



**AUSTRALIAN  
CHEER UNION**

**Australian Cheer Union  
NATIONAL CODE OF CONDUCT**

**VERSION 1.2  
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# AUSTRALIAN CHEER UNION Ltd.

## National Code of Conduct



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## 1. Purpose

- 1.01** The Australian Cheer Union Code of Conduct (Code) outlines the standards of behaviour expected of all Participants as well as providing guidelines to safeguard Children and Young People.
- 1.02** It is the responsibility of all Participants to observe and formally acknowledge (where applicable) their commitment to this Code.
- 1.03** Failure to observe any part of the Code may be considered misconduct and result in disciplinary action. This Code should be read in conjunction with Australian Cheer Union's (ACUs) national policies and those of our State and Territory Member Associations (MAs) as well as ACU's Member Protection Policy.

## 2. Guiding Principles

- 2.01** The following principles are central to this Code and should be adhered to by all Participants at all times:
  - a). Commit to conducting themselves in accordance with ACUs values of inclusion, integrity, excellence, collaboration and pride;
  - b). Respect the rights, dignity and worth of others;
  - c). Act with honesty, and integrity;
  - d). Maintain high levels of professionalism;
  - e). Treat others in a fair, ethical and considerate way;
  - f). Be professional and accept responsibility for their actions;
  - g). Understand and maintain compliance with ACU standards, rules, regulations, and policies;
  - h). Respect the law and act in accordance with it;
  - i). Operate within the rules and spirit of the sport of cheerleading;
  - j). To ensure the safety and welfare of all Participants;
  - k). Not misuse or disclose confidential information and respect the privacy of individuals and other third parties;
  - l). Demonstrate a high degree of care and responsibility when dealing with persons under 18 years of age and abide by ACU's Member Protection Policy;
  - m). Refrain from any behaviour that may bring the sport of Cheerleading into disrepute;
  - n). Act as positive role models in the community;
  - o). Maintain the required standard of accreditation and professional competencies, as applicable to your role;
  - p). Ensure any representations made to any Participant regarding accreditation and professional competencies are true and correct;
  - q). Raise concerns regarding decisions or conduct of persons in positions of authority through appropriate channels and in a timely manner;

- r). Show concern, empathy and caution towards others that may be sick or injured;
- s). Exercise careful professional judgement regarding physical contact with any Participant and ensure it is appropriate to the situation, such as being necessary for the person's skill development. In circumstances where determination is required as to whether or not contact is "appropriate" Australian Cheer Union may make this determination at its absolute discretion.
- t). Subject to lawful exception, refrain from encouraging or participating in intimate relationships with persons over whom you have authority;
- u). Maintain appropriate confidentiality at all times, particularly in relation to details of complaints, disciplinary processes and any personal information of any Participant or child;
- v). Consider and respect the needs and background of Aboriginal and Torres Strait Islander persons, persons with disability and/or those who are more vulnerable in society;
- w). Consider and respect the needs of transgender, intersex and gender diverse participants;
- x). Conduct yourself appropriately when using Social Networking in accordance with Article IV. of this Code.

### 3. Exceptions

- 3.01** This Code does not override or supersede any ACU national policies or any State, Territory or Commonwealth laws. There may be exceptional situations such as an in an emergency where the Code does not apply, however in those circumstances any breach must be notified to ACU as soon as practicable after any incident.

### 4. Social Networking

- 4.01** ACU acknowledges the enormous value of social networking as a communications tool and to promote Cheerleading.
- 4.02** All Participants must conduct themselves appropriately when using social networking including individual personal profiles and using social networking as an electronic means of engaging with others through private messaging ([This is any digital app utilised to share information or provide a means of communication](#)).
- 4.03** When using platforms to share information related to Cheerleading or personal social media activity including, but not limited to, postings, blogs, status updates and tweets, the material must not contain information which:
- a). Has the potential to be offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
  - b). Is inaccurate, misleading or fraudulent;
  - c). Is in breach of the Code;
  - d). Is in breach of laws, court orders, undertakings or contracts;
  - e). Breaches the privacy or confidentiality of others; or

- f). Has the potential to derogate from or negatively affect the image, goodwill, name or reputation of Australian Cheer Union, its Member Associations, stakeholders, Participants or the sport of cheerleading.

Use of social networking by adults must be in accordance with the Code of Conduct for dealing with Children and Young People (i.e. refraining from private messaging, ensuring a parent/guardian is copied into any communication, and limiting communication to required Cheerleading association activity messages, amongst others).

