

Mr. John Armstrong
Manager Coach and Sport Education
Australian Swimming Corporation

29.09.02

Dear John,

Over the past couple of decades our society has undergone some fairly substantial changes. More and more it is becoming recognized and accepted that our children are the future to our society and in fact our global existence. It is therefore very important that in so many ways our children are protected. A quite disturbing fact has become more and more apparent to me over recent weeks and I am wondering exactly how it can be addressed, so that our children can continue to flourish. I refer directly to the disturbing issue of inappropriate dealings with minors, and for the point of this letter to Mr. Scott Volkens.

Mr. Volkens is an elite technical swimming coach. Someone who I have little doubt has been a coach which others have modeled themselves upon, and in fact desired to achieve his levels of success. A coach who many aspiring coaches looked upto, a mentor in many ways (which I understand he has been). However, recently in Queensland, Mr. Volkens was charged with 7 counts of inappropriately dealing with minors. These charges were later dropped, as the prosecution did not feel they were able to convince a jury beyond reasonable doubt. It should be noted, that legally he has not been proven innocent as his lawyers would like the general public to believe, nor should I add was he found guilty. I should add that another allegation of sexual misconduct was also made against Mr. Volkens; however, due to the age of the young girl (17 at the time) it was not added to the charges.

Recently when looking at Swimming Australia's website I happened to come across your sports code of conduct for coaches. I must applaud your organisation at this stage for taking such a step. Interestingly, of the other 5 sports which I then followed through on which are registered with the Australian Sports Commission, not one other sport had such a Code of Conduct. However, coming back to Mr. Volkens it is my belief that he is in breach of some 11 counts of coaching misconduct, and as appears to be consistent with the coaches Code of Ethics Agreement Form, Mr. Volkens position within Australian Swimming

must be reviewed, and serious questions asked as to his capacity to continue to hold coaching accreditation within Australia.

I refer to the following: (all of this points relate to the Swimming Coach's Code of Conduct acquired from www.swimming.org.au/services/upload/p0050200.pdf - 28/09/02)

Clause 2 - To represent myself and my professional standing and worth of every human being within the context of my involvement in swimming.

Sub section (ii)

To refrain from any discriminatory practices on the basis of race, religion, ethnic background, or special ability/ disability

Prior to unfolding this point I would like to point out that I find it exceptionally disturbing as a parent of a young girl that there would be no mention here of gender. Whilst I am sure that Swimming Australia are not condoning the use of discriminatory practices by its coaches with respect to people from different genders, I would not be so sure that some in our community would not be highly confused, and perhaps even suggest that Australian Swimming may even allow this practice to take place.

It is my understanding that Mr. Volkers has over the years breached this particular code in many ways. Inappropriate comments to girls about their body shape, the size of their breasts, their menstrual cycle are simply a few examples of this breach.

Sub-section (iii)

To refrain from the using the influence of a coaching position to encourage in appropriate intimacy between coach and athlete

This is at the heart of the allegations made by the 4 girls in Queensland. This intimacy revolved around, activities occurring at his house, the massaging of young girls (aged 14-15) breasts, the rubbing of the inner thigh area as well as buttocks, and the touching of the vaginal area.

Sub section (iv)

Help each athlete reach their full potential

It is my understanding that one of the girls was quite a good swimmer. A state champion and record holder as well as a national runner up, yet some three months after the occurrences she gave swimming away completely. I am fairly confident that this is in breach of this clause.

Clause 3 - to represent myself and my professional standing in an honest manner, without bringing the coaching profession into disrepute.

As this letter will show Mr. Volkers in so many ways has brought the coaching profession within swimming into disrepute. I measure this standard by the same that exists for teachers. Tapping a swimmer on the bum, kissing them or even providing massage is inappropriate dealings with a minor. Why should coaches be exempt from this high standard? Many coaches in a variety of sports have athletes working / training for them more then anyone else even spends time with them. Surely the parents and children of Australia have a right to know that there child is working with a person that can be completely trusted, and has also been educated/trained as to the appropriate standards of conduct when dealing with children. I can assure you that no children in sport unit in any of the level 1 programs addresses this area particularly not swimming.

Sub-section (i)

To be professional in, and accept responsibility for my actions

Mr. Volkers is yet to do this. Only time and his willingness to respond to the findings of an enquiry into his coaching methods will discover whether or not he is able to do this.

