

THE GLIDING FEDERATION OF AUSTRALIA INC,
TRADING AS GLIDING AUSTRALIA

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Complaints, Disputes and Discipline Policy

Protecting the integrity of gliding

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All references to Gliding Australia in this document means The Gliding Federation of Australia Inc.

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REVISION RECORD

Prepared	Approved	Version	Date	Revision Notes
TC	GFA Board	16	1/08/2019	
VD,JT,TC, AMcM		17	1/4/2022	Minor changes and updates throughout. Added new section on role definitions and new section on discipline. Added ability to engage outside organisations for dispute resolution and hearing appeals
AS/AV/SP	GFA Board	18	26/09/2024	Minor changes to make policy compliant with Part 149: President role changed to CEO, references to Part 149 clauses added. Update based on National Integrity Framework from Sport Integrity Australia.

TABLE OF CONTENTS

1	INTRODUCTION	6
2	POLICY INTENT.....	8
2.2	Just Culture and Procedural Fairness	8
3	DEFINITIONS	9
4	JURISDICTION	14
4.1	When this Policy Applies	14
4.2	Who the Relevant Policies Apply To.....	14
4.3	What Happens When There Are Conflicting Provisions?	14
5	PROHIBITED CONDUCT.....	16
5.1	What is Prohibited Conduct or Misconduct under this Policy?	16
6	MAKING A COMPLAINT OR REPORT.....	17
6.1	What is a Complaint?.....	17
6.2	Who is a Complainant?.....	17
6.3	Who is a Respondent?.....	17
6.4	Vulnerable Persons and Support Persons	17
6.5	What is a Report?	18
6.6	Who is a Reporter?.....	18
6.7	Responsibility for Managing Complaints or Reports.....	19
6.8	Submitting a Complaint or Report	20
6.9	Withdrawing a Complaint.....	20
6.10	Confidentiality.....	20
6.11	Appointment of Complaint Manager.....	21
6.12	Failure to Cooperate	21
7	THE COMPLAINT PROCESS	22
7.2	Gliding Integrity Framework Matters: Evaluation.....	22

7.3 Gliding Integrity Framework Matters: Case Categorisation Model In-scope Matters..... 22

7.4 Gliding Integrity Framework Matters: External Referral..... 23

7.5 Gliding Integrity Framework Matters: Provisional Action..... 23

7.6 Gliding Integrity Framework Matters: Investigation 24

7.7 Gliding Integrity Framework Matters: Standard of Proof 24

7.8 Gliding Integrity Framework Matters: Alternative Dispute Resolution 24

8 GLIDING INTEGRITY FRAMEWORK MATTERS: FINDINGS AND RESOLUTION PROCESS 25

8.1 Gliding Integrity Framework Matters: Findings 25

8.2 Gliding Integrity Framework Matters: The Resolution Process 25

8.3 Gliding Integrity Framework Matters: Notification to Parties 25

8.4 Gliding Integrity Framework Matters: Appropriate Sanctions..... 25

8.5 Gliding Integrity Framework Matters: Breach Notice 26

8.6 Gliding Integrity Framework Matters: Referral to a Hearing 27

8.7 Gliding Integrity Framework Matters: Hearing Tribunals 27

8.8 Gliding Integrity Framework Matters: Appeals..... 27

8.9 Gliding Integrity Framework Matters: Implementation..... 28

8.10 Gliding Integrity Framework Matters: Case closure 28

9 THE COMPLAINTS PROCESS: MOSP2, MOSP3, AND CIVIL AVIATION LEGISLATIVE MATTERS.. 30

9.1 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Evaluation 30

9.2 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Assessment of In Scope Matters ... 30

9.3 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Provisional Action 31

9.4 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Investigation 31

9.5 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Standard of Proof..... 31

10 MOSP 2, MOSP 3, AND CIVIL AVIATION LEGISLATION MATTERS: FINDINGS AND RESOLUTION PROCESS 32

10.1 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Findings 32

10.2 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: The Resolution Process 32

10.3 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Notification to Parties 33

10.4 MOSP 2, MOSP 3 and Civil Aviation Legislation Matters: Appropriate Sanctions..... 33

10.5 MOSP 2, MOSP 3 and Civil Aviation Legislation Matters: Breach Notice 34

10.6 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Referral to an Internal Review 35

10.7 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Internal Review 35

10.8 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Review by CASA..... 36

10.9 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Implementation..... 36

10.10 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Case Closure 36

11 INTERPRETATION AND OTHER MATTERS 38

11.1 Application and Commencement 38

11.2 Amendment 38

11.3 Interpretation..... 38

11.4 Education 39

APPENDIX A – CASE CATEGORISATION AND GUIDANCE FOR GLIDING INTEGRITY FRAMEWORK
SANCTIONS..... 40

■ **CATEGORY 1: BLUE– LOW** 40

■ **CATEGORY 2: AMBER– MEDIUM** 41

■ **CATEGORY 3: RED– HIGH**..... 43

THE SYSTEM: AGGRAVATING AND MITIGATING CIRCUMSTANCES 45

THE SYSTEM: SANCTIONS AND RELATED MEASURES 47

SANCTIONS 47

PROVISIONAL ACTION 48

ALTERNATIVES TO SANCTIONS (OTHER MEASURES) 49

PROPORTIONALITY 49

IMPLEMENTATION AND MONITORING 49

1 INTRODUCTION

- 1.1.1 Gliding Australia is committed to making Gliding a safe and fair place for all participants. To achieve this, Gliding Australia has designed the Gliding Integrity Framework (the Framework), based on Air Sport Australia Confederation's National Integrity Framework designed by Sport Integrity Australia.
- 1.1.2 The Gliding Australia Integrity Framework is designed to assist with creating a safe and fair sporting environment for all by setting out the rules about types of behaviour that are unacceptable in Gliding. These unacceptable behaviours are defined as Prohibited Conduct. The Gliding Australia Integrity Framework seeks to guide Relevant Persons and Relevant Organisations on what to do if they experience or witness breaches of these rules.
- 1.1.3 The Gliding Australia Integrity Framework is based on the National Integrity Framework developed by Sport Integrity Australia and is made up of the following five policies:
- a. Safeguarding Children and Young People Policy;
 - b. Competition Manipulation and Sport Gambling Policy;
 - c. Improper Use of Drugs and Medicine Policy;
 - d. Member Protection Policy;
 - e. Complaints, Disputes and Discipline Policy (this **Policy**).
- 1.1.4 Within the Gliding Australia Integrity Framework, this Policy sets out the process and parameters for how allegations of Prohibited Conduct are managed and resolved.
- 1.1.5 This Policy also applies to Prohibited Conduct for processes for operational and airworthiness safety risk management incidents, as defined in the Manual of Standard Procedures, as well as under the following other Gliding Australia policies:
- a. Social Media and Online Platforms Policy;
 - b. Code of Conduct;
 - c. Alcohol Policy; and
 - d. Any other policies stated to be subjected to this Policy as adopted by Gliding Australia from time to time.
- 1.1.6 The Gliding Australia Integrity Framework policies and the above referenced Gliding Australia policies are collectively known as the **Relevant Policies**.
- 1.1.7 This Policy should be read and used in conjunction with the Relevant Policies. Changes to the Complaints, Disputes and Discipline Policy will be carried in accordance with the Management of Change Manual and recommended changes by Sport Integrity Australia. As an Approved Self-administering Aviation Organisation (ASAO) under Part 149 of the Civil Aviation Safety Regulations 1988 (CASR), Gliding Australia is required to have in place aviation administration and enforcement rules approved by the Civil Aviation Safety Authority (CASA). This Policy document sets out those rules. Any amendment to the Policy document requires CASA approval.

- 1.1.8 Gliding Australia is also accountable to CASA for operational and airworthiness decisions by Key Personnel affecting flight safety under CASR 149. This includes enforcement decisions for operational and airworthiness ratings, endorsements, and judgements made by key personnel performing aviation safety risk management.
- 1.1.9 Nothing in the Gliding Australia Integrity Framework overrides a law of the Commonwealth or a state or territory that takes precedence and must be complied with in the first instance.

2 POLICY INTENT

2.1.1 This policy and its procedures are designed to ensure that allegations of Prohibited Conduct, which is proscribed under Gliding Australia policies, and/or Misconduct of Civil Aviation Legislation, which may result in administrative or enforcement action if proven, are managed through an effective, consistent, and timely process, that is fair and transparent. This includes the fairness and transparency of decisions and actions taken by key persons and members to ensure aviation safety risks are appropriately managed.

2.2 Just Culture and Procedural Fairness

2.2.1 Gliding Australia observes the principles of just culture in undertaking its administrative and enforcement functions. Where acts, omissions or deficiencies are not the result of deliberate or intentional misconduct, then any enforcement action will be considered in accordance with the experience and training level of the individual and options for further education and training will be considered.

2.2.2 In conducting any investigation or enforcement under this Policy, Gliding Australia will ensure that procedural fairness requirements are observed. This includes providing sufficient details of any allegations, providing an opportunity to respond to allegations, providing an option for a hearing in the matter, providing reasons for any decision that is made, and advising of review rights and or appeals as a result.

3 DEFINITIONS

3.1.1 In this Policy, the following words have the corresponding meaning:

Activity means a sporting contest, competition, event, or activity (including training, airworthiness, launching and retrieval), whether on a one-off basis or as part of a series or competition, that is sanctioned or organised by a Relevant Organisation.

Athlete means a person who is registered or entitled to participate in an Activity (i.e. a Pilot).

Alternative Dispute Resolution is a collective term for processes other than arbitration such as mediation or conciliation that may be used to resolve allegations of Prohibited Conduct under this Policy.

