INVESTIGATION, DISCIPLINE & GRIEVANCE POLICY

Footscray Hockey Club

Date approved: **February 2025**
Written and approved: **Footscray Hockey Club Board**
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Footscray Hockey Club expects members, spectators and coaches to observe acceptable standards of behaviour. Members and associates of FHC must not engage in behaviour that amounts to misconduct (including serious misconduct) when engaging in activities associated with Footscray Hockey Club. This includes where members or associates of FHC are playing or engaging at the FHC venue or outside the FHC venue, attending a hockey related meeting or function, including camps and social events.

CODES OF BEHAVIOUR

Footscray Hockey Club endorses the Hockey Australia Codes of Conduct. Every person in the Victorian Hockey Community has the right to participate in an environment that is safe, welcoming and inclusive. Equally, every player, coach, official, spectator and administrator plays a part in ensuring their actions and behaviours are supportive of these values.

HOCKEY VICTORIA MATRIX

Footscray Hockey Club is guided by the Hockey Victoria Schedules document: HV Penalty Guideline 4.2 4.2 Charge & Penalty Details (Misconduct Penalty System). Refer to **Appendix A**. See Hockey Victoria: Rules and Regulations: Schedules.

SELECTION CRITERIA AND EXPECTATIONS

Footscray Hockey Club endorses the Men's, Women's, Masters and Junior selection criteria. This selection criteria includes expectations for behaviour and attitudes considered in the selections process.

BREACHES OF SELECTION CRITERIA AND EXPECTATIONS

All outcomes relating to this nature of breach will be managed by coaches.

Behaviour amounting to misconduct in the selection criteria and expectations includes, but is not limited to, the following:

- Failing to demonstrate positive behaviour and support to your teammates and coach
- Disrespectful behaviour towards your teammates, coach, opposition or umpires
- Disruptive behaviour during training and on game days

In such an instance, the player's coach will be notified and determine the best course of action which may include but not be limited to:

- Bench the player during a game.
- Provide the player with a warning and an opportunity to redeem themselves.
- Select the player in a lower grade.
- Refer the behaviour to the Section Director
- Refer the behaviour if serious misconduct to the Board

MISCONDUCT OR SERIOUS MISCONDUCT

All outcomes relating to this nature of breach will use the matrix in **Appendix A** as a guide.

Where a member or associate of FHC engages in misconduct, alleged misconduct or serious misconduct, the processes in this policy will be followed.

BREACHES OF CODES OF BEHAVIOUR

Behaviour amounting to misconduct or serious misconduct of the Hockey Australia Codes of Conduct includes, but is not limited to, the following:

- Verbal abuse or sledging of other players, coaches, administration, officials or spectators.
- Disrespecting the rights, dignity and worth of all involved in hockey regardless of their age, gender, sexual orientation, ability, race, culture or religion.
- Physical abuse of other players, coaches, administrators, officials or spectators.
- Bullying, harassing, derogatory statements or actions towards other players, coaches, administration, officials or spectators
- Theft or destruction of property of other players, coaches, administration, officials or spectators
- A report received by Hockey Victoria against an associate of FHC

NOTIFYING THE CLUB

The incident must be reported in writing within 8 business days of the incident and any one of the following can be notified of misconduct or serious misconduct of the Hockey Australia Codes of Conduct:

- President or Vice President
- Board member
- Coach (who then will inform the section director)
- Team manager (who then will inform the section director)

INVESTIGATION OFFICER

Generally, using the Hockey Victoria Schedules document HV Penalty Guideline 4. Investigation & Discipline, an investigation officer will be appointed by the Board for those matters that are not sent directly to an Investigation Panel. See the Hockey Australia Complaints, Disputes and Discipline Policy here.

For clarity, Level 3 Offenses and charges of Vilification will be sent directly to an Investigation Panel for determination of guilt and penalty (if found guilty).

An investigations officer is to investigate to the best of their ability the incident.

The investigation Officer is to be notified in writing within 10 business days of the incident.

The Investigation Officer is to notify in writing to the person/s concerned the date and time of the incident/s, the allegation/s (i.e abuse, striking, bullying etc), phone call / meeting time and venue, attach the Code of Behaviour/Selection Criteria and Expectations and will contact them (via phone or in person) to ask them to explain their actions. The person/s may have a support person/s with them on the phone or in person (i.e Hockey Safe Officer, players rep, coach, parent or other person etc). With regard to an U18 persons, parents will be notified.