Sub-section (iv)

Display control, respect, dignity and professionalism to all involved with the sport - this includes opponents, coaches, officials, administrators, the media, parents and spectators

(I am assuming that it was an oversight on the behalf of Australian Swimming to not include the athlete in this particular sub-section)

I believe that Mr. Volk's actions as previously set out are in breach of this sub-section, particular to the parents of the girls who made the allegations. I would trust that any enquiry into Mr. Volk's would allow the parents of the girls the opportunity to place a submission if not be interviewed as to how they are feeling about Mr. Volk's dealings with their daughters.

Clause 4 - To make decisions based upon the best interests of my athlete's sporting, education and vocational careers

Clause 7 - any physical contact with athletes should be:

- (i) appropriate to the situation
- (ii) necessary for the athlete's skill development

I am unsure here where any of Mr. Volk's actions are appropriate to the situation or necessary to the skill development of the athlete. This is of course unless Australian Swimming condone the massaging of female sexual tissue (breasts), coaches conducting driving lessons, coaches having athletes (minors) in their house, the touching of the buttocks and upper thigh region, as well as vaginal region. I am also unaware where the placing of a tongue in a swimmer's ear is necessary for the athlete's skill development (please refer to an attached copy of the transcript of the Open session of the Magistrate's court conducted in Brisbane during July).

Clause 8 - to exercise a standard of care consistent with my professional qualifications as a swimming coach

(It is in this particular Code where I believe Mr. Volk is in the largest number of breaches - 4 in fact)

Sub-section (i)

To refrain from any form of sexual harassment towards athletes and colleagues

It is my firm belief that this issue is addressed clearly in the body of this letter. However for the purpose of clarity, this refers to comments made towards women about their body in any way shape or form,

and that harassment can be as simple as a comment made to someone about them, their clothing, hair, or even make-up.

Sub-section (ii)

To show concern for health, safety, and welfare of athletes and colleagues

Mr. Volk's actions far from take into account the welfare and safety of his athletes relating to the 4 allegations and 7 counts which he was charged with.

Sub-section (iv)

To refrain from providing services or advice that is outside the scope of my professional competency

Despite research into this area I am still unaware of any formal qualification attained by Mr. Volk as a masseuse, yet he continues to be involved in this practice. In addition I can not find anywhere with the Queensland Transport Department, any evidence which suggests Mr. Volk is a qualified driving lesson provider. Yet on 2 documented occasions he has provided this service for his athletes (how many more are there?). Nor can I find any reason for him having an athlete at his place of residence as he was not providing a child minding facility, and given his education I can not accept that he may have been in a position to tutor the young girl.

Sub-section (v)

You should not only refrain from initiating a relationship with an athlete, but should also discourage any attempt by an athlete to initiate a sexual relationship with you explaining the ethical basis for your refusal

It is my interpretation here that in fact Mr. Volk was looking to initiate a relationship with each of the girls that were under his care at the time. Otherwise I would be very interested, and I should imagine Australian Swimming should be as well of the following:

- Why touch the upper thigh of a girl whilst providing driving lessons?

- Why provide massage for an athlete when not part of a training program? (particular reference to provision of such activity at private residence)
- Why conduct private training sessions for an athlete in a caravan in the middle of the day, when the athlete has just trained that morning and will do so again that same afternoon?
- Why pull an athlete out of the pool during a session for a massage?

Whilst Mr. Volkens character may be well preserved by many high profile coaches and former swimmers, his pathway to getting here is dogged by examples of gross misconduct. For every high profile swimmer there is prepared to back Mr. Volkens I wonder how many swimmers there are who are prepared to perhaps give a different version, successful or not in the sport.

I would also question Mr. Volkens appropriateness to coach at an elite level based on his emotional state. Following is a report given to me by a current Olympic female swimmer, who wishes to remain unidentified, with respect to Mr. Volkens and a recent party he attended after charged, prior to the charges being dropped. The nature of the party was fancy dress. Mr. Volkens attended the party dressed in a convicts outfit carrying a ball and chain. If nothing else this is an exceptionally disturbing image to take to an adult party where other members of the current Australian team were in attendance.

