

SURF LIFE SAVING AUSTRALIA POLICY



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Authority	This Policy is made under clause 39 of the SLSA Constitution. It is binding on all Members of SLSA and those listed under the section 3 of this policy and is to be interpreted in accordance with the SLSA Constitution.

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1 INTRODUCTION

Surf Life Saving Australia Limited (**SLSA**), its State Centres (**State Centres**) and other affiliated Surf Lifesaving entities (**SLS Entities**), are all committed to the health, safety and wellbeing of all members and are dedicated to providing a safe environment for those participating in Surf Lifesaving. SLSA wants Surf Lifesaving to be fun, enjoyable and safe for all.

As part of the community, each individual makes a commitment to actively encourage behaviours that promote a supportive and nurturing environment and contribute to SLSA's mission of saving lives, creating great Australians and building better communities.

Definitions applicable to this Policy are set out in **Annexure A**.

2 POLICY RATIONALE

This Policy aims to assist SLSA to uphold its core values and create a safe, fair and inclusive environment for everyone associated with Surf Lifesaving. It sets out Surf Lifesaving's commitment to ensure that every person involved in Surf Lifesaving is treated with respect and dignity and protected from Bullying, Discrimination, Harassment and Abuse. It also seeks to ensure that everyone involved in Surf Lifesaving is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour that are expected of them.

SLSA is the peak body for Surf Lifesaving in Australia and is responsible for the stewardship of the Movement.

All SLS Entities are committed to the health, safety and general wellbeing of everyone involved in Surf Lifesaving. That is the rationale for this Policy.

All SLS Entities will promote and monitor this Policy to the fullest extent possible with the assistance of their Members. All SLS Entities recognise that the responsibility for keeping Members including Children and Young People, being persons under 18 years of age, in Surf Lifesaving (**CYP**) safe. This responsibility lies with all those involved in Surf Lifesaving; this is not the sole responsibility of any one person or SLS Entity. This Policy should be read in conjunction with Policy 6.04 Child Safe and SLSA Child Safe Commitment Statement.

This Policy has been endorsed by SLSA's board of directors (**Board**), and is effective immediately. It is a set of Regulations made under clause 39 of SLSA's Constitution. It should be read in conjunction with SLSA Regulation "Membership Directives". The Policy starts on the date it is adopted by the Board and will operate until replaced. Copies of the current Policy and its attachments are available on the Members Area.

3 WHO IS BOUND BY THIS POLICY?

This Policy binds everyone who is involved in Surf Lifesaving, including but not only:

- a. persons appointed or elected to boards, committees and sub-committees
- b. volunteers
- c. support personnel
- d. all Members, including State Centres, SLS Entities, Individual Members, Life Members and members of Members where they may have their own membership categories

- e. any other person involved in Surf Lifesaving including but not limited to Participants, parents, guardians, spectators, sponsors and licensees and other contracted parties to the fullest extent possible.

This Policy will continue to apply to a person, even after they have ceased any involvement (subject to this Policy's terms) with an SLS Entity, if disciplinary action against that person has commenced.

If a person submits allegations against a Member or a report of a breach of policy, against someone who is no longer a Member, that matter may proceed if (and when) the person is a Member at a later date and the Complaint is accepted under Policy 6.06 Complaints Resolution.

4 COMMITMENT

- a. All SLS Entities will strive to:
 - i. provide a safe environment for everyone involved in Surf Lifesaving;
 - ii. take an inclusive approach in their activities;
 - iii. be an inclusive organisation dedicated to being open to all members of the Australian community and providing a safe environment for all who choose to participate in surf life saving; and
 - iv. ensure the health, safety and wellbeing of their Members and CYP in particular.
- b. In delivering on this commitment to the health, safety and wellbeing of all, each SLS Entity takes seriously its positive obligation to educate and inform everyone involved in Surf Lifesaving of each person's responsibilities to:
 - i. protect each other, and particularly CYP; and
 - ii. create and maintain a Member and child-safe culture which is inclusive and safe and is understood, endorsed and put into action by all.
- c. Subject to their respective legislation, rules and human resources (employment) frameworks, all SLS Entities must:
 - i. adopt, implement and comply with this Policy;
 - ii. ensure that the constitution, regulations, by-laws or other rules and policies include the necessary clauses for this Policy to be enforceable;
 - iii. publish, distribute and promote this Policy and the consequences of breaches;
 - iv. promote and model appropriate standards of behaviour at all times;
 - v. implement and/or adopt a complaint management system that includes appropriate policies and procedures, clear lines of responsibility, and appropriate delegations;
 - vi. ensure that a copy of this Policy is available or accessible to the persons and entities to whom this Policy applies;
 - vii. apply the SLS Complaint Resolution Policy in relation to any complaints and to deal with any breaches made under this Policy in a sensitive, fair, timely and confidential manner;
 - viii. apply this Policy consistently;
 - ix. recognise and enforce any penalty imposed by any SLS Entity; and
 - x. monitor and review this Policy regularly.
- d. Individuals bound by this Policy must:

