

CODES OF CONDUCT, GRIEVANCE AND DISCIPLINARY BY-LAW

In accordance with Rule 37.1 of the Surfing Victoria Constitution, the following By-Law is adopted by the Surfing Victoria Board.

This Codes of Conduct and Disciplinary By-Law is divided into three parts. Part A establishes general and specific standards of behaviour expected of Surfing Victoria Members.

Part B sets out the procedure to be followed where a Surfing Victoria Members has a grievance with another Member or with Surfing Victoria.

Part C sets out the procedure for dealing with disciplinary actions, breaches of the Codes of Conduct and other matters under Rule 18 of the Surfing Victoria Constitution.

PART A

SURFING VICTORIA CODES OF CONDUCT

SV supports the principle that every person: spectator, player, club member, official, participant, administrator, coach, parent or member of the community involved with the sport, should work to ensure:

- inclusion of every person regardless of their age, gender or sexual orientation;
- inclusion of every person regardless of their race, culture or religion;
- opportunities for people of all abilities to participate in the sport and develop to their full potential;
- respect is shown towards others, the club and the broader community;
- a safe and inclusive environment for all;
- elimination of violent and abusive behaviour;
- protection from sexual harassment or intimidation.

People that fail to meet these standards may be subject to action by SV. The following Codes of Conduct also give further specific direction on the standards expected from certain classes of people involved in our activities, including administrators, competitors, officials and parents/spectators.

1. GENERAL CODE OF CONDUCT

Surfing Victoria expects all members, service providers, employees including volunteers will abide by the following Codes of Conduct. With regard to abuse, discrimination and harassment such members will:

- (a) Not knowingly discriminate against, abuse, harass, ridicule or embarrass anyone covered by this Code of Conduct;
- (b) Be fair, considerate and honest in all dealings with others;
- (c) Treat all persons with respect, dignity and proper regard for their rights and obligations;
- (d) Respect the privacy of other persons;
- (e) Act at all times in a fair and sporting manner and in such a way as to ensure good relations within and between participants and other organisations;
- (f) Not engage in excessive sledging during competition;
- (g) Refrain from any form of victimisation towards others;
- (h) Ensure that all under-age team members be accompanied and/or observed during sporting and associated activities;

- (i) Conduct themselves in a proper manner to the complete satisfaction of Surfing Victoria and its delegates, so as not to bring themselves, Surfing Victoria or the team into public disrepute or censure;
- (j) Not disclose to any unauthorised person or organisation information that is of a confidential or privileged nature concerning the team or an individual connected with Surfing Victoria;
- (k) Not promote, or pass on, exchange or publish information whereby that information may be of a confidential, offensive, scandalous, unsubstantiated or derisive type;
- (l) Understand the possible consequences of breaching the Surfing Victoria Codes of Conduct;
- (m) Immediately report any breaches of the Surfing Victoria Codes of Conduct to the appropriate authority;
- (n) In addition to the General Code of Conduct, Surfing Victoria Members are also required to comply with the following specific Codes as appropriate.

2. ADMINISTRATORS' CODE OF CONDUCT

Surfing Victoria administrators (volunteer and professional) will ensure that:

- (a) Surfing Victoria aims to provide and promote an environment free from abuse, discrimination and harassment in relation to its employment functions, its membership eligibility, its provision of goods and services if appropriate;
- (b) Surfing Victoria develops, distributes and implements this By-law, and promotes the use of the disciplinary procedure contained within;
- (c) Surfing Victoria is responsible for taking all reasonable steps to prevent abuse, discrimination and harassment ensuring its position is widely known through all levels of the organisation's activities;
- (d) Appropriate procedures are identified to handle abuse, discrimination, harassment and other complaints;
- (e) Complaints shall be treated in an impartial, sensitive, fair, timely and confidential manner;
- (f) All people are given equal opportunity to participate;
- (g) Rules, equipment and length of competition are modified to suit age, ability and maturity level of competitors;
- (h) It is made clear that abuse of any form is unacceptable and will result in disciplinary action;

- (i) They set an example of appropriate, positive and supportive behaviour towards all Surfing Victoria Members.

3. COMPETITORS' CODE OF CONDUCT

Surfing Victoria competitors will:

- (a) At all times act in a sporting manner, having regard to principles of fairness and common courtesy;
- (b) Understand what is meant by the terms abuse, discrimination, harassment and other terms set out in the Appendix 1, and express this understanding in their behaviour towards all people to whom these Codes of Conduct apply;
- (c) Control their temper. Verbal abuse of officials and sledging other competitors, deliberately distracting or provoking an opponent are not acceptable or permitted behaviours in any sport;
- (d) Respect the rights dignity and worth of all participants regardless of their ability, gender or cultural background;
- (e) Refrain from making bullying, derogatory or demeaning remarks about other people;
- (f) Treat all other competitors in their sport, as they like to be treated;
- (g) Participate for their own enjoyment and benefit, not to please others;
- (h) Not discriminate against, abuse or harass anyone else;
- (i) Never argue with an official;
- (j) Abide by the rules of competition as determined by Surfing Victoria;
- (k) Respond to members concerns or allegations of breaches of this By-law;
- (l) Report suspect breaches of this By-law.

