

**Jin Sei Ryu Karate-Do Australia**

**STUDENT PROTECTION POLICY V4.0**

**(04 December 2022)**

**IMPORTANT NOTES:**

1. This Policy Document covers the members of Jin Sei Ryu Karate-Do Australia and its Affiliated Branches.
  - a. This version of the Document can be used as a guideline for use immediately;
  - b. Other Branches (ie dojos and clubs) of Jin Sei Ryu Karate-Do Australia may refer to this document and adapt for themselves;
  - c. This version carves out Complaints Handling and Resolution Procedures, and Child Protection Policy into separate documents. All documents are part of our overall Student & Child Protection Policies and Complaints Handling Procedures.
2. It is assumed that each branch (ie dojo or club) will have its own student protection policies and complaint handling procedures that are consistent with Australian legal requirements. This Document will be used as an operating framework if there are Jin Sei Ryu Karate-Do Australia cross-branch complaints, and the Branches are unable to agree upon an approach to resolve a complaint.
3. To ensure this policy and other policies are implemented and understood by Jin Sei Ryu Karate-Do Australia instructors, students, parents, and other relevant persons, as soon as possible please take steps at your local dojo to include an acknowledgment as part of a student application or agreement with Jin Sei Ryu Karate-Do Australia, which relevant students and other persons intended to come within the scope of this policy are required to sign.
4. Please also ensure you have:
  - Provided a copy of your local procedures to Jin Sei Ryu Karate-Do Australia, if established; and
  - You have advised Jin Sei Ryu Karate-Do Australia of your nominated local contact people who can manage complaints if these have been appointed.
5. Beginning January 2020, Jin Sei Ryu Karate-Do Australia will:
  - a. Release its Student Protection Policy and Complaints Handling Procedure to all members;
  - b. Complete training and a certification process for all Branch Instructors for Child Safety and Sensitivity Management.
  - c. Nominate a certified Complaints Handler / Student Protection Information Officer who will complete additional training.
  - d. Complete the Annual Branch Re-Certification Reports which will include proof of:
    - i. Working with Children Checks, and
    - ii. Training and Certifications

Throughout 2020, these compliance measures will eventually be rolled out to all Jin Sei Ryu Karate-Do Australia Branches.

*Please note that establishing clear student protection processes will ensure compliance with the Jin Sei Ryu Karate-Do International Organization Branch Licensing Agreement which all Branch Head Instructors for Jin Sei Ryu Karate-Do Australia branches are required to sign to teach the Jin Sei Ryu syllabus and use the Jin Sei Ryu brand and trademark in Australia.*

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# JIN SEI RYU KARATE-DO AUSTRALIA

## STUDENT PROTECTION POLICY

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### 1. Introduction

Jin Sei Ryu Karate-Do is a traditional Japanese style of karate that has two goals: to maximize each student's physical skills and to cultivate individuals of the highest moral character who can make significant contributions to their family life, the workplace, and to society at large. In this manner, traditional karate is a way of life and being.

### 2. Purpose of Our Policy

The main objective of Jin Sei Ryu Karate-Do Australia and our Affiliated Branches ("Jin Sei Ryu Karate-Do Australia", "Branch", "our", "us" or "we") Student Protection Policy ("policy") is to maintain responsible behaviour and the making of informed decisions by students and other participants in this branch. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment, and abuse. Our policy informs everyone involved in our branch of his or her legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our branch's activities.

### 3. Whom Our Policy Applies To

This policy applies to everyone involved in the activities of our branch (Jin Sei Ryu Karate-Do Australia) whether they are in a paid or unpaid/voluntary capacity and including:

- branch head instructors, branch administrators, committee members, and other branch officials;
- branch instructors, assistant instructors, and other personnel participating in official Jin Sei Ryu events and activities, including camps, tournaments, seminars, or social events;
- support personnel, including front desk staff, team managers, physiotherapists, psychologists, masseurs, sport trainers and others;
- referees, judges, and other tournament officials or organisers;
- students, including any inactive students returning for an official event;
- parents, siblings, and other extended family members; and
- spectators

### 4. Extent of Our Policy

Our policy covers all matters, directly and indirectly, related to Jin Sei Ryu Karate-Do Australia and its activities. In particular, the policy governs unfair training actions and practices, breaches of our code of behaviour and behaviour that occurs at training sessions, in the locker rooms, at social events organised or sanctioned by the branch (or at regional, national, or international events), and on trips away from the Branch. It also covers private behaviour where that behaviour brings the Branch or Jin Sei Ryu Karate-Do into disrepute or there is suspicion of harm towards a child or young person.