Appeals Tribunal means the NST Appeals Division or other Appeals Tribunal (including an Appeals Tribunal established internally by a Relevant Organisation) established to hear an appeal of a decision of a Hearing Tribunal.

ASAC means Air Sports Australia Confederation.

Board means the board of Gliding Australia.

Breach Notice means a written notification sent to the Respondent in accordance with clause 8.5.

Case Categorisation Model means the guidelines published by Sport Integrity Australia and available on its [website](#) for evaluating and prioritising allegations of Prohibited Conduct and assisting with determining an appropriate mechanism to manage a Complaint, as amended from time to time.

CEO means the Chief Executive Officer (CEO) of Gliding Australia, as appointed from time to time.

CASA means the Civil Aviation Safety Authority.

Civil Aviation Legislation as defined by the CASA Consolidated Dictionary.

Club means any club that accepts a Relevant Person to participate in an activity.

Complaint has the meaning given in clause 6.1.

Complaint Manager means the person appointed under clause 6.11 to manage Complaints under this Policy.

Complaint Process means the method of handling and resolving a Complaint under the guidance of this Policy from the time that the Complaint is received to the Resolution Process.

Complainant has the meaning given in clause 6.2.

Contractor means any person or organisation engaged to provide services for on behalf of a Relevant Organisation, and includes:

- a. agents, advisers, and subcontractors of a Relevant Organisation and

- b. employees, officers, volunteers, and agents of a Contractor or subcontractor.

Discrimination includes both direct and indirect discrimination which has the following meaning:

- a. 'Direct discrimination' occurs when, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- b. 'Indirect discrimination' occurs when a practice, rule, requirement, or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement, or condition is not reasonable in the circumstances.

Employee means a person employed by a Relevant Organisation.

Gliding means the sport of Gliding as governed by Gliding Australia under the delegated authority of the Civil Aviation Safety Authority (**CASA**), the Air Sport Australia Confederation (**ASAC**), the International Gliding Commission (**IGC**) and the Federation Aeronautique Internationale (**FAI**).

Gliding Australia Integrity Framework means the Gliding Australia Integrity Framework consisting of the five policies.

Hearing Tribunal means the NST General Division or other first instance tribunal (including a Hearing Tribunal established internally by a Relevant Organisation) established to conduct a hearing under this Policy.

Internal Review means a review by Gliding Australia of a decision in relation to Gliding Australia's aviation administration and enforcement rules.

Key Personnel means Gliding Australia Officers performing CASR Part 149 roles and prescribed functions as defined in CASR Part 149 and the Gliding Australia Exposition, namely:

- a. Chief Executive Officer (Accountable Manager);
- b. Safety Manager (SM);
- c. Head of Flying Operations (Executive Manager Operations - EMO) and
- d. Head of Aircraft Maintenance (Executive Manager Airworthiness - EMA).

Manual of Standard Procedures (MOSP) comprises five parts, each with a specific focus; its purpose is to provide a set of guidelines providing the necessary information required to operate safely, effectively, and as freely as any system can allow, given the complex and chiefly voluntary nature of Gliding.

Member means a member of a Relevant Organisation, including:

- a. A natural person and includes all forms of membership of the association;
- b. Regional Associations and Clubs; and
- c. Organisations affiliated with Gliding Australia.

Misconduct see Prohibited Conduct.

NST means the National Sports Tribunal established under the NST Legislation.

NST Eligible Matter means an alleged breach that is a kind of dispute that falls within the jurisdiction of the NST¹.

NST Legislation means the *National Sports Tribunal Act 2019* (Cth) (NST Act), and any legislative instruments made under the NST Act as may be in force from time to time, including the National Sports Tribunal Rule 2020 (Cth) (NST Rule), National Sports Tribunal (Practice and Procedure) Determination 2021 (Cth) and the National Sports Tribunal Act 2019 – Principles for Allocating a Member to a Dispute 2020.

Part 149 Approved Policy means Part 149 Approved Policy as referred to in the Part 149 Exposition. Any changes to these sections require CASA approval under CASR Part 149.

Participant means:

- a. Athletes;
- b. Trainers and/or coaches appointed to train a Pilot or a team in an Activity;
- c. Administrators who have a role in the administration, operation or Activity of a Relevant Organisation including owners, directors, committee members or other persons;
- d. Officials including technical officials, or other officials appointed by a Relevant Organisation, or any competition series, club or team sanctioned by a Relevant Organisation.
- e. Support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, Gliding Australia, or any competition, series, club, or team sanctioned by a relevant Organisation including sports science/sports medicine personnel, team managers, agents, selectors, and team staff members.

Policy means this Complaints, Disputes and Discipline Policy.

Prohibited Conduct means the conduct proscribed in each of the **Relevant Policies**, including the conduct proscribed under Clause 5 of this Policy and/or Misconduct as defined by the CASA Consolidated Dictionary.

Protected Characteristic means:

- a. age;
- b. disability;
- c. race or ethnicity;
- d. sex or gender identity;
- e. sexual orientation; or
- f. religion.

Protected Disclosure means, where a Relevant Organisation is a “regulated entity” under the whistle-blower laws in the Corporations Act 2001 (Cth), a disclosure of information to the Relevant Organisation that qualifies for protection under those laws.

¹ See NST Act sections 5(2) and 6(2) and NST Rule section 7.

Provisional Action means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement.

Relevant Organisation means any of the following organisations:

- a. Gliding Australia;
- b. Member Organisation; or
- c. Any other organisation that has agreed to be bound by the Gliding Australia Integrity Framework and/or the Relevant Policies.

Relevant Person means any of the following persons:

- a. Individual Member;
- b. Participant;
- c. Employee;
- d. Contractor;
- e. Volunteer, or
- f. any other individual who has agreed to be bound by the Gliding Australia Integrity Framework and/or the Relevant Policies.

Relevant Policies means the following Gliding Australia policies:

- a. Safeguarding Children and Young People Policy;
- b. Competition Manipulation and Sport Gambling Policy;
- c. Improper Use of Drugs and Medicine Policy;
- d. Member Protection Policy;
- e. Complaints, Disputes and Discipline Policy;
- f. Social Media and Online Platforms Policy;
- g. Code of Conduct;
- h. Alcohol and Smoking Policy;
- i. Any other by-laws, rules, regulations, or policies of Gliding Australia that are stated to be subject to this Policy including operational or airworthiness MOSP requirements using the SOAR reporting system.

Report has the meaning given in clause 6.5.

Reporter has the meaning given in clause 6.6.

Resolution Process means the process from the point at which a Breach Notice has been issued to a Respondent.

Respondent has the meaning given in clause 6.3.

Sanction means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy.

Team means a collection or squad of Athletes, registered with a Relevant Organisation, or entitled to participate in an Activity.

Volunteer means any person engaged by a relevant Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, trainers, officials, administrators, and team and support personnel.

Vulnerable Person means a person who is:

- a. under the age of 18;
- b. aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma, disability, or any other reason; or
- c. aged 18 or over but has experienced or is experiencing poor mental health outcomes, either as a result of the incident in question, due to their life experiences, or as a result of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

4 JURISDICTION

4.1 When this Policy Applies

4.1.1 This Policy applies to Prohibited Conduct under each of the Relevant Policies and/or Misconduct of MOSP 2, and/or MOSP 3, and/or the Civil Aviation Legislation.

4.2 Who the Relevant Policies Apply To

4.2.1 The Relevant Policies apply to and bind:

- a. all Relevant Persons and Relevant Organisations.
- b. any person who, or organisation that:
 - i. has had a Complaint or Report made against them; and
 - ii. was bound by the Relevant Policies at the time of the alleged Prohibited Conduct, even if they are no longer a Relevant Person or Relevant Organisation.

4.2.2 Employees are expected to abide by the terms of the Relevant Policies as a reasonable and lawful direction of the Relevant Organisation they are employed by (as relevant) as their employer.

4.2.3 A Relevant Organisation must ensure that all Contractors and Volunteers are contractually bound to abide by the terms of the Relevant Policies.

4.2.4 By participating in an Activity, a Participant is deemed to have agreed to be bound by the Relevant Policies.

4.2.5 Any person or organisation that has had a Complaint made about them and was bound by the Relevant Policies at the time of the alleged behaviour continues to be bound by the Relevant Policies until the Complaint is finalised and any sanction has been complied with.

4.3 What Happens When There Are Conflicting Provisions?

4.3.1 Laws of the Commonwealth, or a state or territory, take precedence and must be complied with in the first instance.

4.3.2 The Australian National Anti-Doping Policy or any other applicable World Anti-Doping Code compliant anti-doping policy (ADP) will prevail to the extent of any inconsistency with the Relevant Policies in all instances. Any allegation relating to a breach or possible breach of the Australian National Anti-Doping Policy or ADP will be dealt with under that policy.

4.3.3 Nothing in the Relevant Policies prevents the Relevant Organisation from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.

4.3.4 The Relevant Policies are subject to Gliding Australia's Constitution and if there is any inconsistency, the Constitution will prevail.

- 4.3.5 Gliding Australia is also accountable to CASA for operational and airworthiness decisions by Key Personnel affecting aviation safety risk under CASR 149. This includes abiding by regulated decisions for operational and airworthiness ratings, endorsements, and judgements made by key personnel performing aviation safety risk management. To ensure CASA standards are met and complied with operational and airworthiness matters will be reviewed and assessed in accordance with Gliding Australia's MOSPs.