4. PARENT'S CODE OF CONDUCT

Parents must:

- (a) Remember that children participate in sport for their own enjoyment, not yours;
- (b) Encourage children to participate, do not force them;
- (c) Focus on the child's efforts and performance rather than winning or losing;

- (d) Encourage children always to compete according to the rules and to settle disagreements without resorting to hostility or violence;
- (e) Support all efforts to remove verbal and physical abuse from sporting activities;
- (f) Respect officials' decisions and teach children to do likewise;
- (g) Show appreciation of volunteers, officials and administrators. Without them your child could not participate;
- (h) Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion;
- (i) Remember that children learn best by example.

5. OFFICIAL'S CODE OF CONDUCT

Officials will:

- (a) Modify rules and regulations to match the skill levels and needs of participants;
- (b) Compliment and encourage all participants;
- (c) Be consistent, objective and courteous when making decisions;
- (d) Condemn unsporting behaviour and promote respect for all opponents;
- (e) Encourage and promote rule changes, which will make participation more enjoyable;
- (f) Place the safety and welfare of participants above all else;

6. SPECTATOR'S CODE OF CONDUCT

Spectators will:

- (a) Remember that people participate in sport for their enjoyment and benefit, not yours;
- (b) Respect the decisions of officials and teach young people to do the same;
- (c) Condemn the use of violence in any form, whether its by spectators officials, or competitors;
- (d) Encourage participants to follow the rules and the officials decisions;
- (e) Not use foul language, sledge or harass competitors, officials, or coaches.

PART B**SURFING VICTORIA GRIEVANCE PROCEDURES**

The following grievance procedure is extracted from the Surfing Victorian Constitution.

7. GRIEVANCE

Where a Member of Surfing Victoria has a grievance with another Member or with Surfing Victoria (but not being on any of the grounds which would be dealt with under the Disciplinary Procedure set out in Part C of this By-law) and that Member considers the grievance warrants investigation and action by Surfing Victoria that Member shall follow the following procedure.

8. GRIEVANCES OFFICER

The Member shall contact, either by telephone or in writing, Surfing Victoria's Grievances Officer, appointed by the Board (but not a member of the Board), and advise they have a grievance which they wish to discuss. The identity of the nominated Grievances Officer will be communicated to all Members of Surfing Victoria by written notice. Where a grievance is to be submitted in writing it should be addressed clearly to the Grievances Officer and marked "Private & Confidential".

9. ACTION BY GRIEVANCES OFFICER

- 9.1 Where a grievance has been received by the Grievances Officer she or he shall, as soon as practicable, meet with, or discuss the grievance with the aggrieved Member. The Grievances Officer may take whatever steps and conduct whatever investigations necessary to determine whether the grievance is legitimate.
- 9.2 Where the Grievances Officer determines the grievance is legitimate she or he shall take all reasonable steps to resolve the grievance.
- 9.3 Where the Grievances Officer determines the grievance is not legitimate she or he shall advise the aggrieved Member accordingly. If the aggrieved Member is not satisfied with the Grievances Officer's determination they may take whatever further action they consider necessary or appropriate.
- 9.4 Where the Grievances Officer is unable to resolve a grievance or considers the grievance of a very serious nature they shall report the grievance to the Executive Director and/or the Board for action.
- 9.5 All grievances received by the Grievances Officer, and all information surrounding the circumstances of a grievance which is discovered by the Grievances Officer on investigation shall be confidential and may be communicated only to the Executive Director and/or the Board.

PART C**SURFING VICTORIA DISCIPLINARY PROCEDURES****10. ESTABLISHMENT OF DISCIPLINARY COMMITTEE**

The Board shall establish a Disciplinary Committee as required to deal with all disciplinary actions and matters under Rule 18 of the Surfing Victoria Constitution.

11. COMPOSITION OF DISCIPLINARY COMMITTEE

11.1 A Disciplinary Committee of 3 persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under Rule 13 of the Surfing Victoria Constitution. The Board shall also appoint a member of the Disciplinary Committee as Chair.

11.2 No member of the Disciplinary Committee shall be permitted to hold any office on the Surfing Victoria Board.

11.3 Two (2) members of the Disciplinary Committee shall constitute a quorum.

12. NOTICE OF ALLEGED BREACH

12.1 Where the Board is advised or considers that a Member of Surfing Victoria has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of the Surfing Victoria constitution, by-Laws or any resolution or determination of the Board or any duly authorised committee; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Surfing Victoria and/or the sport of surfing; or
- (c) brought Surfing Victoria or the sport of surfing into disrepute;
- (d) the Board shall appoint a Disciplinary Committee and nominate a Chair of the Committee.

12.2 The Chair of the Disciplinary Committee shall, as soon as practicable following his/her appointment in accordance with clause 5, serve on the Member a notice in writing:

- (a) setting out the alleged breach of the Member and the grounds on which it is based;
- (b) stating that the Member may address the Disciplinary Committee at a hearing to be held not earlier than 7 and not later than 28 days after service of the notice;

- (c) stating the date, place and time of that hearing;
- (d) informing the Member that he or she may do one or more of the following: -
 - (i) attend that hearing;
 - (ii) give the Disciplinary Committee, before the date of that hearing a written statement regarding the alleged breach.