The policy also includes a number of processes for responding to concerns about activities or behaviours in other Jin Sei Ryu dojos in Australia, in some circumstances as outlined in this policy.

### 5. Branch Roles

In Jin Sei Ryu Karate-Do Australia, we have the following structure to ensure that a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment, and abuse.

- **Branch Head Instructor:** the person who represents the dojo or club at all official events and is the initial point of communication with the National Headquarters. This person is usually the final decision-maker with regard to complaints that arise within Jin Sei Ryu Karate-Do Australia unless they have specifically delegated this responsibility to another person.

- **Student Protection Information Officers (SPIO):** The SPIO is the first point of call in a club or sporting dojo or club for any enquiries, concerns or complaints about harassment and abuse under the Student Protection Policy. An SPIO provides information and moral support to the person with the concern. They also act as a sounding board and provide information about local complaint resolution options available to address the individual's concern. SPIOs will handle complaints received, or otherwise assist with the resolution of issues, including making recommendations to the Branch Head Instructors about what action to take in relation to a student safety incident or complaint.

## 6. Branch Responsibilities

Senior students and black belts acting for Jin Sei Ryu Karate-Do Australia agree to take reasonable steps to:

- implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute, and promote this policy and the consequences of any breaches of this policy;
- always promote and model appropriate standards of behaviour;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all students, parents and Branches to whom this policy applies;
- review this policy every 12 months; and
- seek advice from and refer serious issues to the National Branch Head (or delegated decision-maker).

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g., physical assault, sexual assault, child abuse) and any other issues that our National Headquarters request to be referred to them.

## 7. Individual Responsibilities

Everyone associated with our branch will take reasonable steps to:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children (or equivalent) checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

## 8. Discrimination, Harassment and Bullying

Jin Sei Ryu Karate-Do Australia is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment, and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed, or bullied.

### 8.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:

- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For determining discrimination, the offender's awareness and motive are irrelevant.

## 8.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place several times, a single incident can constitute harassment.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, the identity of a spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs, or activities;
- political beliefs, affiliations, or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- student of association or dojo or club of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.

Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

## 8.3 Sexual Harassment

Sexual harassment is one type of harassment. The *Sex Discrimination Act* (SDA) (1984) makes sexual harassment unlawful.

Sexual harassment is unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Sexual harassment covers a wide range of behaviours and can be verbal, written, visual or physical.

Sexual harassment is not limited to members of the opposite sex.

Behaviour need not be repeated or continuous to constitute sexual harassment, a single incident or comment can amount to harassment.

Each of the states and territories has legislation prohibiting sexual harassment. The state and territory legislation is very similar to the federal legislation. However, the precise definition of sexual harassment can vary from state to state and from the definition in the SDA.

Examples of sexual harassment may include:

- a spectator making inappropriate and unwanted sexual comments towards an instructor;
- a judge or referee staring or leering at a competitor;
- a Branch instructor asking players intrusive questions about sexual activity;
- a black belt 'wolf whistling' or making sexual gestures towards another student;
- a student making repeated sexual invitations towards another student when the person invited has refused similar invitations before; and
- a Branch publishing a sexist joke (or sexually explicit images) on its website.

A friendship or consensual relationship of a sexual nature does not constitute sexual harassment, providing the interaction is consensual, welcome, and reciprocated. However, some consensual personal relationships can be problematic because of the potential for a conflict of interest. Issues may arise when power and/or authority are used inappropriately.