5 PROHIBITED CONDUCT

5.1 What is Prohibited Conduct or Misconduct under this Policy?

5.1.1 Consistent with the definition in Section 2, the following types of conduct will also constitute prohibited conduct or misconduct:

- a. Subject to clause 5.1.1.b, in addition to the conduct proscribed under each of the Relevant Policies, a Relevant Person or a Relevant Organisation will breach this Policy if they:
 - i. fail to report any conduct that is reasonably likely to be Prohibited Conduct, to Sport Integrity Australia or Gliding Australia in accordance with clause 6.7, as soon as reasonably practicable after they become aware of it without reasonable cause;
 - ii. fail to report any misconduct of MOSP 2, and/or MOSP 3, and/or the Civil Aviation Legislation, to Gliding Australia in accordance with clause 6.7, as soon as reasonably practicable after they become aware of it without reasonable cause;
 - iii. deliberately or wilfully withhold information in relation to any conduct that is reasonably likely to be Prohibited Conduct or Misconduct;
 - iv. fail to provide further information or documentation as requested during the Complaint Process without reasonable cause;
 - v. fail to comply with a Breach Notice;
 - vi. knowingly provide any inaccurate and/or misleading information during the course of any Complaint Process under this Policy; or
 - vii. fail to comply with obligations under this Policy to keep information confidential.
- b. A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so will be a breach of any applicable law.
- c. Gliding Australia may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 5.1.1.a of this Policy.

6 MAKING A COMPLAINT OR REPORT

6.1 What is a Complaint?

6.1.1 A Complaint is a formal written submission of an allegation:

- a. made by a Complainant (who cannot make the Complaint anonymously); and
- b. relating to Prohibited Conduct under a Relevant Policy and/or Misconduct under the Civil Aviation Legislation; and
- c. against a Respondent.

6.2 Who is a Complainant?

6.2.1 A Complainant is a person or organisation that is directly affected by the alleged Prohibited Conduct and/or Misconduct and makes a Complaint about a Respondent in accordance with this Policy.

6.2.2 Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or carer. The Vulnerable Person will still be considered to be the Complainant when a Complaint is submitted on their behalf.

6.2.3 A Complainant cannot be anonymous.

6.3 Who is a Respondent?

6.3.1 A Respondent is a Relevant Person or Relevant Organisation about whom a Complaint or Report has been made and who was bound by the Relevant Policy(ies) at the time the alleged Prohibited Conduct and/or Misconduct occurred.

6.4 Vulnerable Persons and Support Persons

6.4.1 Where required, the parent or carer of a Vulnerable Person who is a party to a Complaint may support the Vulnerable Person and/or act on their behalf if necessary, through the Complaints Process and any subsequent Resolution Process. For example, at any interview, Alternative Dispute Resolution process, or Hearing Tribunal or Appeals Tribunal.

6.4.2 Sport Integrity Australia and Relevant Organisations may have regard to the guide entitled "Complaint Handling Guide: Upholding the Rights of Children and Young People" issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available here, or such other guide that may replace it.

6.4.3 A party to a Complaint may request that they be assisted by a support person or authorised representative. This request will generally be granted unless there is a specific reason to deny it (for example, where a nominated support person or authorised representative is also a witness to the allegations or is actively hindering the interview process). Reporters and witnesses may be permitted to be assisted by a support person or authorised representative where this is considered appropriate.

6.5 What is a Report?

- 6.5.1 A Report is a submission of allegations that a Respondent has engaged in conduct that may be Prohibited Conduct and/or Misconduct which does not meet the definition of a Complaint. Note: Safety Occurrence Reports (SOAR, SDR, IRM) are separate aviation safety risk management processes defined under MOSP 5 SMS, MOSP 2 Operations and MOSP 3 Airworthiness.
- 6.5.2 Reports received by Gliding Australia or Sport Integrity Australia may be recorded for information purposes only, with no further action taken. The process for managing a Report will be at the discretion of the Complaint Manager or Sport Integrity Australia. In some circumstances, Reports may be managed through the Complaint Process. Reporters will not be contacted regarding their Report unless further information is required.
- 6.5.3 Factors that may be taken into account in determining whether to progress a Report through the Complaint Process include (but are not limited to) the seriousness of the alleged conduct, the availability of evidence that could be relied upon in an investigation, whether a person or organisation has been directly affected by the alleged Prohibited Conduct and if so, their circumstances and preferences, the perceived risk to the sport, and whether there have been other Reports relating to similar allegations.
- 6.5.4 A Report may be made anonymously; however, this may limit the action that can be taken in relation to the allegations.
- 6.5.5 Where multiple Reports relate to the same or related alleged conduct by the same Respondent, they may be combined for the purposes of the Complaint Process.
- 6.5.6 If a Report is to be progressed through the Complaint Process, any reference to a Complaint throughout this Policy will apply to the Report.
- 6.5.7 A Report for operational or airworthiness allegations is required to be submitted using the SOAR reporting system² in accordance with MOSP requirements. The process for managing a Report through the SOAR reporting system will be in accordance with Section 8.16 of MOSP 2.

6.6 Who is a Reporter?

- 6.6.1 A Reporter is any person or organisation, including a Relevant Person or Relevant Organisation, who or which has reason to believe that Prohibited Conduct and/or Misconduct may have occurred and makes a Report. A Reporter may be anonymous.
- 6.6.2 A Reporter is not entitled to the same rights throughout the Complaint Process as a Complainant. For example, a Reporter may not be kept informed of any decisions made in relation to the Report or participate in any Alternative Dispute Resolution.

² The SOAR occurrence reporting system can be used to report operational and airworthiness occurrences, hazards and unsafe decisions or actions for the purposes of reducing the risk of recurrence. It is not a vehicle for vexatious complaints or punitive actions.

6.7 Responsibility for Managing Complaints or Reports

- 6.7.1 A Complaint or Report may be submitted to Sport Integrity Australia where it relates to alleged Prohibited Conduct under the Safeguarding Children and Young People Policy or allegations of Discrimination under the Member Protection Policy.
- 6.7.2 Complaints relating to matters such as personal grievances, issues related to employment, governance, eligibility and selection disputes, and competition-related rules will not be managed by Sport Integrity Australia.
- 6.7.3 A Complaint or Report may be submitted to Gliding Australia where it relates to any alleged Prohibited Conduct and/or Misconduct through the Gliding Australia online Complaint /Report Form. An Operational Complaint or Report may be submitted to Gliding Australia through the SOAR occurrence reporting system.
- 6.7.4 Where a Complaint relates to alleged Prohibited Conduct below the national level, Gliding Australia may delegate its functions and responsibilities relating to managing Complaints under this Policy to a Relevant Organisation, other than those functions and responsibilities set out in this clause 6.7. Gliding Australia must consider any significant conflict of interest and whether it can be appropriately managed when considering whether to delegate such functions and responsibilities to a Relevant Organisation. If delegated:
- a. any reference to Gliding Australia in provisions relevant to the delegated functions will be read as a reference to that Relevant Organisation;
 - b. the matter may only be referred to the NST through Gliding Australia;
 - c. the matter remains subject to overview and review by Gliding Australia, which may require the Relevant Organisation managing the Complaint to remedy any failure to discharge a delegated responsibility and/or improper exercise of a delegated function;
 - d. obligation on the Relevant Organisations to report to Gliding Australia on Complaints received of a more serious nature (e.g., all Category 2/3 Complaints / Reports, or all Complaints / Reports involving allegations relating to sexual offences or child safety);
 - e. process for managing conflicts of interest: if a Relevant Organisation identifies a conflict of interest at any time when managing a complaint or report, the Gliding Australia CEO must be notified immediately to determine at what level the complaint or report can be appropriately managed;
 - f. process for escalating matters to the next level of the sport to handle in certain circumstances, for example, to Gliding Australia where the complaint is being mismanaged or where the Complaint relates to particularly serious allegations. If at any time in the management process of a Complaint or Report, it is determined by Gliding Australia or the Relevant Organisation that it is being mismanaged or the Complaint relates to particularly serious allegations, escalation to the next level within the sport is required, i.e., the Regional Association or Gliding Australia.
- 6.7.5 The organisation managing the Complaint may appoint an independent investigator where appropriate but will remain responsible for the overall management of the Complaint.

6.7.6 Sport Integrity Australia will keep records of information in accordance with the Archives Act 1983. Gliding Australia will keep records of the information in accordance with its own policies and procedures.

6.8 Submitting a Complaint or Report

6.8.1 A Complaint or Report should be submitted to Sport Integrity Australia or Gliding Australia in accordance with clause 6.7.

6.8.2 A Complaint must be made in writing (including electronically) using the Gliding Australia [Complaint Form](#).

6.8.3 A Report can be made in writing (including electronically) using the Gliding Australia [Report Form](#) or verbally.

6.8.4 The SOAR occurrence reporting system can be used to report operational and airworthiness occurrences, hazards, and unsafe decisions or actions to reduce the risk of recurrence and improve Gliding Australia's safety outcomes.

6.8.5 The online web form on the Sport Integrity Australia website is the preferred method for submitting a Complaint or Report to Sport Integrity Australia.

6.9 Withdrawing a Complaint

6.9.1 A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (including electronically) to the organisation that it was submitted to.

6.9.2 Where a Complaint has been withdrawn, the organisation managing the Complaint may choose to continue to progress the matter through the Complaints Process.

6.10 Confidentiality

6.10.1 All Complaints and Reports will be kept in confidence.

6.10.2 Any Relevant Organisation or Sport Integrity Australia may disclose information as required or authorised by law.

6.10.3 Subject to this clause, decisions around appropriate disclosure of information will be addressed on a case-by-case basis. Disclosure of information to parties not directly affected by the alleged behaviour may be restricted.

6.10.4 Gliding Australia will, on request from Sport Integrity Australia, provide information to Sport Integrity Australia that it requires to undertake the Complaint Process.