- i. use all reasonable endeavours to make themselves aware of the contents of this Policy and adopt the practices and behaviour when carrying out their roles;
 - ii. comply with all relevant provisions of the Policy, including any codes of conduct and the steps for making a complaint;
 - iii. consent to the screening requirements set out in this Policy (if any), and any state/territory Working with Children Checks (by whatever name) (WWCC) if the person holds or applies for a role that involves regular unsupervised contact with a CYP or where otherwise required by law;
 - iv. place the safety and welfare of CYP above other considerations;
 - v. report any abuse or neglect of CYP which they become aware of to SLSA and/or to external authorities responsible for child protection or to police, regardless of whether that abuse is being perpetrated by personnel within Surf Lifesaving, or by those outside Surf Lifesaving including those from the CYP's family, extended family, their family's extended network or strangers. Any report within Surf Lifesaving must be made via forms.sls.com.au;
 - vi. be accountable for their behaviour; and
 - vii. comply with any decisions and/or disciplinary measures imposed under or arising from this Policy.
- e. The Code of Conduct in this policy should be read in conjunction with:
- i. the specific requirements of any role as defined in any position description statement, if applicable;
 - ii. relevant policies and procedure documents, including all other policies in SLS' Integrity Framework;
 - iii. the Complaint Resolution Policy;
 - iv. other SLSA policies and guidelines available on the SLSA website including, but not only limited to, SLSA's Privacy Policy;
 - v. all applicable laws in the relevant jurisdiction; and
 - vi. general community expectations in relation to appropriate behaviour.

All SLS Entities will consider a failure to observe the Code as misconduct and may take appropriate disciplinary action in accordance with relevant rules and regulations, including this Policy.

5 BREACHES OF POLICY AND COMPLAINTS

5.1 Breaches of Policy

All SLS Entities encourage everyone in the Surf Lifesaving community to comply with this Policy. Failure to comply with this Policy may be considered a breach and result in disciplinary action in accordance with Surf Lifesaving rules and policies. It is a breach of this Policy for any person or organisation bound by this Policy to do anything contrary to this Policy, including but not limited to:

- a. breaching the Code of Conduct in this Policy;
- b. bringing Surf Lifesaving or any SLS Entity into disrepute, or acting in a manner likely to bring Surf Lifesaving or any SLS Entity into disrepute;
- c. failing to follow the SLS Child Safe Policy;
- d. discriminating against, harassing or bullying (including cyber-bullying) any person;

- e. victimising another person for making or supporting a complaint;
- f. engaging in an inappropriate intimate relationship with a person they supervise or have influence, authority or power over;
- g. verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- h. disclosing to any unauthorised person or organisation any information that is of a private, confidential or privileged nature;
- i. making a complaint that they know is not made in good faith or is mischievous, vexatious or knowingly untrue;
- j. failing to comply with a sanction imposed after a finding that the individual or organisation has breached this Policy;
- k. failing to comply with the requirements set out in the Membership Form, including the requirement to disclose any criminal charges and/or convictions that arise at any time whilst a member of an SLS Entity (**Policy 6.16 Criminal Convictions**); and
- l. failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

5.2 Complaints

All SLS Entities are committed to the proper handling of complaints. All SLS Entities will endeavour to deal with complaints in a sensitive, fair, timely and confidential manner.

Every SLS member, employee or contractor of SLSA or an SLS Entity has the right to make a complaint in relation to matters concerning a breach of this policy and/or other relevant SLS policy.

Such complaints must:

- a. not be untrue, vexatious, malicious or improper; and
- b. be properly made and made in good faith; and
- c. be directly related to a matter involving or concerning an SLS Entity or members.

5.3 Making a Complaint

A complaint can be submitted in accordance with the Complaint Resolution Policy via <http://complaints.sls.com.au/>

SLS Entities are not obliged to accept a complaint and may dismiss a complaint if the SLS Entity reasonably considers the Complaint not to be made in good faith or is mischievous, vexatious or knowingly untrue.