The investigation officer will consider all the evidence and submissions made during the hearing regarding the incident/s. The investigation officer may attach any weight to the evidence as it sees fit. The investigation officer will consider the evidence and make a determination on the balance of probabilities with respect to whether or not the allegations or matter have been proven.

The Investigation officer may at any time of the investigation refer the incident to a panel; under rule 14 of the FHC Constitution 2025.

If the investigations officer determines the misconduct has occurred, they will liaise with 2 other board members to determine the best course of action which may include but not be limited to:

- Official written warning
- Compulsory attendance at an education program from the offender
- An apology from the offender

- Mediation
- Suspended sentence
- Suspension from playing
- Refer the matter to an investigation panel
- Refer the incident to the FHC Board for review
- The investigation officer will notify the outcome in writing

Any further matters pertaining to the case, such as but not limited to conditions imposed, suspensions, further breaches, etc. will be followed up and dealt with by the Investigation Officer.

FOOTSCRAY HOCKEY CLUB CONSTITUTION

DISCIPLINARY PANEL ACTION

14. DISCIPLINE OF MEMBERS

14.1 Disciplinary Action

Where the Board is advised or considers that a Member has allegedly:

i) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any resolution or determination of the Board or any duly authorised committee; or

ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and the interests of the Club, Peak Bodies and/or Hockey; or

iii) brought the Club, Peak Bodies or Hockey into disrepute,

the Board may commence or cause to be commenced disciplinary proceedings against that Member, and that Member will (unless rule 14.1(b) applies) be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms (if any) of the Club.

14 Disciplinary Action

14.1 Grounds for taking disciplinary action

a) The Board may take disciplinary action against a member in accordance with this rule if it is determined that the member—

i) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any resolution or determination of the Board or any duly authorised committee; or

ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and the interests of the Club, Peak Bodies and/or Hockey; or

iii) brought the Club, Peak Bodies or Hockey into disrepute,

(b) Where the issue the subject of the disciplinary proceedings relates to Hockey in Victoria, that Member and the Club acknowledge that Hockey Victoria is the final arbiter such matters and that Member submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms (if any) of Hockey Victoria on those issues.

14.20 Disciplinary subcommittee

(1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

(2) Subject to subrule (3), the Committee may appoint any person to a disciplinary subcommittee.

(3) A person must not be appointed to a disciplinary subcommittee if the person is biased in favour of or against the member concerned.

14.3 Notice to member

(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

(a) stating that the Association proposes to take disciplinary action against the member; and

(b) stating the grounds for the proposed disciplinary action; and

(c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the ***disciplinary meeting***); and

(d) advising the member that the member may do one or both of the following—

(i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

(ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(e) setting out the member's appeal rights under rule 14.5.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

14.4 Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the member an opportunity to be heard; and
(b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary subcommittee may—
(a) take no further action against the member; or
(b) subject to subrule (3)—
(i) reprimand the member; or
(ii) suspend the membership rights of the member for a specified period; or
(iii) expel the member from the Association.

(3) The disciplinary subcommittee may not fine the member.

(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

14.5 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 14 may give notice to the effect that the person wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
(b) to the Secretary not later than 7 days after the vote.

(3) If a person has given notice under subrule (2), the Committee must appoint at least 3 persons to an appeal subcommittee to consider the appeal.

(4) Subject to subrule (5), the Committee may appoint any person to an appeal subcommittee.

(5) A person must not be appointed to an appeal subcommittee if the person—

(a) was appointed to the disciplinary subcommittee to hear and determine the matter of the member concerned; or

(b) has a personal interest in the dispute; or

(c) is biased in favour of or against the member concerned.

(6) The committee must convene a meeting of the appeal subcommittee (the *disciplinary appeal meeting*) as soon as practicable and no later than 21 days after the notice of the appeal is received.

(7) Notice of the disciplinary appeal meeting must be given to each member of the appeal subcommittee and the member concerned as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken; and
(ii) the grounds for taking that action; and
(iii) that at the disciplinary appeal meeting the appeal subcommittee members

present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

14.6 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and
(b) the appeal subcommittee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with subrule (1), members of the appeal subcommittee present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote by proxy at the meeting.

(4) The decision is upheld if a majority of the persons voting at the meeting vote in favour of the decision.

15. GRIEVANCE PROCEDURE

15.1 Grievance by a Member

(a) The grievance procedure set out in this clause applies to disputes under this Constitution between a Member and:

i) another Member;
ii) the Board; or
iii) the Club.