6.10.5 If information relevant to a complaint is connected to safety investigations, and the remediation of aviation safety risks, then selected information may be released to Gliding Australia and CASA key personnel to enable the performance of their aviation safety risk management obligations.

6.11 Appointment of Complaint Manager

6.11.1 Gliding Australia will appoint a Complaint Manager, who will be responsible for managing Gliding Australia's obligations under this Policy for complaints and reports not relating to MOSP 2, MOSP 3, or the Civil Aviation Legislation³. Where required the Complaints Manager will provide support assistance to the EMO and/or EMA for any complaints relating to MOSP 2, MOSP 3, and Civil Aviation Legislation.

6.12 Failure to Cooperate

6.12.1 Subject to clause 6.12.3, Relevant Persons should cooperate fully with any Complaint Process or Resolution Process they are involved in. A failure to do so may be Prohibited Conduct under clause 5.1.1.a of this Policy.

6.12.2 If a Respondent fails or refuses to respond, after a request has been made in a reasonable time in advance to answer any relevant question, provide relevant documentation, and/or participate in a Complaint Process or Resolution Process, Sport Integrity Australia, Gliding Australia, a Hearing Tribunal, or an Appeals Tribunal (as applicable) may make findings based on the available information.

6.12.3 No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law.

³ Note: Gliding Australia may also appoint a safety occurrence investigator for related SOAR report issues. This will be a separate, parallel investigation for the purposes of reducing safety risks and the probability of recurrence.

7 THE COMPLAINT PROCESS

7.1.1 The following identifies the process to be taken for matters which fall under the Gliding Integrity Framework. On receipt of any Complaint or Report, Gliding Australia will identify if the Complaint or Report is a MOSP 2, MOSP 3, or Civil Aviation Legislation matter which will involve processes in accordance with Section 9 of this policy.

7.2 Gliding Integrity Framework Matters: Evaluation

7.2.1 Upon receipt of a Complaint, the Organisation that receives the Complaint will determine whether the matter falls within the scope of the Relevant Policies. In making the determination the organisation will consider whether the conduct alleged in the Complaint would, if proven to the requisite standard, constitute Prohibited Conduct, as well as whether it otherwise meets the requirements of clause 6.7 as to which organisation should manage the Complaint.

7.2.2 Where a Complaint has the potential to be managed by either Sport Integrity Australia or Gliding Australia, these organisations may consult on who is best placed to manage the Complaint.

7.2.3 Where a Complaint is determined to be out of scope under the Relevant Policies, it may be managed under an alternative policy of a Relevant Organisation (if applicable).

7.2.4 Mischievous or vexatious claims will not be managed under this Policy.

7.2.5 A Complaint that has been previously managed through a complaints process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as relevant new information becoming available.

7.2.6 Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy, or another policy of a Relevant Organisation, or MOSP 2, MOSP 3, or Civil Aviation Legislation, the matter will be managed under the most appropriate policy or procedures or simultaneously if applicable.

7.2.7 If the Complaint is determined to be out of scope of the Relevant Policies and/or MOSP, the organisation that received the Complaint will notify the Complainant, and no further action will be taken under this Policy. The matter may be referred to an external authority.

7.2.8 If a person considers that a child is at risk of immediate harm, the matter must be reported to the relevant law enforcement/child protection agency as soon as possible

7.3 Gliding Integrity Framework Matters: Case Categorisation Model In-scope Matters

7.3.1 Once a Complaint has been deemed to be in-scope, it will undergo Case Categorisation to determine an appropriate means of dealing with the Complaint. Complaints are categorised with reference to the nature of the alleged conduct, the possible level of harm and complexity of the issues raised in the Complaint (refer to Case Categorisation Model).

- 7.3.2 Following Case Categorisation, any one or a combination of the following actions may be undertaken:
- a. External referral;
 - b. Referral to a Hearing Tribunal;
 - c. Provisional Action;
 - d. Investigation;
 - e. Alternative Dispute Resolution;
 - f. Case closure.
- 7.3.3 For Complaints that have been categorised as Category 1, the Complaint may be closed in accordance with clause 8.10.1.a, with no findings being made or sanction imposed. A Respondent may be reminded of their obligations under the Relevant Policies or recommended to undergo education or training.
- 7.3.4 Gliding Australia may refer a Complaint directly to a Hearing Tribunal to hear the allegations and make findings about the Complaint instead of proceeding with an investigation.

7.4 Gliding Integrity Framework Matters: External Referral

- 7.4.1 At any time during the Complaints Process, allegations may be referred to a relevant external organisation if it will assist the organisation to perform or exercise any of the functions, duties, or powers. This may include a referral to a law enforcement agency, government or regulatory authority or child protection agency. If a person considers that a child is at risk of immediate harm, the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.
- 7.4.2 If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

7.5 Gliding Integrity Framework Matters: Provisional Action

- 7.5.1 Where an allegation suggests a risk of harm to a Participant that justifies imposing Provisional Action, Gliding Australia will determine whether any Provisional Action will be taken to mitigate any potential harm to any person and/or interference in an investigation.
- 7.5.2 Provisional Action may only be taken by Relevant Organisations and not by Sport Integrity Australia. For matters managed by Sport Integrity Australia, Sport Integrity Australia will advise Gliding Australia as soon as practicable of any possible risk of harm to Participants identified, including sufficient details of the matter to enable Gliding Australia to determine whether to impose any Provisional Action.
- 7.5.3 Provisional Action may include suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges, or benefits.
- 7.5.4 If a decision is made to impose Provisional Action, a Respondent may seek to have that decision reviewed by a Hearing Tribunal. The Hearing Tribunal will only consider whether

the decision to impose the Provisional Action is proportionate to the perceived risk of harm and will not consider the merits of the Complaint except as is necessary to assess proportionality.

7.6 Gliding Integrity Framework Matters: Investigation

- 7.6.1 The organisation responsible for managing the Complaint may conduct an investigation to obtain additional evidence, including by way of a formal interview and the collection of additional information, to determine if the alleged Prohibited Conduct is a breach of a Relevant Policy.
- 7.6.2 In conducting an investigation, the rules of procedural fairness will apply, including providing both the Complainant and the Respondent with a reasonable opportunity to be heard.
- 7.6.3 Where a Respondent has been convicted or found guilty in a criminal, disciplinary, or professional proceeding of engaging in conduct that would constitute Prohibited Conduct under a Relevant Policy, the Respondent will be deemed under this Policy to have committed Prohibited Conduct without requiring further investigation, or any other process.
- 7.6.4 Following an investigation, the Complaint will be managed in accordance with clause 8, or if being managed by Gliding Australia, may be referred directly to a Hearing Tribunal.

7.7 Gliding Integrity Framework Matters: Standard of Proof

- 7.7.1 The standard of proof that applies to all substantive decisions (including those made by a Hearing Tribunal) made under this Policy in respect of allegations of Prohibited Conduct is "balance of probabilities". This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

7.8 Gliding Integrity Framework Matters: Alternative Dispute Resolution

- 7.8.1 The Complainant and the Respondent may agree to an Alternative Dispute Resolution. The Complaints Process may be suspended while Alternative Dispute Resolution is pursued. The Complaint Process may be discontinued if both parties are satisfied that the matter has been resolved.
- 7.8.2 This process will be coordinated by the Complaint Manager, if required.
- 7.8.3 If a Complaint relates to an NST Eligible Matter, Gliding Australia may refer the Complaint to mediation, conciliation, or case appraisal in the NST General Division.

8 GLIDING INTEGRITY FRAMEWORK MATTERS: FINDINGS AND RESOLUTION PROCESS

8.1 Gliding Integrity Framework Matters: Findings

- 8.1.1 Unless the matter has been referred directly to a Hearing Tribunal under clause **Error! Reference source not found.**, following an investigation, the organisation managing the Complaint will determine whether, to the requisite standard of proof, the allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated.
- 8.1.2 In cases where Sport Integrity Australia investigates the Complaint, Sport Integrity Australia will notify the parties and Gliding Australia of the findings, and if the allegation of Prohibited Conduct is substantiated, refer to Gliding Australia to manage the Resolution Process described in clause 8.2.
- 8.1.3 In cases where Gliding Australia manages the Complaint, Gliding Australia will notify the parties of the findings, and if the allegation of Prohibited Conduct is substantiated, it will manage the Resolution Process described in clause 8.2.

8.2 Gliding Integrity Framework Matters: The Resolution Process

- 8.2.1 Gliding Australia must implement an appropriate Resolution Process.
- 8.2.2 Consistent with clause 6.7.4, Gliding Australia may delegate the management of the Resolution Process to another Relevant Organisation.
- 8.2.3 Gliding Australia is ultimately responsible for issuing a Breach Notice to the Respondent and applying and administering Sanctions and other related measures as it sees fit. Gliding Australia may refer to Sport Integrity Australia's Case Categorisation Model for this purpose.
- 8.2.4 Where a Respondent admits the alleged breach and accepts the Sanction or fails to respond to the Breach Notice within the time prescribed within the Breach Notice, the Gliding Australia Complaint Manager may impose the Sanction and proceed to finalise the Complaint.

8.3 Gliding Integrity Framework Matters: Notification to Parties

- 8.3.1 Gliding Australia will communicate as appropriate with the Respondent, Complainant and any Relevant Organisation involved in the matter throughout the Resolution Process and will notify both the Complainant and the Respondent of the outcome and finalisation of the matter at the conclusion of the Resolution Process.