[Refer to Article 10.6 for correct procedures for visual media of young children.](#)

## 5. Accredited Coaches

Accredited Coaches must:

- a). Ensure that they [promote and work within the limits](#) of their current qualifications only. Accredited Coaches' qualifications must not be misrepresented;
- b). Avoid criticising other coaches, Cheerleading administrators, officials, clubs and club committees;
- c). Use appropriate training methods that will benefit those they coach, taking care to avoid those that could be harmful. Coaches should consider age, experience, ability and physical and psychological factors, and specifically, when making such decisions involving children, adherence to Australian Cheer Union's Position Statement for Children Participating in Cheerleading;
- d). Recognise an athlete's rights to consult with other coaches and advisors, including sports medicine / sports science professionals;
- e). Not exploit any coaching relationship to further personal, political or business interests at the expense of the best interest of athletes or the sport of Cheerleading;
- f). Not pursue an athlete that is presently engaged in a formal coaching relationship with another coach;
- g). Not undermine the confidence of an athlete working with another coach;
- h). Respect the right of an athlete to change coaches and not obstruct an athlete from moving on to another coach;
- i). Not accept the role of coaching a new athlete until such time as that athlete has informed their current coach of their intention to change coaches;
- j). Accept and respect the role of officials and administrators, as well as the role of any employees or volunteers of affiliated bodies who assist in the administration of the sport of Cheerleading generally.

## 6. Officials

Officials must:

- a). Ensure that they **promote and work within the limits** of their current qualifications only. ACU Officials' qualifications must not be misrepresented;
- b). Avoid criticising other officials, coaches, Cheerleading administrators, clubs and club committees;
- c). Not exploit any relationship to further personal, political or business interests at the expense of the best interests of the sport of Cheerleading;
- d). Accept and respect the role of officials and administrators, as well as the role of any employees or volunteers of affiliated bodies who assist in the administration of the sport of Cheerleading generally;
- e). Operate within the rules and the spirit of Cheerleading; promoting fair play and common sense over winning at all costs;
- f). Make decisions that are impartial and consistent;
- g). Understand that their role is to facilitate competition and assist athletes achieve their best possible performance.

## 7. Breaches of the Code by an Official or Coach

- 7.01** Any ACU Accredited Coach or Official involved in conduct which is inconsistent with the behaviours set out in this Code may be in breach of this Code which will be dealt with under Article VIII of this Code. For the avoidance of doubt, any breach of this Code that does not involve an ACU Accredited Coach or Official will be dealt with under the Member Protection Policy.
- 7.02** Any ACU Accredited Coach or Official involved in conduct which breaches this Code may be subject to disciplinary action which may include the termination of their accreditation.

## 8. Procedure for dealing with alleged breaches of this Code

- 8.01** Complaints relating to alleged breaches of this Code by an ACU Accredited Coach or Official should first be directed to the Member Association (MA) CEO of the State/Territory in which the Coach or Official resides. Any breach of this Code that does not involve an ACU Accredited Coach or Official will be dealt with under the Member Protection Policy (MPP). Any breach of this Code by an ACU Accredited Coach or Official will be dealt with under this Article VIII.
- 8.02** The MA CEO (or their delegated representative) will initially confidentially consider the complaint and determine whether it can be dealt with at a State/Territory level or whether it needs to be elevated to Australian Cheer Union. If the MA CEO (or their delegated representative) determines that the complaint is best dealt with at the State/Territory level, then the complaint will be dealt with at that level in accordance with the procedures under the MPP. The MA CEO may also elect (at their discretion) to take no action, depending upon the breach and the circumstances.