13. DISCIPLINARY COMMITTEE PROCEDURES

- 13.1 At a hearing of the Disciplinary Committee convened in accordance with clause 6, the Disciplinary Committee shall:
- (a) give to the Member every opportunity to be heard;
 - (b) give due consideration to any written statement submitted by the Member; and
 - (c) by resolution determine whether the alleged breach occurred.
- 13.2 Surfing Victoria and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Committee.
- 13.3 The Disciplinary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged breach occurred.
- 13.4 If the Disciplinary Committee considers that the alleged breach occurred, it may impose any one or more of the penalties set out in clause 13.
- 13.5 If the Disciplinary Committee considers that the alleged breach did not occur, the matter shall be dismissed.
- 13.6 Each party shall be responsible for their own costs associated with the Disciplinary Committee hearing. The Disciplinary Committee has no power to award costs to a party.

14. PENALTIES

If the Disciplinary Committee considers that the alleged breach occurred, the Disciplinary Committee may impose any one or more of the following penalties:

- (a) impose a warning;
- (b) fine the Member;

- (c) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
- (d) direct that any funding granted or given to it by Surfing Victoria cease from a specified date;
- (e) direct that any rights, privileges and benefits provided to that Member by Surfing Victoria be suspended for a specified period and/or terminated;
- (f) direct that Surfing Victoria cease to sanction events held by or under the auspices of that Member;
- (g) reprimand the Member;
- (h) suspend the Member from membership of Surfing Victoria for a specified period;
- (i) expel the Member from Surfing Victoria;
- (j) any other such penalty as the Disciplinary Committee considers appropriate.

15. RIGHT OF APPEAL FROM DECISION OF DISCIPLINARY COMMITTEE

There shall be no appeal from a decision of the Disciplinary Committee unless the person seeking to appeal ("Appellant") satisfies the Executive Director of Surfing Victoria, or his/her nominee, in that person's sole discretion, that one or more of the following grounds of appeal is satisfied:

- (a) That significant new or additional evidence has become available;
- (b) That the penalty imposed by the Disciplinary Committee is not in accordance with the provisions of this By-law; or
- (c) That the Disciplinary Committee failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.

16. NOTICE OF APPEAL

- 16.1 A person seeking to appeal a decision of the Disciplinary Committee must lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Executive Director within seven (7) days of the Disciplinary Committee Hearing ("Notice of Appeal").
- 16.2 An Appellant shall be notified within seven (7) days of receipt of the Notice of Appeal as to whether an Appeal Hearing is to be granted and the time, date and place of the appeal hearing, in the event that it is granted.

17. APPEALS TRIBUNAL

- 17.1 If an appeal hearing is granted, the Executive Director of Surfing Victoria shall convene an appeals tribunal to hear and determine the appeal in accordance with this By-law.
- 17.2 An appeals tribunal shall consist of no fewer than three (3) persons appointed by Surfing Victoria from time to time to hear appeals as required by Surfing Victoria. Members of an appeals tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of Surfing.
- 17.3 No person is eligible to sit on an appeals tribunal whilst that person is a member of the Board of Surfing Victoria or if that person was a member of the Disciplinary Committee which heard the matter which is the subject of the appeal at first instance.

18. APPEALS TRIBUNAL PROCEDURES

- 18.1 The appeals tribunal and persons appearing before it are bound by the same procedures under this By-law as if the appeals tribunal was a Disciplinary Committee hearing a matter at first instance.
- 18.2 The Executive Director shall forward records of the Disciplinary Committee hearing in which the matter the subject of the appeal was heard at first instance to the Chair of the appeals tribunal.
- 18.3 The appeals tribunal may request further information prior to determining the appeal, but has the discretion whether or not to allow new evidence to be adduced.
- 18.4 An appeals tribunal shall have the power to:
- (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) impose any of the penalties set out in clause 13
 - (d) reduce, increase or otherwise vary any penalty imposed by the initial Disciplinary Committee
- in such manner as it thinks fit.
- 18.5 At the conclusion of the appeal, the Chair of the appeals tribunal shall ensure that the Appellant is correctly informed of the determinations of the appeals tribunal. The Chair shall also notify the Executive Director of the decision of the appeals tribunal.

18.6 Each party to an appeal shall bear their own costs. The appeal tribunal has no power to award costs for or against any party.

19. SINGLE RIGHT OF APPEAL

There is only one right of appeal following the decision of the initial Disciplinary Committee. Any appeal must be solely and exclusively resolved by the appeals tribunal and the decision of the appeals tribunal is final and binding on the parties.

20. EXHAUST INTERNAL APPEAL

A person shall exercise his right of appeal under this By-law and have any appeal heard and determined by the appeals tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.

ADOPTED BY THE SURFING VICTORIA BOARD OF MANAGEMENT