8.4 Gliding Integrity Framework Matters: Appropriate Sanctions

- 8.4.1 Gliding Australia may impose one or more Sanctions on a Respondent where this is considered appropriate.
- 8.4.2 In making a determination under clause 8.4.1, Gliding Australia may refer to the Case Categorisation Model, taking into account:

- a. the seriousness of the behaviour or severity of a breach of competition rules;
- b. whether it was a one-off incident or part of an overall pattern of behaviour;
- c. whether it was an honest and reasonable mistake;
- d. the potential impact on public confidence in the integrity of the sport;
- e. the potential impact of the proposed Sanction on the Respondent;
- f. the views and opinions of the Complainant; and
- g. any other relevant aggravating or mitigating factors such as impact and witness statements.

8.5 Gliding Integrity Framework Matters: Breach Notice

8.5.1 If the allegations are found to be substantiated, Gliding Australia will issue a Breach Notice. Any Breach Notice issued by Gliding Australia to a Respondent will:

- a. notify the Respondent of the allegations found to be substantiated, including the alleged conduct;
- b. state the proposed Sanction, if any, for the substantiated allegations;
- c. state that the Respondent has a right to a hearing in relation to the allegations found to be substantiated and/or the proposed Sanction;
- d. state that the Respondent may accept the findings, waive their right to a hearing and accept the proposed Sanction;
- e. state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by Gliding Australia;
- f. state that any response to the Breach Notice must be made to Gliding Australia and provide contact details of the Complaint Manager; and
- g. be provided to the Respondent, and (if applicable) the Relevant Organisation.

8.5.2 In response to a Breach Notice, a Respondent may:

- a. accept the findings, waive their right to a hearing and accept the proposed Sanction;
or
- b. dispute the findings and/or the proposed Sanction, in which case the matter will be referred to a Hearing Tribunal under this Policy.

8.5.3 Unless otherwise agreed by Gliding Australia, a Respondent has 14 days from the date of the Breach Notice to notify the Complaint Manager in writing of their decision.

8.5.4 Notice given under paragraph 8.5.2.b must be:

- a. given in writing (whether by email or other means);
- b. sent to the Gliding Australia Complaint Manager at the address given on the Breach Notice; and

c. received within 14 days from the date of the Breach Notice.

8.5.5 If Gliding Australia does not receive notice under clause 8.5.2.b within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.

8.6 Gliding Integrity Framework Matters: Referral to a Hearing

8.6.1 If the Respondent disputes the substantiated allegations and/or the proposed Sanction in the Breach Notice, the Complaint Manager must refer the matter to a Hearing Tribunal.

8.6.2 If the matter is an NST Eligible Matter, the substantiated allegations and proposed Sanction may be referred by Gliding Australia to the NST General Division for arbitration. Gliding Australia is responsible for making the application to the NST. Payment of the NST fees will be as agreed by the parties or managed in accordance with the NST Legislation.

8.6.3 If the matter is not referred to the NST, it will otherwise be referred to a Hearing Tribunal convened internally either at the Gliding Australia level or other Relevant Organisation level.

8.7 Gliding Integrity Framework Matters: Hearing Tribunals

8.7.1 Arrangements must be established to manage internal hearings and appeals.

8.7.2 If arbitration is sought in either the NST General Division or an internal Hearing Tribunal, the Hearing Tribunal will, as applicable:

- a. determine whether any Provisional Action imposed in accordance with clause 7.5 is disproportionate; or
- b. if referred directly to the Hearing Tribunal under clause 7.2 make the findings required by clause 8.1, and determine whether a Sanction should be imposed and if so, the nature of that Sanction; or
- c. if referred to a Hearing under clause 8.6 following an investigation, arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.

8.8 Gliding Integrity Framework Matters: Appeals

8.8.1 A decision of a Hearing Tribunal in respect of:

- a. Provisional Action, is not subject to appeal;
- b. allegations referred directly to a Hearing Tribunal for a finding, are subject to appeal; and
- c. a substantiated allegations finding and/or Sanction, is subject to appeal.

8.8.2 Appeals from the NST General Division must be referred to the NST Appeals Division. Appeals from Internal Hearing Tribunals may be referred to the NST or another Appeals Tribunal. Appeals from a Gliding Australia Hearing Tribunal may be referred to the NST Appeals Division. Payment of the NST fees will be as agreed by the parties or managed in accordance with the NST Legislation.

8.8.3 Grounds of appeal:

- a. The decision of a Hearing Tribunal can only be appealed by the Respondent and/or Gliding Australia on the basis that:
 - i. the Hearing Tribunal failed to abide by this Policy or to properly apply the relevant Policy and such failure resulted in a denial of natural justice; and/or
 - ii. no reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonably make such a decision.

8.9 Gliding Integrity Framework Matters: Implementation

8.9.1 It is the responsibility of Gliding Australia to ensure that appropriate Sanctions (or other alternative actions) are undertaken, and that the Relevant Policies are implemented and applied. Gliding Australia is responsible for ensuring that Relevant Persons and Relevant Organisations are aware of the Relevant Policies and facilitate an understanding of how they apply to them. This may include relevant educational material that Sport Integrity Australia provides from time to time.

8.9.2 Relevant Organisations will determine if a Sanction should be publicly disclosed in order to give it full effect. This may be necessary for the suspension or cancellation of membership or accreditation.

8.9.3 Notwithstanding clause 8.9.1, ignorance of the Relevant Policies is not a defence, excuse or justification for Prohibited Conduct and will not be considered a mitigating circumstance.

8.10 Gliding Integrity Framework Matters: Case closure

8.10.1 Complaints may be closed under this Policy at any of the following times:

- a. the Complaint is evaluated as being out of scope of this Policy under clause 7.2;
- b. the Complaint is categorised as a Category 1 Complaint in accordance with clause 7.3 and the Case Categorisation Model, and no further action is being taken;
- c. during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in clause 6 (for example, the Respondent is discovered not to have been bound by the Relevant Policies at the time the alleged conduct occurred due to information obtained during the investigation);
- d. the Complaint is resolved through Alternative Dispute Resolution in accordance with clause 7.8, or the Complaint was sought to be resolved through Alternative Dispute Resolution, but it was not resolved, and the participants are in agreement that the Complaint may be closed;
- e. following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated in accordance with clause 8.1;
- f. following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with clause 8.5; or

- g. the matter is finalised before a Hearing Tribunal or Appeals Tribunal.
- 8.10.2 Once a matter has been closed in accordance with this clause, it has been finalised and no further action will be taken in relation to the matter under this Policy unless there is a compelling reason to do so.
- 8.10.3 Gliding Australia will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.
- 8.10.4 For Complaints managed by Sport Integrity Australia, Gliding Australia will notify Sport Integrity Australia when the matter is closed and of any Sanctions imposed on the Respondent.

9 THE COMPLAINTS PROCESS: MOSP2, MOSP3, AND CIVIL AVIATION LEGISLATIVE MATTERS

9.1 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Evaluation

- 9.1.1 Upon receipt of a Complaint or Report, the EMO or EMA that receives the Complaint will determine whether the matter falls within the scope of, MOSP 2 or MOSP 3 rules. The EMO will deal with matters that fall within the scope of MOSP 2 and the EMA will deal with matters that fall within the scope of MOSP 3. For Civil Aviation Legislation matters, the EMA and EMO will decide who is best placed to deal with the matter.
- 9.1.2 Where a Complaint is determined to be out of scope under MOSP 2 or MOSP 3, it may be managed under an alternative policy of a Relevant Organisation (if applicable).
- 9.1.3 Mischievous or vexatious claims will not be managed under this Policy.
- 9.1.4 A Complaint that has been previously managed through a complaints process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as relevant new information becoming available.
- 9.1.5 Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy, or another policy of a Relevant Organisation, or MOSP 2, MOSP 3, or Civil Aviation Legislation, the matter will be managed under the most appropriate policy or procedures or simultaneously if applicable.
- 9.1.6 If the Complaint is determined to be out of scope of the Relevant Policies and/or MOSP, the organisation that received the Complaint will notify the Complainant, and no further action will be taken under this Policy.

9.2 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Assessment of In Scope Matters

- 9.2.1 Once an operational or airworthiness report has been deemed to be in scope, an Assessment of the matter will be undertaken by the EMA or EMO. The Assessment will be in accordance with the rules as detailed in Gliding Australia's MOSP 2 and MOSP 3.
- 9.2.2 Following a determination of being in scope, any one or a combination of the following actions may be undertaken:
- a. Provisional action;
 - b. Investigation;
 - c. Suspension of authorisation by Gliding Australia;
 - d. Variation of authorisation by Gliding Australia;
 - e. Cancellation of authorisation by Gliding Australia;
 - f. Internal Review by Gliding Australia;
 - g. External Review by CASA, only after an internal review has been undertaken;
 - h. Case Closure.

9.2.3 CASA may, if satisfied that it is necessary in the interests of the safety of air navigation, direct Gliding Australia to exercise a Gliding Australia enforcement power in relation to the holder of an authorisation issued by Gliding Australia in accordance with the relevant CASR. Gliding Australia must comply with the direction within 20 days.

9.3 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Provisional Action

9.3.1 During the Assessment stage of an operational or airworthiness matter provisional action, as listed in MOSP 2 and MOSP 3, can be taken to protect the safety of all members.

9.4 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Investigation

9.4.1 Gliding Australia can undertake an investigation to determine if there has been a contravention of MOSP 2, MOSP 3, or Civil Aviation Legislation.

9.4.2 In conducting an investigation, the rules of procedural fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard.

9.5 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Standard of Proof

9.5.1 The standard of proof that applies to all substantive decisions (including by an Internal review) made under this Policy, in respect of allegations of Prohibited Conduct is “balance of probabilities”. This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of MOSP 2, MOSP 3, or Civil Aviation Legislation.

