

VTCA VILIFICATION CODE and PROCEDURE

1. Purpose

1.1 The purpose of this Code is to:

- (i) Recognise the commitment of the VTCA to the elimination of racial and religious vilification of players.
- (ii) Establish a framework for handling complaints made by players who believe they have been subjected to racial or religious vilification by another player.

1.2 A player who is participating in a VTCA match will not engage in any conduct, act towards or speak to any other player which offends, insults, humiliates, intimidates, threatens, disparages or vilifies the other player on the basis of that player's race, religion, colour, descent, sexual orientation or national or ethnic origin.

2. Interrelationship with other Rules of the VTCA

The code does not restrict any other action that may be taken under the Rules of the VTCA or Code of Conduct. Nor does it prevent any player from pursuing any other legal rights they may have in relation to vilification.

3. Procedure

Any report or complaint of vilification will be dealt with as follows.

4. Lodging a Complaint

4.1 Where a player ("the Complainant") believes he has been subjected to vilification or the Umpire believes another player has breached the code, The Complainant or Umpire may lodge a complaint with the **VTCA Secretary by 5pm** on the first business day following the alleged breach.

4.2 The complaint must be:

- i) in writing;
- ii) outline the circumstances of the allegations made; and
- iii) if possible, provide any supporting witness accounts and the contact details of those witnesses.

4.3 Clubs lodging vilification complaints shall comply with **Rule M16.1** and **Clause 3** of the Tribunal Procedures.

5. Role of the Secretary

5.1 The Secretary shall upon receipt of the complaint:

- i) Advise the person alleged to have contravened the Code ("The Respondent") of the complaint and provide them with a copy of the complaint and an opportunity to respond.
- ii) Advise the VTCA Board of Management, the President of both Clubs and the Captains of both teams, of the complaint.

- iii) Conduct an investigation into the complaint which may include but is not limited to:
 - (a) Interviewing the parties to the complaint;
 - (b) Interviewing the Umpire;
 - (c) Interviewing any witnesses; and interviewing the team captains.
- iv) The investigation should be completed within 48 hours.
- v) When the investigation has been completed the Secretary may:
 - (a) Dismiss the complaint if he believes there is insufficient evidence, or it is frivolous;
 - (b) Arrange for the complaint to be referred to conciliation; or
 - (c) Refer the complaint to the VTCA Tribunal.

6. Conciliation

6.1 Conciliator

Any conciliation referred to in clause 4(v)(b) of this Code will be conducted by a representative appointed by the VTCA.

6.2 The Conciliation

- (i) The Complainant, the Umpire who initiated the report (if any), and the Respondent, should attend the conciliation. Both team Captains, or Vice-Captain if the Captain is a party to the complaint, and Team Managers may attend with the consent of the Conciliator.
- (ii) The Secretary must provide the Conciliator with a copy of the:
 - (a) the complaint;
 - (b) the Respondents' response to the complaint; and
 - (c) any evidence relevant to the complaint obtained during the course of the investigation.
- (iii) All parties attending the conciliation must participate in good faith.
- (iv) The Complainant is the person who determines the course of redress to be pursued at any conciliation.
- (v) Except as stated in clause 6.3(ii), both parties to the complaint and any other person aware of the details or circumstances of the conciliation, including the Secretary, Conciliator, and Team Captains, must at all times keep the particulars of the complaint and the conciliation confidential.

6.3 Resolution of the Complaint

- (i) If the complaint is resolved at the conciliation, the complaint will be deemed withdrawn and the Complainant cannot take any further action in respect of the complaint under this code.
- (ii) The resolution of the complaint may be formalised by way of a verbal agreement or a formal written agreement signed by the parties.
- (iii) The Conciliator must inform the Secretary that the complaint has resolved.

6.4 Conciliation is unsuccessful

- (i) The Conciliator must notify the Secretary if the matter was not resolved at conciliation.
- (ii) The Secretary will then deal with the matter as a report and refer the matter to the VTCA Tribunal.
- (iii) The Secretary will notify the parties within 48 hours of the matter being referred to the Tribunal of the tribunal hearing.

7. Tribunal Hearing of Vilification Matter

- 7.1 Where a vilification matter is referred by the Secretary directly to the Tribunal or is referred as a result of an unsuccessful conciliation, the Secretary will furnish the Tribunal with:
- (a) the complaint;
 - (b) the Respondents' response to the complaint; and
 - (c) any evidence relevant to the complaint obtained during the course of the investigation.
- 7.2 The Tribunal will hear the matter in accordance with the principles of procedural fairness and natural justice.

8. Tribunal Findings

- 8.1 At the completion of the hearing of evidence the Tribunal will advise the VTCA, the Complainant, and Respondent of their decision on whether they found the complaint proven or not proven.
- 8.2 If the Tribunal finds the complaint proven, it then must refer to the VTCA code of conduct register to ascertain any previous breach by the player; and
- i) Direct the Respondent to attend an education program at the Respondent's cost;
 - ii) Determine a penalty for the respondent which may include:
 - (a) A written apology;
 - (b) A fine and/or suspension.

9. Appeal

- 9.1 Any player found in breach of the code has the opportunity to appeal against a decision made by the VTCA Tribunal to an Appeals Panel.

10. Timing

- 10.1 The timing and the process of any conciliation or mediation between clubs and players shall be at the direction of the VTCA Board of Management or its nominee.