I have little doubt that the issue of the appropriate dealings with minors is yet to be fully resolved for all sports within Australia. However, swimming does have a code of conduct and it is my firm belief that Mr. Volkens involvement within the sport must be reviewed. No longer can he be a role model for other coaches to look up to. In fact the Sydney Morning Herald and The Australian as recently as the 21st of September reported as to the appropriateness of the conduct of Australia's top swimming coaches with particular respect to the touching of athletes. No teacher worth their salt would lay a hand on a student, especially the buttocks region. So why should a coach be able allowed to act in such away? The only answer here is that they can not be allowed.

Mr. Volkers actions show a disturbing trend of escalation, and thank goodness that he no longer works in a learn to swim environment, but he does still work with young impressionable girls under the age of 16.

I would ask Mr. Armstrong that this letter be taken with the seriousness which it deserves and not be simply past off. I would appreciate it if you were able to respond in writing to my letter as soon as possible.

Regards,

Shayne Gilbert

Attachment 1 - Magistrates Court Trial Transcripts

Attachment 2 - Australian Swimming Code of Ethics

Attachment 3 - Australian Swimming Coaches Agreement Form

SWIMMING COACH'S CODE OF CONDUCT

1. To abide by the rules and regulations of Australian Swimming Inc.

- to follow the procedures for enforcement of the code of conduct
- to accept any judgments made

2. To respect the rights, dignity and worth of every human being within then context of my involvement in swimming.

- All athletes are deserving of equal attention and opportunities
- To refrain from any discriminatory practices on the basis of race, religion, ethnic background, or special ability/disability
- To refrain from using the influence of a coaching position to encourage inappropriate intimacy between coach and athlete
- Respect the goals of each individual athlete
- Help each athlete reach their full potential

3. To represent myself and my professional standing in an honest manner, without bringing

the coaching profession into disrepute

- To be professional in, and accept responsibility for, my actions
- To abide by and respect the regulations governing sport and the organisations and individuals administering those regulations
- Language, manner, punctuality, and presentation should display high standards
- Display control, respect, dignity and professionalism to all involved with the sport-this includes opponents, coaches, officials, administrators, the media , parents and spectators
- maintain or improve your current NCAS accreditation
- seek continual improvement through performance appraisal and ongoing coach education
- maintain appropriate records

4. To make decisions based upon the best interests of my athlete's sporting, education and vocational careers

- to acknowledge the individual talents and potential of athletes
- set the appropriate training programs based upon the developmental level of the athlete
- to maintain a balanced emphasis of sporting involvement within educational and career objectives
- provide a training program which is planned and sequential

5. Operate within the rules and spirit of your sport

- the guidelines of national and international bodies governing by your sport should be followed. Please contact your sport for a copy of its rule book, constitution, by laws, relevant policies, eg Anti-doping policy and selection procedures

6. To reject the use of performance enhancing drugs in sport and abide by the guidelines set forth by National and International regulatory bodies

- to abide by the regulations of all National and International sporting and government bodies
- to respect the health and dignity of athletes to compete on the basis of their abilities, within the rules of the sport
- coaches should educate their athletes on drugs in sport issues on consultation with the

Australian Sports Drug Agency(ASDA).

7. Any physical contact with athletes should be:

- appropriate to the situation
- necessary for the athletes skill development

8. To exercise a standard of care consistent with my professional qualifications as a swimming coach

- to refrain from any form of sexual harassment towards athletes and colleagues
- to show concern for health, safety, and welfare of athletes and colleagues
- to honor the responsibilities given to a coach by keeping relevant qualifications up to date
- to refrain from providing services or advice that is outside the scope of my professional competency
- you should not only refrain from initiating a relationship with an athlete, but should also discourage any attempt by an athlete to initiate a sexual relationship with you explaining the ethical basis of your refusal

9. Provide a safe environment for training and competition

- ensure equipment and facilities meet safety standards
- equipment , rules, training and the environment need to be appropriate for the age and ability of the athlete

10. Show concern and caution towards sick and injured athletes

- provide a modified training program where appropriate
- allow further participation in training and competition only when appropriate
- encourage the athlete to seek medical advice when required
- maintain the same interest and support towards sick and injured athletes

11. Be a positive role model for your sport and athletes

- Encourage your athlete to demonstrate the same qualities