5.4 Provisional Action

Where an SLS Entity reasonably considers conduct by a person:

- a. may result in, or cause, serious criminal charges to be laid against that person; and/or
- b. suggests there is a further or ongoing risk of harm or angst being suffered by one or more Members; and/or
- c. suggests there is a further or ongoing risk of harm, disrepute or prejudice being suffered by SLS; and/or

- d. is not in the best interests of the parties involved, an SLS Entity or Surf Lifesaving;
- the SLS Entity may, in its absolute discretion, determine whether any Provisional Action(s) will be imposed.

Provisional Actions include, but are not limited to, the imposition of conditions, immediate stand-down, suspension, restriction of duties, restriction of specific activities and/or locations, restriction of groups with whom they may interact or temporary redeployment of the person, or any other action(s) at the discretion of the SLS Entity. Please note Section 6 below also.

An SLS Entity may impose a Provisional Action(s) at any point if information comes to hand that gives the SLS Entity reasonable cause to believe a Provisional Action(s) should be considered and imposed.

6 CRIMINAL MATTERS

Criminal matters in Surf Lifesaving should be immediately reported to the police in the relevant State and to SLSA and your State Centre. **Policy 6.16 Criminal Convictions** applies in respect to criminal matters involving members and persons involved in, and interactions between, all such persons in the Surf Lifesaving community.

7 MEMBER CODE OF CONDUCT

This Code of Conduct (Code) outlines the behaviour expected of, and by, Members and persons involved in, and interactions between, all such persons in the Surf Lifesaving community.

As part of a Member's commitment to observing this Code of Conduct, each Member must acknowledge their commitment to the Code of Conduct.

There may be exceptional situations where the Code does not apply, for example, in an emergency situation. It is crucial however that, where possible, authorisation is sought from the relevant SLS Entity prior to taking action that may contravene the Code or the relevant SLS Entity is advised as soon possible of any incident which may breach the Code.

The Code should be followed at all times and by all Members and all people involved in any way with Surf Lifesaving.

7.1 General

Members and all people involved in any way with Surf Lifesaving will:

- a. respect the rights, dignity and worth of others—treat others as you would like to be treated yourself;
- b. be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations;
- c. be professional in, and accept responsibility for your actions;
- d. be aware of and follow—at all times—SLS rules, regulations, policies and procedures and promote those laws, standards, rules, policies and procedures to others;
- e. raise concerns arising under this Policy through the appropriate channels and report any breaches of the Code or this Policy, in line with the Complaint Resolution Policy via <http://complaints.sls.com.au/>;

- f. refrain from any form of Bullying, Abuse, Harassment, Discrimination and Victimisation towards others;
- g. provide a safe environment for the conduct of activities in accordance with any relevant SLSA policy;
- h. ensure SLS is an inclusive organisation that is open to all who wish to participate regardless of age, gender, disability, cultural and linguistic background or sexual orientation;
- i. provide a safe and nurturing environment for all participating in surf life saving by actively promoting the principles of equal opportunity, social justice and cultural safety so that all individuals are treated with respect and dignity;
- j. show concern, empathy and caution towards others that may be sick or injured;
- k. strive to be a positive role model to all;
- l. respect and protect confidential information obtained through Surf Lifesaving activities or services; whether individuals and/or organisational information;
- m. maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to the role(s);
- n. ensure that any physical contact with others is appropriate to the situation and necessary for the person's skill development;
- o. refrain from intimate relations with persons over whom you have a position of authority;
- p. maintain a duty of care towards others; and
- q. be impartial and accept responsibility for all actions taken.

7.2 Sexual misconduct and relationships

Under no circumstances should any form of sexual behaviour occur between, with, or in the presence of, any CYP participating in any Surf Lifesaving environment. Engaging in sexual behaviour while participating in Surf Lifesaving services, events, programs or activities is prohibited.

'Sexual behaviour' must be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, as outlined in **Policy 6.04 Child Safe**.

7.3 Use, possession or supply of alcohol or drugs

Any member, while on duty (patrol), involved in SLS activities/programs, or having supervision of CYP, including overnight stays, must not:

- a. use, possess or be under the influence of an illegal or illicit drug
- b. use or be under the influence of alcohol
- c. be incapacitated by any other legal drug such as prescription or over-the-counter drugs
- d. supply alcohol or drugs (including tobacco) to CYP.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with a person's ability to patrol, or care for Members involved in Surf Lifesaving's services, programs, events or activities.

Responsible service and consumption of alcohol must apply to any alcohol consumed when a member is off duty. Responsible services might include ensuring that light alcohol and soft drinks always being available. Wherever possible, food might be made available to be consumed when alcohol is available, or transport policies may be adopted. Reasonable consumption of alcohol must be in line with guidance for the reasonable service of alcohol (RSA).