- 8.03** Should the MA CEO (or their delegated representative) determine that the complaint is best dealt with at the national level, the complaint relating to alleged breach(es) of this Code will be referred to Australian Cheer Union.
- 8.04** In the first instance, a matter referred to Australian Cheer Union will be considered by the Australian Cheer Union Manager of Legal and Governance (or equivalent). The Manager of Legal and Governance will determine (at their discretion) whether any further action is required under this Code. This may include deciding not to take any further action.
- 8.05** If the Manager of Legal and Governance considers the matter to be of a sufficiently serious nature, they may refer the matter to the Ethics and Integrity Committee and CEO.
- 8.06** The Manager of Legal and Governance, the Ethics and Integrity Committee and/or the CEO may, deal with a breach of this Code in any, or all of the following ways:
- i. Speak with the Coach or Official about their behaviour;
  - ii. Mentor the Coach or Official on how to improve his/her behaviour;
  - iii. Refer the matter to Mediation between the aggrieved parties;
  - iv. Require the Coach or Official to complete further education;
  - v. Issue a written warning to the Coach or Official about their behaviour;
  - vi. Take disciplinary action;
  - vii. [Suspend an ACU Accredited Coach's or Official's Accreditation for a period determined by the Manager of Legal and Governance, the Ethics and Integrity Committee and/or the CEO;](#)
  - viii. [Cancel an ACU Accredited Coach's or Official's Accreditation. In the instance of Coaches or Officials holding both Coaching and Judging accreditation, a determination will be made by the Manager of Legal and Governance; the Ethics and Integrity Committee and/or the CEO on whether both accreditations will be cancelled; and/or](#)
  - ix. Impose conditions on the ACU Coach's or Official's Accreditation, which may include a requirement for the Coach or Official to complete education and/or training courses in order to maintain their Accreditation.
- For the avoidance of doubt, this list is not exhaustive and other disciplinary action may be considered.
- 8.07** Before taking action under paragraph 8.06 of this Code, the ACU Accredited Coach or Official must be provided with a written notice of the alleged breach of this Code and be given 14 days to respond to the allegations. If after 14 days no response is received, the Manager of Legal and Governance, the Ethics and Integrity Committee or CEO may proceed to consider disciplinary action.
- 8.08** If after 14 days the Coach or Official has provided a response under paragraph 8.07 following consideration of that response, the Manager of Legal and Governance, the Ethics and Integrity Committee or CEO may decide to consider disciplinary action in accordance with paragraph 8.06 or may dismiss the allegations and no further action is required.
- 8.09** A decision made under paragraph 8.08 of this Code takes immediate effect. The ACU Accredited Coach or Official must be provided with written notice of the decision, and the reasons for the decision within 7 days of making the decision

**8.10** The decision is final.

## **PART 2- Children and Young People**

### 9.Code of Conduct for dealing with Children or Young People

**9.01** Article IX applies to all people involved in Cheerleading in Australia. Australian Cheer Union is committed to safeguarding everyone in Cheerleading, including children and young people in our care and ensuring that they feel and are safe.

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

a). Provide clear direction, build their confidence, and affirm them where possible, with the best interests of the child in mind. An exception would be in matters of discipline where a stern and professional tone may be used;

b). 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:

- i. Discriminatory, racist or sexist;
- ii. Derogatory, belittling or negative;
- iii. Threatening or frightening; and /or i
- v. Profane or sexual.

**9.03** Sending electronic communications to Children and Young People Wherever possible, social media messages (such as text, email, Facebook, Twitter, Instagram or other social media) sent to a Child or Young Person by a Person in a Position of Authority and/or adults in Cheerleading should be copied to their parent or carer.

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

c). Restrict such communication to issues directly associated with delivering services, activities or programs, such as advising that a scheduled Cheerleading event (such as training) is cancelled.

d). 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.

e) Do not use such communication to promote unauthorised “social” activity or to arrange unauthorised or inappropriate contact.

f). Do not request a Child or Young Person to keep a communication a secret from their parents or carers.

g). 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.

**9.05** Physical contact with Children or Young People

Any physical contact with Children or Young People must be appropriate to the delivery of Australian Cheer Union’s, its Member Association’s and its Club’s services, events, programs or activities, such as when 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 Cheerleading 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:

- a). It would appear to a reasonable observer to have a sexual connotation;
- b). Is intended to cause pain or distress to the Child or Young Person – for example corporal punishment;
- c). Is overly physical – as is, for example, wrestling, horseplay, tickling or other roughhousing;
- d). Is unnecessary – as is, for example, assisting with toileting when a Child or Young Person does not require assistance;
- e). 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:
  - 1) Physical restraint should be a last resort;
  - 2) 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
  - 3) 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.

**9.06** 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 Australian Cheer Union, Australian Cheer Union Member Association or Club environment.

Whilst Australian Cheer Union, its Member Associations and Clubs do not seek to prohibit lawful sexual behaviour, any sexual behaviour occurring in the presence of Children or Young People participating in the Australian Cheer Union, Member Association or Club environment has the potential to:

- a). Make other Participants uncomfortable; or
- b). Impact on the overall success of the activity, including the ability of other Participants to successfully participate to their fullest extent.