10 MOSP 2, MOSP 3, AND CIVIL AVIATION LEGISLATION MATTERS: FINDINGS AND RESOLUTION PROCESS

10.1 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Findings

- 10.1.1 Following an investigation into MOSP 2, MOSP 3, or Civil Aviation Legislation Matters, the EMA or EMO will determine whether, to the requisite standard of proof, the allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated.
- 10.1.2 Where Gliding Australia manages the Complaint, the EMA or EMO will notify the parties of the finding, and if the allegation of Prohibited Conduct or Misconduct is substantiated, will manage the Resolution Process.
- 10.1.3 Where applicable or required, EMA or EMO will notify CASA and/or ASAC of any substantiated Prohibited Conduct or Misconduct, or any suspension or withdrawal of privileges.

10.2 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: The Resolution Process

- 10.2.1 The EMO or EMA must advise the Respondent or other organisation of the intention to impose a penalty and the reason for the decision. The Respondent should show just cause why the penalty should not be applied. Notification to the Respondent or other organisation under these provisions shall be served in writing, except under paragraph 3210.2.3 below where verbal notice given to the Respondent prior to the service of written notification shall be of the same effect and shall be effective immediately. The written notification will also include details of the Internal Review process against any decision made either by Gliding Australia or CASA review.
- 10.2.2 Following consideration of the statements and evidence from the member or other organisation, the EMO or EMA will determine, with consultation with relevant appointed Gliding Australia officials as required, if the penalty should be applied and advise the member or other organisation of these decisions and the penalty conditions. The written notification will also include details of the Internal Review process against any decision made either by Gliding Australia or a CASA review.
- 10.2.3 Where the EMO or EMA has been provided evidence that there is an immediate risk of a member intending to act so as to compromise operational safety or in contravention of the Civil Aviation Legislation or Gliding Australia Operational Regulations, the EMO or EMA may immediately suspend the member's privileges in accordance with MOSP 2 Section 36 or MOSP 3 Section 10.20 for the purpose of preventing the commission of such an act and shall fully report such suspension to the CEO as soon as possible. The suspension will be notified verbally to the member, followed by written notification. The written notification will also include details of the Internal Review process against any decision made either by Gliding Australia or a CASA review.
- 10.2.4 **Escalation to CASA:** Where continued wilful breaches of operational or airworthiness regulations occur, particularly breaches of CAOs, CARs and CASRs, despite attempts at

the national level to resolve the offending, the offending member(s) or affiliated organisations will be reported to CASA in accordance with CASR 149.425.

10.2.5 Competitions and Events Outside of Club Activities: National Rules outline breaches for National Competitions (and these rules are generally also applied to State competitions).

- a. State and National competitions are hosted by Clubs that volunteer their facilities and personnel on behalf of the Region or Gliding Australia. Due to individual Club requirements and operational standards, Clubs that run these events are within their rights to restrict entry to personnel who do not meet Club requirements (in line with culture and natural justice principles).
- b. Where there is a non-compliance or pattern of poor airmanship, reckless behaviour, or breach of standards (behaviour or safety) the Competition Director must advise the member of the contravention and explain the relevant penalty that may be applied. Procedural fairness requires:
 - i. The member is asked to respond to the claim with any supporting evidence.
 - ii. In conjunction with the RMO, they will determine if a sanction is warranted and if so, may impose a sanction that may include:
 - a. A requirement to make a verbal or written apology;
 - b. Suspend, cancel, or vary the member's privileges, approvals, or ratings;
 - c. Where gaps in knowledge, skills, awareness, or competence are identified re-education or retraining must be applied;
 - d. Any other form of reasonable disciplinary action deemed appropriate.
 - iii. The member may request an Internal Review of the decision that led to the penalty. The Internal Review process for the affected member in this case is via the National Competition Committee and the RMO if applicable.

10.3 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Notification to Parties

10.3.1 The EMA or EMO will communicate as appropriate with the Respondent, Complainant and any Relevant Organisation involved in the matter throughout the Resolution Process and will notify both the Complainant and the Respondent of the outcome and finalisation of the matter at the conclusion of the Resolution Process.

10.4 MOSP 2, MOSP 3 and Civil Aviation Legislation Matters: Appropriate Sanctions

10.4.1 Gliding Australia may impose one or more Sanctions on a Respondent where this is considered appropriate.

10.4.2 When deciding on an appropriate operational or airworthiness sanction Gliding Australia may take into account:

- a. the seriousness of the behaviour;
- b. whether it was a one-off incident or part of an overall pattern of behaviour;
- c. whether it was an honest or reasonable mistake;
- d. the potential impact on public confidence in the integrity of the sport;
- e. the potential impact of the proposed Sanction on the Respondent;
- f. the views and opinion of the Complainant;
- g. any other relevant aggravating or mitigating factors.

10.4.3 Following an investigation process, removal of Gliding Australia privileges can only be actioned by Key Personnel: the EMO (MOSP2, Section 36) for operational privileges and the EMA (MOSP3, Section 10.20) for airworthiness privileges.

10.4.4 Removal of operational and/or airworthiness privileges must be reported to CASA within 7 days.

10.5 MOSP 2, MOSP 3 and Civil Aviation Legislation Matters: Breach Notice

10.5.1 If the allegations are found to be substantiated, Gliding Australia will issue an operational or airworthiness Breach Notice. Any Breach Notice issued by Gliding Australia to a Respondent will:

- a. notify the Respondent of the allegations found to be substantiated, including the alleged conduct;
- b. state the proposed Sanction, if any, for the substantiated allegations;
- c. state that the Respondent has a right to an Internal Review in relation to the allegations found to be substantiated and/or the proposed Sanction.
- d. state that the respondent may accept the findings, waive their right to an internal review, and accept the proposed Sanction.
- e. state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to an internal review, and accepted the proposed Sanction, unless otherwise agreed by Gliding Australia; and
- f. be provided to the Respondent, and (if applicable) Relevant Organisation.

10.5.2 In response to a Breach Notice, a Respondent may:

- a. accept the findings, waive their right to an internal review and accept the proposed Sanction; or
- b. dispute the findings and/or the proposed Sanction, in which case the matter will be referred to an Internal Review.

10.5.3 Unless otherwise agreed by Gliding Australia, a respondent has 14 days from the date of the Breach Notice to notify Gliding Australia (Key Personnel) of their decision.

10.5.4 Notice given under clause 10.5.2.b must be:

- a. given in writing (whether by email or other means);
- b. sent to Gliding Australia Key Personnel at the address given on the Breach Notice; and
- c. received within 14 days from the date of the Breach Notice.

10.5.5 If Gliding Australia does not receive notice under clause 10.5.2.b. within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to an internal review.

10.6 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Referral to an Internal Review

10.6.1 A member may apply to Gliding Australia for Internal Review, in accordance with the procedures specified in the Gliding Australia's aviation administration and enforcement rules, if they are dissatisfied with one of the following decisions:

- a. a decision of the EMA or EMO to refuse to issue an authorisation to the person;
- b. a decision of the EMA or EMO to issue an authorisation to the person in terms different from those applied for;
- c. a decision of the EMA or EMO to vary, suspend or cancel an authorisation issued to the person other than at the person's request;
- d. a decision of the EMA or EMO to attach conditions to an authorisation issued to the person, other than at the person's request;
- e. a decision of the EMA or EMO to vary conditions attached to an authorisation issued to the person, other than at the person's request.

10.7 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Internal Review

10.7.1 On receipt of a request for Internal Review, the Gliding Australia CEO shall promptly advise the Gliding Australia Board. The request for Internal Review shall be referred to Gliding Australia Internal Review in accordance with CASR 149.605. The Internal Review will be carried out by Gliding Australia's Complaint Committee which consists of the Chair of the Board, the Chief Executive Officer, and the Complaint Manager to ensure that due process has been followed.

10.7.2 The decision of the EMA or EMO can only be appealed on the basis that:

- a. the EMA or EMO failed to abide by this Policy or to properly apply the relevant Policy and such failure resulted in a denial of natural justice; and/or
- b. no reasonable decision maker in the position of the EMA or EMO, based on the material before them, could reasonably make such a decision.

10.7.3 The Gliding Australia Internal Review may:

- a. affirm, vary, or set aside the decision; and
- b. if the Gliding Australia Internal Review sets aside the decision, make such other decision as Gliding Australia considers appropriate.

10.7.4 If the Gliding Australia Internal Review has not made a decision on the application within 21 days after receiving the application, the Gliding Australia Internal Review is taken to have affirmed the decision on that day.

10.7.5 If the Gliding Australia Internal Review varies or sets aside a decision on operational or airworthiness authorisations, the CEO will notify CASA within 7 days in accordance with CASR 149.215.

10.8 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Review by CASA

10.8.1 A decision of an Internal Review in respect of an operational or airworthiness Alleged Breach and Sanction can be subject to a review by CASA. The review must meet the following requirements:

- a. The decision of an Internal Review can only be requested for review by the respondent to CASA.
- b. Any request to review to CASA must follow the processes outlined by CASA at all times.

10.8.2 A request to CASA for review can only occur if a person who made an application under CASR 149.605(2) is dissatisfied with the Internal Review decision of Gliding Australia, the person may apply to CASA for a review of the internal review decision.

10.8.3 The application must be made:

- a. in the approved form; and
- b. within 21 days after the Internal Review decision, or such longer period as CASA allows.

10.8.4 An application is not taken to have been made unless:

- a. it is made in the manner approved by CASA for that purpose; and
- b. it is made in the approved form; and
- c. it includes all the information required by the form; and
- d. the applicant has notified Gliding Australia of the application in accordance with CASR 149.615; and
- e. if a fee is payable for the application – that fee has been paid.