All SLS Entities must adhere to strict guidelines regarding the responsible service and consumption of alcohol and act in accordance with relevant liquor licencing laws and regulations.

7.4 Pregnancy

Pregnant women should be treated with respect, and any unreasonable barriers to their full participation in Surf Lifesaving should be removed. Any Discrimination or Harassment against pregnant women in Surf Lifesaving will not be tolerated. Pregnant women will be required to sign a disclaimer only if all other Participants are required to sign one in similar circumstances.

If a pregnant woman feels she has been harassed or discriminated against on the basis of her pregnancy by another person or organisation bound by this Policy, she may make a complaint either within Surf Lifesaving or to external agencies.

All SLS Entities will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn child(ren). Pregnant women are advised that there may be risks involved and are encouraged to seek medical advice and make themselves aware about them, to then inform them of the potential harm to their health and wellbeing, and that of their unborn child(ren).

7.5 Gender identity

SLS Entities are committed to providing a safe, fun and inclusive environment for all people, including those of diverse sexualities and genders. Being an inclusive organisation not only reflects our core values, but it also reflects the diversity of our local communities.

Any unlawful discrimination, vilification or harassment of a person because of their gender identity will not be tolerated. This includes, but is not limited to forms of homophobia, biphobia, and transphobia. If a person with a diverse gender feels they have been harassed or discriminated against on the basis of their gender identity by another person or organisation bound by this Policy, they may make a complaint either within Surf Lifesaving or to external agencies.

Any form of exclusion from participating in events and activities, towards people of diverse genders, can have significant implications for their health, wellbeing and involvement in community life. An individual's participation in Surf Lifesaving on the basis of the gender with which they identify is supported.

SLSA refers to Sport Australia and the Australian Human Rights Commission's guidelines for the [inclusion of transgender and gender diverse people in sport](#) where clarification is required.

7.6 Smoke free environment

Smoking is now banned in many public spaces, including parks and beaches in some states. Members must not smoke while undertaking Surf Lifesaving duties and must also refrain from the practice when engaged in official Surf Lifesaving events, activities and competitions.

All SLS Entities must adhere to relevant legislation and local government regulations in relation to smoking requirements.

7.7 Cyber Bullying

Bullying and Harassment in all forms is unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

Technologies and communication tools, such as smartphones and social networking platforms, have greatly increased the potential for people to be bullied through unwanted and inappropriate

comments. No SLS Entity will tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, Bullying is a punishable criminal offence.

See SLSA's Social Media Policy.

7.8 Social networking platforms

SLS Entities acknowledge the enormous value of social networking platforms, such as Facebook, Instagram and Twitter, to promote Surf Lifesaving and celebrate the achievements and success of the people involved in Surf Lifesaving. All people bound by this Policy must conduct themselves appropriately when using social networking platforms to share information related to Surf Lifesaving.

Social media postings, blogs, status updates and tweets by Members:

- a. must not use offensive, provocative or hateful language or photographs/images;
- b. must not be misleading, false or injure the reputation of another person;
- c. must not portray the uniform or any associate SLS IP in a way that can be seen as negatively impacting the organisation or breaching any SLS Policies;
- d. should respect and maintain the privacy of others; and
- e. should promote Surf Lifesaving in a positive way.

See SLSA's Social Media Policy.

ANNEXURE A - DEFINITIONS

These definitions set out the meaning of words used in, or referenced by, this Policy without limiting the ordinary and natural meaning of the words.

Term	Definition
Abuse	Abuse means Physical Abuse, Emotional Abuse (including psychological abuse), Sexual Abuse and abuse of power that has caused, is causing or is likely to cause harm to a person’s wellbeing or development. Examples of Abuse include but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying may take many forms that are often interrelated and can include:</p> <ul style="list-style-type: none"> • verbal (name calling, put-downs, threats) • physical (hitting, punching, kicking, scratching, tripping, spitting) • social (ignoring, excluding, ostracising, alienating) • psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions). <p>For the avoidance of doubt, Bullying includes Cyber Bullying, which can also have lasting and damaging consequences.</p>
Cultural Safety	Cultural safety is about providing an organisational environment that respects, values and supports the cultural identity and well being of each individual. It involves shared respect, shared meaning, shared knowledge and experience, to enable learning together with dignity.
Discrimination	<p>Discrimination means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to, the following:</p> <ul style="list-style-type: none"> • age • breastfeeding • disability • gender identity • irrelevant criminal record • irrelevant medical record • marital status • parental or carer status • physical features • political belief or activity • pregnancy • race • religious belief or activity • sexual orientation • trade union membership or activity. <p>Discrimination also includes any other behaviour recognised by commonwealth, state or territory law as discrimination. Examples of Discrimination are available on the <i>Play by the Rules</i> website. Some exceptions to State and federal anti-discrimination law apply, including (but not limited to):</p>