(b) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

(c) The Member commencing the grievance procedure must notify the Secretary of their dispute in writing (Grievance Notice).

(d) The Grievance Notice must:

i) identify the party against whom the Grievance is being raised;
ii) the nature of the dispute;
iii) what steps, if any, have been taken to resolve the dispute prior to commencing the grievance procedure; and
iv) any other matters which the Board may consider necessary from time to time.

(e) The parties to the dispute must meet (which may, if agreed by the parties, take place by using any technology that allows the parties to communicate with each other clearly and simultaneously) and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen days of the Grievance Notice being given to the Secretary.

(f) If the parties are unable to resolve the dispute within fourteen days, either party may refer the

dispute to the Dispute Settlement Centre of Victoria (Department of Justice) for resolution.

(g) The Board may prescribe additional grievance procedures in the By-Laws consistent with this Rule 15.

APPENDIX A

4.2 Charge & Penalty Details (Misconduct Penalty System)

Offensive, insulting, abusive or intimidating language and/or gestures			
OFFENSE & LEVEL	*TOWARD*	*RECOMMENDED PENALTY*	*IMMEDIATELY REFERRED TO TRIBUNAL*
LEVEL 1 Using language and/or gestures in frustration	*N/A*	*1 Match Suspension*	*No*
LEVEL 2 Using offensive, insulting, abusive or intimidating language and/or gestures;	*Match Participant (Player, Coach, Team Official)*	*2 Match Suspension*	*No*
	Match Spectator	*1 Match Suspension*	*No*
	Match / Team / HV / HA Official	*3 Match Suspension*	*No*
LEVEL 3 Incitement to violence, or repeated use of offensive, abusive or intimidating language and/or gestures	*Match Participant (Player, Coach, Team Official)*	*4 Match Suspension*	*Yes*
	Match Spectator	*4 Match Suspension*	*Yes*
	Match / Team / HV / HA Official	*6 Match Suspension*	*Yes*

Vilification			
OFFENSE & DEFINITION	*TOWARD*	*RECOMMENDED PENALTY*	*IMMEDIATELY REFERRED TO TRIBUNAL*
Acting or speaking in such a way that threatens, disparages, vilifies or insults another person on the basis of that person's age, gender, sexual orientation, physical or mental ability, race, culture or religion.	*Match Participant (Player, Coach, Team Official)*	*6 Match Suspension*	*Yes*
	Match Spectator	*6 Match Suspension*	*Yes*
	Match / Team / HV / HA Official	*7 Match Suspension*	*Yes*

Violent Conduct			
OFFENSE & LEVEL	*TOWARD*	*RECOMMENDED PENALTY*	*IMMEDIATELY REFERRED TO TRIBUNAL*
LEVEL 1 *Physical Conduct: Pushing, grabbing, tripping, etc.)*	*Match Participant (Player, Coach, Team Official)*	*2 Match Suspension*	*No*
	Match Spectator	*2 Match Suspension*	*No*
	Match / Team / HV / HA Official	*3 Match Suspension*	*No*
LEVEL 2 *Attempted Strike: with body or implement (E.g. stick, ball, etc.)*	*Match Participant (Player, Coach, Team Official)*	*6 Match Suspension*	*No*
	Match Spectator	*6 Match Suspension*	*No*
	Match / Team / HV / HA Official	*8 Match Suspension*	*No*
LEVEL 3 *Striking: Open or closed fist, elbow, leg, etc or with use of an implement (E.g. stick, ball, etc) (Contact Made)*	*Match Participant (Player, Coach, Team Official)*	*8 Match Suspension*	*Yes*
	Match Spectator	*8 Match Suspension*	
	Match / Team / HV / HA Official	*10 Match Suspension*	

Misconduct - Other		
OFFENSE	*RECOMMENDED PENALTY*	*IMMEDIATELY REFERRED TO TRIBUNAL*
Constant/Repeated attempts to influence an officials decision	*Reprimand*	*No*
Making public statements which are not fair, constructive or reasonable and involve a personal attack on another player, umpire, appointed official or administrator	*3 Week Suspension*	*Yes*
Not leaving field of play when directed	*2 Match Suspension*	*No*
Participation in a match in an unfit state *E.g. under the influence of alcohol or drugs*	*4 Match Suspension*	*No*
Unauthorised entry to field of play	*2 Match Suspension*	*No*
Bringing the game into disrepute	*5 Match Suspension*	*No*