10.8.5 The making of an application to CASA for review of a Gliding Australia Internal Review decision does not affect the operation of the decision or prevent the taking of action to implement the decision.

10.9 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Implementation

10.9.1 It is the responsibility of Gliding Australia to ensure that appropriate Sanctions (or alternative actions) are undertaken, and that the CASR are implemented and applied.

10.10 MOSP 2, MOSP 3, and Civil Aviation Legislation Matters: Case Closure

10.10.1 Complaints may be closed under this Policy at any of the following times:

- a. the Complaint is evaluated as being out of scope of this Policy under clause 9.
- b. during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in Clause 6;
- c. following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated in accordance with Clause 9;
- d. following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with Clause 10.5; or
- e. the matter is finalised before an Internal Review or Review by CASA.

10.10.2 Once a matter has been closed in accordance with this clause, it has been finalised and no further action will be taken in relation to the matter under this Policy unless there is compelling reason to do so.

10.10.3 Gliding Australia will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.

11 INTERPRETATION AND OTHER MATTERS

11.1 Application and Commencement

11.1.1 The Relevant Policies are approved by the Gliding Australia Board.

11.1.2 The Relevant Policies:

- a. commence on the date outlined on the front cover (Commencement Date);
- b. are subject to Gliding Australia's constitution (or other governing rules as applicable), and if there is any inconsistency, the constitution will prevail; and
- c. when in force, are binding on all Relevant Persons and Relevant Organisations.

11.1.3 Nothing in the Gliding Australia Integrity Framework limits the rights or obligations of any person under any other Relevant Organisation policy, or other relevant agreement.

11.1.4 The Gliding Australia Integrity Framework does not override or limit the application of any laws of Australia or a state/territory or Civil Aviation Legislation.

11.1.5 The 'Policy Intent' section (if applicable) at the start of each Relevant Policy is not intended to be and should not be construed in any way as a complete and comprehensive overview of that Relevant Policy. To the extent of any inconsistency, the operative provisions of that Relevant Policy prevail.

11.2 Amendment

11.2.1 Sport Integrity Australia may make amendments to the National Integrity Framework from time to time. Such amendments will be notified to Gliding Australia by ASAC. These changes will be incorporated into this policy using the ADMIN0028 Change Management process.

11.3 Interpretation

11.3.1 The following rules of interpretation apply to each Relevant Policy:

- a. Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
- b. Words in the singular include the plural and vice versa.
- c. References to 'including' and similar words are not words of limitation.
- d. Words importing a gender include any other gender.
- e. A reference to a clause is a reference to a clause or subclause of the Relevant Policy in which it appears.
- f. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- g. If any provision of a Relevant Policy is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because

any part of it is held invalid.

- h. Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Framework shall not be deemed to be a waiver of any such right nor shall it operate to bar the exercise or enforcement thereof or of any other right on any other occasion.
- i. Defined terms are Capitalised and consistent across the Relevant Policies.

11.4 Education

11.4.1 To assist Participants in understanding this Policy and their rights and responsibilities, Gliding Australia is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.

11.4.2 Gliding Australia should engage Sport Integrity Australia to assist in the design, implementation, and maintenance of the education plan and to determine priority education groups and appropriate interventions in accordance with the Gliding Integrity Framework.

11.4.3 The Relevant Organisation may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in Gliding and the associated integrity risks.

11.4.4 Sport Integrity Australia has developed a range of education resources and training material to support the National Integrity Framework which can be found [here](#).

APPENDIX A – CASE CATEGORISATION AND GUIDANCE FOR GLIDING INTEGRITY FRAMEWORK SANCTIONS

Alleged breaches of the Gliding Integrity Framework Policies are reviewed utilising a system set out in this appendix.

The system establishes a transparent, objective, and consistent basis for evaluating allegations of Prohibited Conduct or Misconduct and determining the appropriate Assessment process under the Gliding Integrity Framework.

The decision and process of how to progress alleged breaches of the Gliding Integrity Framework, as well as the associated resourcing, are determined by the terms of this appendix.

The system comprises of three main components:

- a. Case Categorisation
- b. Aggravating and Mitigating Circumstances
- c. Sanctions and Related Measures.

THE SYSTEM: CASE CATEGORISATION

Matters within the scope of the Gliding Integrity Framework are categorised through a 3-tier system based on the nature of the alleged conduct, perceived level of harm, and complexity. Each matter should be considered on its merits, considering these categories.

CATEGORY 1: BLUE – LOW

Category 1 (Blue) matters involve minor allegations of Prohibited Conduct or Misconduct and mostly (although not always) involve a mistake, misunderstanding, or an absence of intent to harm. There are rarely, if any, complicating factors.

The presence of any complicating factors may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in Aggravating and Mitigating Circumstances later in this document), an uncooperative Respondent or a risk to the sport.

Category 1 matters do not usually require an extensive Assessment.

Category 1 matters include (but are not limited to):

- Children having a physical altercation.
- Low level swearing, derogatory or disrespectful comments, chastising a child.
- Aggressive tone, disrespectful comments, or a heated altercation, in the absence of malice, vilification or bullying or other egregious behaviour.
- Lewd jokes (where adults involve minors, a higher category may result).
- Unnecessary physical contact (not involving sexual misconduct) including pushing, shoving, or bumping into another.
- Non-compliance with the following Child Safe Practices, **but only where** no obvious aggravating circumstances or behavioural patterns of concern are present:
 - Exhibiting favoritism towards a child.
 - Photographing a child without appropriate consent.
 - Transport of a child/children without parent / guardian consent.
 - Gifting to a child/children unless an official award.
 - Engaging in open discussions of a mature nature in the presence of children.
 - Social media contact with a child/children (where there is no inappropriate content).
 - Accepting invitation to attend a private social function without an existing social, personal, or family relationship.

■ **CATEGORY 2: AMBER – MEDIUM**

Category 2 (Amber) matters allege Prohibited Conduct or Misconduct violations and may involve the risk of moderate or reasonable harm, or repeated, more severe, or more complex Category 1 allegations.

Category 2 matters may also allege more severe prohibited conduct violations, or complicating factors, having regard to frequency, intensity, number of reported incidents or complaints received, or where the circumstances indicate a reasonable possibility for escalation (and may require referral to law enforcement).

The presence of any complicating factors may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in Aggravating and Mitigating Circumstances), an uncooperative Respondent or a risk to the sport.

Category 2 matters include (but are not limited to):

Frequency & Intensity

- Repeated or more severe Category 1 matters, including the risk of reasonable harm.

Member and Child Protection

- Athlete to athlete bullying.
- Mocking an athlete's appearance or body shape.
- Abuse of position of trust or power.
- Disregarding medical advice when directing training or flying protocol.
- Single incident access to change rooms or private areas (known to be used for changing) by officials.
- Harassing behaviours, including unwanted sexual interest.
- Inappropriate jokes, including insensitive jokes (race, religion and culture, disability, gender, sex).
- Egregious or severe acts of prohibited conduct, including repeated use of demeaning or bullying language.
- Hazing and degrading initiation, intimidation, and harmful conduct.
- Repeated or multiple incidents of harmful coaching techniques or training as punishment.
- Striking or slapping an athlete.
- Repeated or multiple incidents of offensive conduct based on age, race, culture, religion, mental health, intellectual or physical disability.

Child Protection

- Non-compliance with any Child Safe Practices (aggravated), including:
 - profane or sexual language, or language intended to threaten or frighten.
 - excessive swearing, derogatory or disrespectful comments, chastising a child.
 - Use of training as punishment or ignoring a child expressing pain during training.
 - Inappropriate stretching of an athlete, having regard to their clothing, that exposes an athlete.

Operations

- Disregarding specific instructions from a Duty Instructor or CFI.
- Breaching air space.
- Flying in a manner considered to be dangerous.
- Falsifying flight data in a competition or badge claim.
- Failure to settle an account with a club.
- Doing things or taking action that would be contrary to the interests of a Club.
- Flying without the required authorities, e.g., current medicals, current BFR, current instructor ratings.

Airworthiness

- Carrying out airworthiness activities without the required authorisation.

Other

- Betting by members on their own sport.
- Inappropriate use of supply of supplements.
- Interfering with, or intimidating, complainants, witnesses.
- Failing to report criminal charges or convictions.

■ **CATEGORY 3: RED – HIGH**

Category 3 (Red) matters allege Prohibited Conduct or Misconduct violations and may involve criminal behaviour and / or immediate risk of harm, and include child abuse, sexual abuse and includes sexual misconduct, as well as serious assault, doping and corruption.

Category 3 matters may include more severe Category 1 or 2 allegations where there is the presence of significant complications.

Whether a matter is more severe is determined by the specific circumstances, including the frequency, intensity and number of reported incidents or complaints received.

The presence of any complicating factors may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in Aggravating and Mitigating Circumstances), an uncooperative Respondent or a risk to the sport.

Category 3 matters must be reported to law enforcement / child protection, as mandated. Restrictive measures or provisional safety plans may be imposed as appropriate.

Category 3 matters include (but are not limited to):**Egregious and Criminal Conduct**

- Sexual misconduct.
- Touching of genitals, breasts and buttocks

(One off tapping of the buttocks as a sign of encouragement or bonding by a fellow athlete may be more appropriately Categorised differently, depending on the circumstances).

- Child abuse.
- Exposing the child to age inappropriate or harmful material, or behaviours.
- Criminal charges or convictions.
- Failing to report child abuse or sexual misconduct.
- Serious assaults including striking or punching.
- Supplying alcohol or drugs to a minor.
- Use, possession or trafficking of illegal drugs.