Australian Cheer Union and its Member Associations 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. “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:

- a). “Contact behaviour”, such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a Child or Young Person through prostitution; and/or
- b). “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.

## 10. Persons in Positions of Authority

Article 10 of this Code of Conduct applies to all Persons in Positions of Authority.

We strive to ensure that Children or Young People participating in Australian Cheer Union, Member Association and/or 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.

### **10.01** 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:

- a). Provide unauthorised transportation;
- b). Engage in activities with, or seek contact with, Children or Young People in Cheerleading; or c). Accept an invitation to attend any private social function at the request of a Child or Young Person in Cheerleading.

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 Australian Cheer Union, its Member Associations or its Club's usual service, they should at the earliest opportunity seek advice from a Senior Person at the relevant Club, Member Association or Australian Cheer Union and, if necessary:

- a). Contact the Child or Young Person's parent or guardian as appropriate (which may be in consultation with Australian Cheer Union or the relevant Member Association);
- b). Refer the matter to an appropriate support agency, as well as to Australian Cheer Union and / or the relevant Member Association; or
- c). Refer the Child or Young Person to an appropriate support agency.

#### **10.02** Uniform and identity card/pass/badge/Working with Children Check (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 Australian Cheer Union, its Member Associations and/or its Clubs at designated events and functions, or to and from that work.

**10.03** Supervision of Children or Young People Persons in Positions of Authority responsible for supervising Children or Young People in relation to whom Australian Cheer Union, its Member Associations and Clubs have a direct role in providing activities, events, programs and services must strive to ensure that those Participants:

- a). Engage positively within the delivery of the service, program or event;
- b). Behave appropriately toward one another; and
- c). 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 Cheerleading. 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.

#### **10.04** Use of electronic communications

All Persons in Positions of Authority who deliver services, programs, events and activities are required to follow our IT policy in relation to browsing websites on Australian Cheer Union, its Member Associations, and its Clubs' computers.

Persons in Positions of Authority are required to ensure appropriate monitoring of Children or Young People when they use Australian Cheer Union, its Member Associations 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.

#### **10.05** 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:

- a). Obtaining prior authorisation from a Senior Person permitted to authorise gift giving from Australian Cheer Union, its Member Associations or its Clubs; and
- b). Parents/carers or other responsible adults being made aware of any gift given.

**10.06** Visual media of Children or Young People Under these guidelines:

- a). Children or Young People in Cheerleading are to be photographed/videoed by Persons of Positions of Authority while involved in Australian Cheer Union, its Member Associations or its Clubs' service, activity, event or facility only if:
  - i. Prior approval has been granted by the relevant Child or Young Person or the parents/guardian of the relevant Child or Young Person; or
  - ii. 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;
  - iii. The context is directly related to participation in Cheerleading;
  - iv. The Child or Young Person is appropriately dressed and posed; and
  - v. The image/video is taken in the presence of other Persons in Positions of Authority.
- b). 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.
- c). Images/videos (digital or hard copy) are to be stored by Australian Cheer Union, its Member Associations and Clubs in a manner that prevents unauthorised access by others, for example: i. If in hard copy form, in a secure facility; or ii. If in electronic form, in a 'password protected' folder.
- d). Images/videos (digital or hard copy) are to be destroyed or deleted by Australian Cheer Union, its Member Associations and Clubs as soon as they are no longer required.
- e). Images/videos are not to be exhibited on Australian Cheer Union, its Member Associations 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.

**10.07** Overnight stays and sleeping arrangements for Children or Young People

Overnight stays are to occur only with the authorisation of appropriate Australian Cheer Union, Member Association 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 Australian Cheer Union, Member Association, 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:

- a). Providing appropriate supervision of Children or Young People at all times as practicable, allowing for their privacy when bathing and dressing;
- b). Observing appropriate dress standards when Children or Young People are present – such as no exposure to adult nudity;
- c). Not allowing Children or Young People to be exposed to pornographic material, for example, through movies, television, the Internet or magazines;
- d). Not leaving Children or Young People under the supervision or protection of unauthorised persons such as hotel staff or friends;
- e). 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;
- f). The right of Children or Young People to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay; and
- g). Allowing parents to contact their Children or Young People if they wish.

