

## **APPENDIX 10.24 - SANFL JUNIORS VILIFICATION POLICY**

### 1. Prohibited Conduct

1.1 No League Participant or Club Official shall engage in conduct which may reasonably be considered to incite hatred towards, contempt for, ridicule of or discrimination against a person or group of persons on the ground of their:

race

religion

gender

colour

sexual preference, orientation or identity; or

special ability or disability

### 1.2 (Vilification & Discrimination)

No League Participant or Club Official shall engage in conduct which may reasonably be considered to be offensive, abusive, belittling or threatening, or which is otherwise unwelcome and a reasonable person would recognise it as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated (Harassment).

### 2. Appointment of League Complaints Officer/s & Club Complaints Officer

2.1 The League shall appoint a League Complaints Officer/s to ensure that any breach of this Policy is responded to in an equitable and prompt manner in accordance with this Policy.

2.2 The League shall ensure that all Clubs have a Club Complaints Officer to whom all vilification and discrimination Complaints are initially directed.

2.3 The League Complaints Officer/s is responsible for liaising between Club Complaints Officers, in the case of an Inter-Club Complaint, or with a single Club Complaints Officer, in the case of an Intra-Club Complaint, in an attempt to achieve Informal Resolution of the Complaint.

2.4 The Club Complaints Officer and the League Complaints Officer/s shall liaise directly over incidents which in the reasonable opinion of the Club Complaints Officer or League Complaints Officer/s are contrary to section 1

### 3. Preliminary Resolution Process

3.1 In the event that it is alleged that a person subject to section 1.1 or 1.2 has engaged in Prohibited Conduct, a Participant may by 5.00pm on the first working day following the day on which the Prohibited Conduct is alleged to have occurred, or such other time as determined by the League, lodge a Complaint with the Club Complaints Officer.

3.2 In the case of an Inter-Club Complaint, the Club Complaints Officer where the Complaint was made shall by 5.00pm on the next working day following the day on which the Complaint was lodged with the Club, lodge the Complaint with the League's Complaints Officer. The Club Complaints Officer shall take no further action once the Complaint has been lodged with the League unless otherwise instructed by the League's Complaints Officer. In the case of an Inter-Club Complaint, the League Complaints Officer/s shall take reasonable steps within the next three (3) days following the day on which the Complaint was lodged with the League Complaint Officer/s to achieve an Informal Resolution if, in the reasonable opinion of the League Complaints Officer/s, the Complaint is capable of an Informal Resolution.

3.3 In the case of an Intra-Club Complaint, the Club Complaints Officer shall take reasonable steps within the next three (3) days following the day on which the Complaint was lodged with the Club to achieve an Informal Resolution if, in the reasonable opinion of the Club Complaints Officer, the Complaint is capable of an Informal Resolution. If an Informal Resolution is not achieved or it is reasonably believed that the Complaint is

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incapable of an Informal Resolution, the Club Complaints Officer shall as soon as is reasonably practicable lodge the Complaint with the League's Complaints Officer. The Club Complaints Officer shall take no further action once the Complaint has been lodged with the League unless otherwise instructed by the League's Complaints Officer.

3.4 In circumstances where in the reasonable opinion of the League Complaints Officer/s a Complaint cannot be resolved by way of Informal Resolution, the League Complaints Officer/s shall proceed to Conciliation in accordance with section 5 below.

### 4. Confidentiality and Records

4.1 Confidentiality must be maintained throughout the Complaints Process. All parties to a Complaint, the League's Complaints Officer, the Club Complaints Officer, any witnesses and the conciliator must all agree to the maintenance of confidentiality. No person involved in the Complaints Process shall publicly comment on any aspect of the Complaints Process without the prior written agreement of all parties.

4.2 The League shall ensure that any documents relating to a Complaint shall remain confidential and be retained for 7 years from the date that the Complaint is made.

### 5. Conciliation Process

5.1 The League Complaints Officer/s shall make every effort to ensure that confidentiality is maintained at all times during the Complaints Process and that the outcome of the Complaints Process remains confidential. The Complaints Officer shall also refer any breach of confidentiality to the League Tribunal no later than 5pm on the next working day following the day that the breach is discovered, with the Tribunal to be convened within 7 days from the day on which the referral is made;

5.2 The League Complaints Officer/s shall:

5.2 (a) ensure the person alleged to have contravened the Policy is informed of the Complaint Process and provide that person with an opportunity to respond to the Complaint;

5.2 (b) inform the President or CEO of the League or his or her nominee that a Complaint has been received by the League Complaints Officer/s;

5.2 (c) obtain statements from any witnesses identified by the parties to the Complaint;

5.2 (d) where available, obtain any other relevant evidence;

5.2 (e) make available to both parties any witness statements or any other evidence obtained in the course of conciliating a Complaint, with an opportunity to comment, as part of the Conciliation process;

5.2 (f) appoint a conciliator to conciliate the Complaint; and

5.2 (g) ensure all steps necessary for the Complaint to be conciliated are taken within 10 working days from the day on which the Prohibited Conduct is alleged to have occurred.

5.3 Participants subject to Conciliation who are under 18 years of age must be accompanied at the Conciliation by a Club Official over 18 years of age.

### 6. Investigation

6.1 In circumstances where a Complaint is not resolved in accordance with section 8 above, the League Complaints Officer/s may refer the matter to investigation in accordance with the National Complaint & Investigation Guidelines (if applicable) if in the reasonable opinion of the League Complaints Officer/s, further investigation is required to resolve the Complaint

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6.2 The Investigation Officer shall report to the League Complaints Officer/s on any information or evidence obtained in accordance with section 6.1. Any information or evidence obtained by the Investigation Officer and provided to the League Complaints Officer/s shall be provided to all parties to the Complaint as part of the Complaint Process.

6.3 The Investigation Officer shall otherwise comply with the National Complaint & Investigation Guidelines (if applicable).

### **7. Tribunal Referrals, Process & Appeal**

7.1 Following an investigation under section 8, if any, or following a failed Conciliation under section 7, the League Complaints Officer/s may refer the Complaint to a Disciplinary Tribunal, constituted in accordance with the National Disciplinary Tribunal Guidelines (if applicable), for determination. The League Complaints Officer/s shall take all steps necessary to make a decision about the referral of the Complaint to the Disciplinary Tribunal as soon as is reasonably practicable.

7.2 The League shall determine who is responsible for prosecuting the Complaint at the Disciplinary Tribunal.

7.3 Where the referral to the Disciplinary Tribunal is made pursuant to section 7.1 of this Policy, the Tribunal will hear the Complaint within 5 working days of the Complaint referral being made.

7.4 The Disciplinary Tribunal has the power to order any reasonable penalties or directions for breaches of this Policy as are allowable under the rules and regulations of the League in force at the time of the hearing.

7.5 Where a party to a Complaint is dissatisfied with the decision made by the Disciplinary Tribunal, they may ask the Club's Officer to request that the League establish a panel to hear an appeal from the decision in accordance with the appeal provisions in the National Disciplinary Tribunal Guidelines (if applicable).