Operations

- Deliberately breaching airspace.
- Flying in a dangerous manner that results in an accident.
- Repeated incidents of flying dangerously.
- Flying when authorities or privileges had previously been suspended or removed.
- Flying while intoxicated or under the influence of prohibited drugs.
- Serious assaults including striking or punching or threatening to do so.

Airworthiness

- Deliberately falsifying logbook entries.
- Not implementing Airworthiness Directives or other mandatory airworthiness actions.
- Carrying out airworthiness activities when authorities or privileges had previously been suspended or removed.
- Carrying out airworthiness activities while intoxicated or under the influence of prohibited drugs.

Doping

- Doping.
- Supplying medicines or over the counter medicines except where permitted by law and with the consent of a parent.

Match Fixing and Corruption

- Match, race, or competition fixing, or supplying inside information for the purposes of gambling.

THE SYSTEM: AGGRAVATING AND MITIGATING CIRCUMSTANCES

The following guiding principles are intended to outline the aggravating and mitigating circumstances that should be considered when evaluating and assessing a matter under the Case Categorisation System and before determining the appropriate response.

The relative level of aggravating and mitigating circumstances may impact on the ultimate re-categorisation of a matter as well as the appropriate sanction (if any).

In addition to aggravating or mitigating circumstances, there may be other factors to consider that increase the relative complexity of a matter.

Aggravating circumstances include consideration of:

- a. The presence of criminality, including sexual abuse.
- b. Actual or threatened use of violence.
- c. Breach was committed in the presence of a child under 18 years of age.
- d. Victim's vulnerability, for example, because the victim was very young or very old or had a disability, or because of the geographical isolation of the victim.
- e. Behaviour that is malicious or targets vulnerable people.
- f. Behaviour that is coordinated or operating as part of a group.
- g. Behaviour that targets multiple parties or results in multiple victims.
- h. Breach motivated by race, religion, ethnicity, nationality, sexual identity, disability, gender.
- i. Gratuitous cruelty.
- j. Injury, emotional harm, loss, or damage was substantial, including the level of embarrassment, distress or humiliation experienced by the victim.
- k. Previously similar conduct or related breaches, previous sanctions.
- l. Failure to comply with provisional action.
- m. Breach whilst on probation or a sanction.
- n. Ongoing and sustained offending over a period of time.
- o. Abuse of position of power or trust.
- p. Attempting or disposing of evidence.
- q. Lack of cooperation.
- r. The breach was premeditated (rather than spur of the moment).
- s. The Respondent has previously undertaken education in relation to the particular type of conduct.

Mitigating circumstances include consideration of:

- a. First time breach.
- b. Unplanned, spur of the moment behaviour.
- c. Youth and age of the person breaching.
- d. Limited role played in the breach.
- e. The Respondent had taken reasonable steps, prior to commencing an Assessment, to settle the disagreement or dispute.
- f. The Respondent was not fully aware of the consequences of his or her actions because of the Respondent's age or any disability.
- g. Accepting responsibility and level of remorse / contrition.
- h. Level of cooperation.
- i. Harm suffered by the victim, or the sport was not substantial.
- j. The presence of provocation, persuasion, or coercion by others.
- k. Mental illness.
- l. Risk of loss of employment.
- m. Whether the prohibited behaviour was uncharacteristic including:
 - the length of service, balancing a previously unblemished record against the expectation of greater awareness of behavioural requirements,
 - whether there are records of previous counselling or breaches of the National Integrity Framework about related issues,
 - the extent to which there is evidence that the behaviour is atypical – to assess this, the behaviour over a longer period may need to be examined e.g., any records of discussion with the individual within the last two years. Relevance of previous behaviour diminishes over time,
 - the individual's attempts to manage any external personal issues impacting on the conduct, such as accessing welfare help.

THE SYSTEM: SANCTIONS AND RELATED MEASURES

The following principles are intended to serve as a minimum standard for providing guidance to Gliding Australia Relevant Organisations when sanctions and other measures may be appropriate to address allegations of Prohibited Conduct or Misconduct under the National Integrity Framework, MOSP 2, MOSP 3 and Civil Aviation Legislation.

The purpose is to provide an appropriate range of sanctions and related measures that may be applicable in a particular type of integrity matter as part of assisting Gliding Australia to develop and manage a robust integrity framework. Sport Integrity Australia may also provide advice to Gliding Australia and clubs in individual cases as to whether particular conduct fits within the range of measures set out in this guidance.

Gliding Australia is ultimately responsible for applying and administering sanctions and related measures as they see fit, having regard to, amongst other things, Sport Integrity Australia's guidance.

SANCTIONS

Rather than seeking to punish, a sanction against misconduct is primarily aimed at protecting an individual from harm with a secondary aim of protecting the integrity of sport.

Sanctions are also designed to provide a clear message that the behaviour was unacceptable, thereby acting as a deterrent.

The decision about whether to apply a sanction needs to be carefully considered on the facts and context of each case having regard to the following:

- a. the seriousness of the conduct;
- b. whether it was a one-off incident or a part of an overall pattern of behaviour;
- c. whether it was an honest and reasonable mistake;
- d. the potential impact on public confidence in the integrity of the sport; and
- e. the views, if any, of the Complainant (for example, merely seeks an apology).

Aggravating and Mitigating circumstances (as set out in Aggravating and Mitigating Circumstances) should be considered before determining the appropriate sanctions, if any. Aggravating circumstances refer to the factors particular to a breach, the victim or the offending party that increase the severity or culpability.

For example, whether a person acted maliciously or made an honest and reasonable mistake.

As a general rule, the more serious the alleged behaviour, the more appropriate it is to use sanctions.

Range of Sanctions and Related Measures include one or a combination of any of the following:

■ Category 1 Breaches

The following range of measures may be appropriate:

- Awareness of GIF Policies.
- Mandatory awareness and education requirements.
- Formal Warning and /or Reprimand.
- Requiring an apology.

■ Category 2 Breaches

The following range of sanctions could be considered (in conjunction with Category 1

- Formal conciliation or mediation.
- Counselling.
- Restricted duties or access. Supervision and mandatory oversight. Mandatory education and programs.
- Temporary suspension from relevant event / entity / club.

■ Category 3 Breaches

The following range of sanctions could be considered:

- Formal Reprimand.
- Requiring an apology.
- Formal conciliation or mediation.
- Counselling.
- Role change / restricted duties or access.
- Supervision and mandatory oversight.
- Mandatory education and programs.
- Temporary suspension from relevant event / entity / club.
- Withdrawal of accreditation from the relevant sporting event.
- Permanent suspension / exclusion from the event / entity / club.
- Return of awards.

More than one sanction or measure may apply in any given circumstance.

PROVISIONAL ACTION

Provisional Action is the process undertaken to impose a temporary measure on a member of Sport while they are subject to the Complaints Process, or an investigation by law enforcement. Provisional Action is designed to keep members safe by removing or monitoring a person within the Sport who may pose a potential risk of harm to others.

Where the EMO or EMA has been provided evidence that there is an immediate risk of a member intending to act so as to compromise operational safety or in contravention of the CAA, CAR, CASR, CAO or GA Operational Regulations, the EMO or EMA may immediately suspend the member's privileges in accordance with MOSP 2 Section 36 / MOSP 3 Section 10.20.

The following principles should be considered when determining what type of Provisional Action may be appropriate:

The type of Provisional Action recommended should be sufficient to mitigate the potential risk posed by the Respondent but should not be punitive; and

The type of Provisional Action should not be more significant than a possible sanction may be, should the alleged Prohibited Conduct or Misconduct be Substantiated.

Provisional Action should be determined on a case-by-case basis. The categorisation of a matter within the Case Categorisation System and the sanctioning principles provides guidance as to the types of Provisional Action that may be suitable.

ALTERNATIVES TO SANCTIONS (OTHER MEASURES)

Options available to address allegations of Prohibited Conduct or Misconduct through means other than breach proceedings and / or sanctions include:

- a. through a sport's own code of conduct framework;
- b. by encouraging awareness training for the individual;
- c. by informal counselling;
- d. by assigning new roles and duties, although due care should be taken to ensure this action does not amount to a sanction without due process; and
- e. by offering informal and formal alternative dispute resolution to assist in resolving interpersonal disputes.

Alternative measures may not satisfactorily resolve concerns about an individual's conduct, and the individual may continue to engage in misconduct. It may therefore be necessary to administer more severe sanctions – even in relation to less severe matters – particularly where there are concerns that a pattern of misconduct may be emerging.

PROPORTIONALITY

The application of sanctions and other measures must always adhere to due process, thereby enabling Respondents to be heard before sanctions are applied.

Sanctions and other measures must be applied in accordance with the principle of proportionality – that is, in proportion to the severity of the violation(s) in any given matter. This will include taking into account any aggravating and mitigating circumstances (see earlier).

IMPLEMENTATION AND MONITORING

It is the responsibility of Gliding Australia (and its relevant organisations) to implement and apply the Gliding Integrity Framework, including effecting sanctions where applicable.

Gliding Australia (and its Relevant Organisations) should adopt appropriate mechanisms, such as awareness and educational programs, to best facilitate an understanding of the Gliding Integrity Framework within its organisation. This should include providing information on the role of Sport Integrity Australia, information on the Gliding Integrity Framework Policies, and information on how to raise concerns about alleged breaches of the Gliding Integrity Framework policies.

Through the Gliding Integrity Framework arrangements, Sport Integrity Australia, and Gliding Australia (and their Relevant Organisations) will have an integral role. Gliding Australia will be responsible for ensuring rules and processes are in place to effect full cooperation and the subsequent administration and enforcement of any sanctions.