#### **10.08** 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:

- a). Should avoid one-to-one situations with Children or Young People in a change room area;
- b). 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 an Australian Cheer Union, Member Association or Club event or are participating in an Australian Cheer Union, Member Association or Club training environment;
- c). Need to ensure adequate supervision in "public" change rooms when they are used;
- d). 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
- e). Need to ensure that females do not enter male change rooms and males do not enter female change rooms.

#### **10.09** Use, possession or supply of alcohol or drugs

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

- a). Use, possess or be under the influence of an illegal or illicit drug;
- b). Use or be under the influence of alcohol;
- c). Be incapacitated by any other legal drug such as prescription or over-the-counter drugs;
- d). Supply alcohol or drugs (including tobacco) to Children or Young People; and
- e). Smoke cigarettes or any other tobacco-related product.

Use of legal drugs other than alcohol is permitted (for example, paracetamol), provided such use does not interfere with the ability of Persons in Positions of Authority to care for Children or Young

People in Cheerleading. It is also acceptable to provide children who have parental permission with legal drugs (such as paracetamol) if the need arises, please defer to studio/gym rules on this matter.

#### **10.10** 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:

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

### **11. Breaches of the Code**

Any person involved in conduct which is inconsistent with the behaviours set out in this Code (other than that conduct dealt with in Article VII and VIII) may be in breach of this Code and be dealt with in accordance with under the Members Associations or Australian Cheer Union Member Protection Policy complaints procedures.

## 12. Definitions

### Term Definition

**Abuse** Abuse means Physical Abuse, Emotional or Psychological Abuse, Sexual Abuse, and abuse of power that has caused, is causing or is likely to cause Harm to a person's wellbeing or development, whether in person directly or as the result of a publication viewable by any other person by any means. Examples of Abuse include, but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.

**Accredited Coach** Means a coach that has received accreditation from [an Australian Cheer Union affiliated authorised provider](#).

**Bullying** Bullying involves the inappropriate use of power by one or more persons or groups of persons over another less powerful person or group of persons and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include: • Verbal (name calling, put downs, threats); • Physical (hitting, punching, kicking, scratching, tripping, spitting); • Social (ignoring, excluding, ostracising, alienating); and/or • Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions). Bullying may have Harmed, is Harming or is likely to Harm and/or endanger a person or a Child or Young Person. For the avoidance of doubt, Bullying includes cyber Bullying, which can also have lasting and damaging consequences.

**Cheerleading** Refers to all facets of Cheerleading including recreational and competition cheerleading as well as All Star Dance

**Child or Young Person/ Children or Young People** A Child or Young Person is a person under the age of eighteen years and Children and Young People mean more than one Child or Young Person

**Club** Clubs means Cheerleading and Allstar Dance clubs within Australia that are currently affiliated with a Member Association. Clubs must agree to adhere to the Australian Cheer Union Code of Conduct and national policies as varied from time to time.

**Discrimination** Discrimination occurs when someone is treated (or is proposed to be treated) unfairly or less favourably than another person in the same or similar circumstances because of one of the personal characteristics covered by antidiscrimination laws. This is known as direct discrimination. Indirect discrimination occurs when there is (or is proposed) an unreasonable requirement, condition or practice that seems to treat everyone equally, but which has or is likely to have the effect of disadvantaging persons with a personal characteristic covered by antidiscrimination laws. In Australia, it is against the law to discriminate against someone because of the following (including but not limited to): • age • sex or gender • gender identity • intersex status • race, colour, descent, national or ethnic origin, nationality, ethnoreligious origin, immigration • disability, mental and physical impairment • family/carer responsibilities, status as a parent or carer • marital status • pregnancy, potential pregnancy, breastfeeding • sexual orientation and gender identity • physical features • irrelevant medical record • irrelevant criminal record, spent convictions • political beliefs or activities • religion, religious beliefs or activities • national extraction or social origin • lawful sexual activity • profession, trade, occupation or calling • member of association or organisation of employees or employers, industrial activity, trade union activity • defence service Examples of discrimination are available on the Play by the Rules website: [www.playbytherules.net.au/legal-stuff/discrimination](http://www.playbytherules.net.au/legal-stuff/discrimination) Some exceptions to state, territory and federal anti-discrimination law apply, including exceptions for sporting activities, such as: • holding a

competitive sporting activity for a specific age or age group (e.g. only those who are under the age of 15 years); • excluding people on the basis of their sex and/or gender identity status from participation in a competitive sporting activity where the strength, stamina or physique of competitors is relevant to the specific activity (note that this does not apply to activity by children who are under the age of 12 years); and • 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.

