidelines:

- Children or Young People in our Sport are to be photographed/videoed by Persons of Positions of Authority while involved in Swimming Australia or its Clubs' service, activity, event or facility only if:
  - prior approval has been granted by the relevant Child or Young Person or the parents/guardian of the relevant Child or Young Person; or
  - the relevant Child or Young Person or their parent/guardian has provided their verbal consent to the person proposing to take the relevant photograph/video,

and:

- the context is directly related to participation in our Sport;
- the Child or Young Person is appropriately dressed and posed;  
and

- the image/video is taken in the presence of other Persons in Positions of Authority.
- Images/videos are not to be distributed (including as an attachment to an email) to anyone outside Persons in Positions of Authority other than the Child or Young Person photographed or their parent/carer, without knowledge and approval of a Senior Person.
- Images/videos (digital or hard copy) are to be stored by Swimming Australia and Clubs in a manner that prevents unauthorised access by others, for example:
  - if in hard copy form, in a locked drawer or cabinet; or
  - if in electronic form, in a 'password protected' folder.
- Images/videos (digital or hard copy) are to be destroyed or deleted by Swimming Australia and Clubs as soon as they are no longer required.
- Images/videos are not to be exhibited on Swimming Australia or its Clubs' websites or other digital mediums without parental/carer approval, or such images/videos must be presented in a manner that de-identifies the Child or Young Person. Any caption or accompanying text may need to be checked so that it does not identify a Child or Young Person if such identification is **potentially detrimental**.

#### **I) Overnight stays and sleeping arrangements for Children or Young People**

Overnight stays are to occur only with the authorisation of appropriate Swimming Australia or Club Senior Persons and of the parents/carers of the Children or Young People involved.

Practices and behaviour by our Persons in Positions of Authority during an overnight stay must be consistent with the practices and behaviour expected during delivery of Swimming Australia and Club services, programs, events and activities at other times.

Standards of conduct that must be observed by Persons in Positions of Authority during an overnight stay include, but are not limited to:

- providing appropriate supervision of Children or Young People at all times as practicable, allowing for their privacy when bathing and dressing;
- observing appropriate dress standards when Children or Young People are present – such as no exposure to adult nudity;

- not allowing Children or Young People to be exposed to pornographic material, for example, through movies, television, the Internet or magazines;
- not leaving Children or Young People under the supervision or protection of unauthorised persons such as hotel staff or friends;
- not permitting sleeping arrangements that may compromise the safety of Children or Young People such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a Child or Young Person;
- the right of Children or Young People to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay; and
- allowing parents to contact their Children or Young People if they wish.

The “Safe Trips Away Guide” in the Safe Sport Resources section of the Swimming Australia Limited website provides further information.

#### **m) Change room arrangements**

Persons in Positions of Authority are required to supervise Children or Young People in change rooms while balancing that requirement with a Child or Young Person’s right to privacy. In addition, Persons in Positions of Authority:

- should avoid one-to-one situations with Children or Young People in a change room area;
- are not permitted to use the change room area to, for example, undress, while Children or Young People are present unless they are also competing in a Swimming Australia or Club event or are participating in a Swimming Australia or Club training environment;
- need to ensure adequate supervision in ‘public’ change rooms when they are used;
- need to provide the level of supervision required for preventing Child Abuse or general misbehaviour, while also respecting a Child or Young Person’s privacy; and
- need to ensure that females do not enter male change rooms and males do not enter female change rooms.

#### **n) Use, possession or supply of alcohol or drugs**

Whilst on duty or carrying out their roles, Persons in Positions of Authority must not:

- use, possess or be under the influence of an illegal or illicit drug;
- use or be under the influence of alcohol;
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- supply alcohol or drugs (including tobacco) to Children or Young People; and
- smoke cigarettes or any other tobacco-related product.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with the ability of Persons in Positions of Authority to care for Children or Young People in our Sport.

#### **o) Transporting Children or Young People**

Children or Young People are to be transported by Persons in Positions of Authority only with prior authorisation from the Child or Young Person's parent/carer. In circumstances where you have prior authorisation, you must inform another Person in a Position of Authority or a Senior Person that you will be providing transport for that Child or Young Person in each particular instance. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat;
- the reason for the journey;
- the route to be followed, including any stops or side trips; and
- details of anyone who will be present during the journey other than Persons in Positions of Authority.