Term	Definition
	<ul style="list-style-type: none"> holding a competitive sporting activity for girls and boys who are under the age of 12 or of any age where strength, stamina or physique is relevant not selecting a Participant if the person's disability means that he or she is not reasonably capable of performing the actions reasonably required for that particular activity.
Emotional or Psychological Abuse	Emotional or Psychological Abuse occurs when a person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse can also apply to an adult. Such abuse may involve repeated rejection or threats. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to sport, overtraining can constitute Emotional or Psychological Abuse. These behaviours continue to an extent that results or has the potential to result in significant damage to a person's physical, intellectual or emotional wellbeing and development.
Equal opportunity	Equal opportunity is about ensuring that any person who wants to participate in surf life saving is provided with that opportunity.
Complaint	A complaint is an expression of dissatisfaction made to an SLS Entity in line with the full definition as set out in the Complaints Resolution Policy INSERT POLICY (http://forms.sls.com.au).
Harm	Harm to a person, is any detrimental effect of a significant nature to the person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: <ul style="list-style-type: none"> physical, psychological or emotional abuse or neglect sexual abuse or exploitation a single act, omission or circumstance a series or combination of acts, omissions or circumstances.
Member	A Member is an entity or individual who is recognised and/or registered as a member of an SLS Entity including SLSA and the State Centres.
Member Code of Conduct	The Member Code of Conduct outlines what is, and what is not, acceptable behaviour or practice.
Neglect	Neglect is the persistent failure or deliberate failure or denial to provide a person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the person's health and development is, or is likely to be, significantly harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of Neglect must be considered within the context of resources reasonably available.
Participant	A Participant includes anyone who participates in an SLS Entity service, event, activity or program, including people who may not be a Member.
Physical Abuse	Physical Abuse occurs when a person subjects a person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person. Physically abusive behaviour includes, but is not limited to, shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful overtraining, and kicking. It also includes giving a person harmful substances such as drugs, alcohol or poison. Certain types of punishment, while not causing injury, can also be considered Physical Abuse if they place a person at risk of Harm.
Serious Criminal Offence/ Charges	Serious Criminal Offence means any of the following: <ul style="list-style-type: none"> Sexual Offences drug possession, use, sale or any other drug-related conduct assault causing serious injury

Term	Definition
	<ul style="list-style-type: none"> any criminal conduct deemed serious enough to warrant escalation to SLSA by a State Centre. <p>See SLSA Policy 6.16 Criminal Conviction</p>
Sexual Abuse	Sexual Abuse occurs when an adult or a person of authority involves a person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over a person for their own benefit. It can include making sexual comments, engaging in sexual conversations over the internet or on social media, kissing, touching a person's genitals or breasts, oral sex or intercourse. Encouraging viewing of pornographic magazines, websites and videos is also Sexual Abuse.
Sexual Exploitation	Sexual Exploitation occurs when a person are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet.
Sexual Harassment	Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature and which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.
Sexual Offence	<p>Sexual Offence means a criminal offence involving sexual activity or actions of indecency. Because of differences under state and territory laws, this can include but is not limited to:</p> <ul style="list-style-type: none"> rape indecent assault sexual assault assault with intent to have sexual intercourse incest sexual penetration of Child under the age of 16 indecent act with Child under the age of 16 sexual relationship with Child under the age of 16 sexual offences against people with impaired mental functioning abduction and detention procuring sexual penetration by threats of fraud procuring sexual penetration of a Child under the age of 16 bestiality soliciting acts of sexual penetration or indecent acts promoting or engaging in acts of Child prostitution obtaining benefits from Child prostitution possession of Child pornography publishing Child pornography and indecent articles.
Social Justice	Social justice is about ensuring all people receive a "fair go" by addressing the needs of marginalised groups in society as appropriate
Transgender and Gender Diverse	<p>Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation. See www.sportaus.gov.au/__data/assets/pdf_file/0008/706184/Trans_and_Gender_Diverse_Guidelines_2019.pdf (Guidelines for the inclusion of transgender and gender diverse people in sport).</p>
Victimisation	Victimisation means subjecting a person or threatening to subject a person to any detrimental or unfair treatment because that person has or intends to pursue their rights to make a Formal

Term	Definition
	Complaint under law or under this Policy, or for supporting another person to make a Formal complaint.