**Emotional or Psychological Abuse** Emotional or Psychological Abuse occurs when a Child or Young Person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a Child or Young Person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to Cheerleading, overtraining can constitute Emotional or Psychological Abuse where these behaviours continue to an extent that results or has the potential to result in significant damage to the Child or Young Person's physical, intellectual or emotional wellbeing and development, including any form of Harm. The issue of Emotional or Psychological Abuse must be considered within the context of resources reasonably available to the Child or Young Person through their family or carer network.

**Grooming** Grooming is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child or Young Person with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Children or Young People. For some perpetrators, there will be a lengthy period of time before the Abuse begins. The Child or Young Person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation

**Harassment** Harassment means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause Harm to the person who is the subject of the Harassment. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes Bullying. Unlawful Harassment includes the above but is either sexual or targets a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under Discrimination). It does not matter whether the Harassment was intended: the focus is on the impact of the behaviour. As a guide, if someone finds behaviour or actions harassing, then it could be considered as Harassment. Harassment may be a single incident or repeated. It may be explicit, implicit, verbal or non-verbal and includes public acts of hatred.

**Harm** Harm to a person or a Child or Young Person is any detrimental effect of a significant nature to the person or Child or Young Person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: • Physical, Psychological or Emotional Abuse or Neglect; • Sexual Abuse or Exploitation; • a single act, omission or circumstance; and • a series or combination of acts, omissions or circumstances.

**Member Associations** Member Associations are the Australian State and Territory Cheerleading Member Associations of Australian Cheer Union and any branches thereof.

**Neglect** Neglect is the persistent failure or deliberate failure or denial to provide a Child or Young Person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child or Young Person's health and development is, or is likely to be, Harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion,



emotional neglect and educational neglect. The issue of Neglect is to be referred to the relevant external authority in the jurisdiction in which it occurs.

**Participant** A Participant includes anyone who participates in, and or attends, an event, activity or program of Australian Cheer Union or its affiliates, including people who may not be a member. A Participant may be providing the service or program for free yet is still under the care of Persons in Positions of Authority whilst participating. For the avoidance of doubt, a Participant includes coaches, officials, volunteers, staff, management and the Board.

**Person in a Position of Authority** A Person in a Position of Authority includes everyone who holds a position of authority in Cheerleading, whether paid or unpaid, and includes, but is not limited to, all Australian Cheer Union, Member Associations, and Club staff, coaches, officials and volunteers. For the avoidance of doubt, a Person in a Position of Authority also includes Children or Young People who may hold a position of authority in Cheerleading over other Children or Young People.

**Physical Abuse** Physical Abuse occurs when a person subjects a person or a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person or a Child or Young Person. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, harmful overtraining, and kicking.

**Senior Person** The President, CEO, Secretary or designated delegate of Australian Cheer Union, a Member Association or Club, as applicable.

**Sexual Abuse** Sexual Abuse occurs when an adult or person of greater physical strength or authority (e.g. older, or more physically, intellectually or emotionally developed) involves a subject child, young person, less intellectually or emotionally developed or otherwise vulnerable person in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority, or position over the more vulnerable subject person for their own benefit. It can include making sexual comments to the more vulnerable subject person, engaging the more vulnerable subject person to participate in sexual conversations over the internet or on social media, kissing, touching a the more vulnerable subject person's genitals or breasts, oral sex or intercourse with a the more vulnerable subject person. Encouraging a the more vulnerable subject person to view pornographic magazines, websites and videos, or engaging Children or Young People to participate in sexual conversations over the internet is also considered Sexual Abuse

**Sexual Exploitation** Sexual Exploitation occurs when Children or Young People are forced or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of actual photos or videos whether or not published on the internet.

**Sexual Harassment** Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, displays of pornographic or offensive material or other behaviour that creates a hostile environment.

**Social Networking** 'Social networking' refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

**Sport** The sport of [Cheerleading in Australia including recreational and competition cheerleading as well as All Star Dance](#).

## 13. Review

### Review history

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
1.1	Created 30/01/2020	30/01/2020	<ul style="list-style-type: none"><li>• <i>Original Document</i></li></ul>
1.2	Reviewed 21/04/2020	21/04/2020	<ul style="list-style-type: none"><li>• <i>Document Review</i></li></ul>