## **8.4 Bullying**

Jin Sei Ryu Karate-Do Australia is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our branch.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, a one-off instance can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyberbullying which occurs using technology. New technologies and communication tools, such as smartphones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. We will not tolerate abusive, discriminatory, intimidating, or offensive statements being made online.

If any person believes they are being, or has been, bullied by another person or dojo or club bound by this policy, he or she may make a complaint. (Refer to Section 11 of this policy.)

## **9. Inclusive Practices**

Jin Sei Ryu Karate-Do Australia is welcoming, and we will seek to include students from all areas of our community. The following are examples of some of our inclusive practices.

### **9.1 People with a disability**

Jin Sei Ryu Karate-Do Australia will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g., modifications to equipment and rules) to enable participation.

### **9.2 People from diverse cultures and religions**

We will support, respect and encourage people from diverse cultures and religions to participate in our branch and where possible we will accommodate requests for flexibility (e.g., modifications to uniforms).

### **9.3 Sexual & Gender Identity**

All people, regardless of their sexuality or gender identity, are welcome at our Branch. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

### **9.4 Pregnancy**

Jin Sei Ryu Karate-Do Australia is committed to treating pregnant women fairly and to removing any unreasonable barriers to their full participation in our branch's activities. We will not tolerate any discrimination or harassment against pregnant women.

We will take reasonable care to ensure the continuing safety, health, and well-being of pregnant women. We will advise pregnant women that there may be risks involved with their continuing participation in sports, and we will encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn child, is of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. Pregnant women should make these decisions themselves, in consultation with their medical advisers and in discussion with Jin Sei Ryu Karate-Do Australia. We will only require pregnant women to sign a disclaimer in relation to their participation in our sport whilst they are pregnant if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman believes she is being, or has been, harassed or discriminated against by another person bound by this policy, she may make a complaint (see Section 11).

### **9.5 Political beliefs, party affiliation or activities**

Jin Sei Ryu Karate-Do Australia allows students to train in a safe and welcoming environment regardless of their political views or party affiliations. We only ask that political views and opinions are not discussed on the dojo floor in a manner that might offend fellow students.

### **9.6 All Gender participation**

In any event or competition, if there is no specified division by gender, Jin Sei Ryu Karate-Do Australia supports the participation of all genders in all Jin Sei Ryu Karate-Do Australia activities.

We note that Federal anti-discrimination laws provide that it is not unlawful to discriminate on grounds of sex by excluding persons from participation in any competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

## 10. Responding to Complaints

### 11.1 Complaints

Jin Sei Ryu Karate-Do Australia takes all complaints about behaviour seriously in and outside the dojo. Our branch will handle complaints using the **Jin Sei Ryu Karate-Do Australia Complaints Handling and Resolution Procedures**. The Complaints Handling and Resolution Process is based on the principles of procedural fairness, and ensures:

- all complaints will be taken seriously;
- all complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if the law requires disclosure or if the disclosure is necessary to effectively deal with the complaint;
- the person subject to the complaint (respondent) will generally be given full details of what is being alleged against them and can respond to those allegations;
- irrelevant matters will not be considered;
- decisions will be unbiased; and
- any penalties imposed will be reasonable.

In summary, key aspects of the complaint-handling process include:

- Local contacts with appropriate training or experience (referred to as Student Protection and Information Officers, or SPIOs) are available to provide advice to students, and to receive and manage complaints;
- Students are supported to resolve concerns themselves in a direct but safe way wherever appropriate;
- Both informal and informal internal processes for resolving complaints are available to students, with clear steps in each case;
- Decisions about actions to be taken to respond to an incident or complaint will be made by Branch Heads. If another person such as an SPIO is managing or investigating a complaint, they will provide a recommendation to the Branch Head about possible actions;
- An appeal process is available for students to the Head of Jin Sei Ryu Australia; and
- Students who don't wish to progress an internal process can get advice and may make a complaint to external human rights bodies such as the Australian Human Rights Commission or State Anti-Discrimination Bodies. Jin Sei Ryu Karate-Do Australia will cooperate with external complaints processes.