



RICHMOND ROWING CLUB INCORPORATED
REGISTRATION NO. A2236

GRIEVANCE & DISCIPLINARY PROCEDURE

To ensure consistency and that the principles of natural justice are followed in all aspects of handling or conducting grievances, disputes and disciplinary measures, the Association will follow and implement the following procedures:

- A Grievance Procedure

- B Hearings and Appeals

- C Disciplinary Measures

A: GRIEVANCE PROCEDURE

This grievance procedure applies to grievances or disputes that may arise between:

- (a) a member and another member; or
- (b) a member and the Association.

It may be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful or a breach of this or another of the Association's policies.

1. As a first step the complainant should try to sort out the problem with the person or people involved.
2. If the first step is not possible, or reasonable, or is unsuccessful, then the parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
4. The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
5. A member of the Association can be a mediator.
6. The mediator cannot be a member who is a party to the dispute.
7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

8. The mediator, in conducting the mediation, must—
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
9. The mediator must not determine the dispute.
10. At the conclusion of the mediation process the mediator will inform the Secretary of the outcome.
11. If the mediation process does not result in the dispute being resolved, the complainant may make a formal written complaint to the Secretary.
12. Upon receipt of a formal written complaint the Secretary will convene a Panel hearing in accordance with the procedure set out in Section B of this policy.
13. The Secretary will document the grievance, the process followed and the outcome. This document will be stored in a confidential and secure place.

B: HEARINGS AND APPEALS

The following hearing and appeals procedure will be followed to determine formal complaints and consider disciplinary matters.

Panel Formation and Notification

1. A Panel will be constituted consisting of three people who are:
 - (a) Committee members;
 - (b) accredited coaches who have been members of the Association for at least 12 monthsto hear a formal complaint or disciplinary matter.
2. Membership of the Panel in each case will be determined by the Secretary.
3. The Secretary will organise for a hearing to be convened by notifying the Panel members that they are required to hear a complaint or disciplinary matter. The Panel members will be provided with a copy of any relevant correspondence or information received and sent by the Secretary relating to the complaint/allegations.
4. The hearing will be scheduled as soon as practicable, but must allow adequate time for the respondent(s) to prepare to respond.
5. The number of Panel members required to be present throughout the hearing process will be three.
 - (a) The Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the matter.
 - (b) The Panel will elect one of them to be the Panel Chair.
 - (c) If a member of the Panel cannot continue once the hearing has commenced, the discontinuing member may be replaced if it is considered appropriate by the Panel Chair. If the Panel Chair believes it is not appropriate for a new Panel member to be appointed then the hearing will be rescheduled on a later date. The Panel Chair will inform the Secretary of the need to reschedule, and the Secretary will organise for the hearing, with a new Panel if required, to be reconvened.

6. The Secretary will inform the respondent(s) by written notification that a hearing will take place. The written notification will outline:
 - (a) That the person has a right to appear at the hearing to respond to the complaint/ allegation;
 - (b) Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - (c) The date, time and venue of the Panel hearing;
 - (d) That they can make either verbal or written submissions to the Panel;
 - (e) That they may arrange for witnesses to attend the hearing in support of their position;
 - (f) An outline of any possible penalties that may be imposed if the complaint/ allegation is found to be true; and
 - (g) That legal representation will not be allowed but that they may be accompanied by a support person.
7. A copy of any information / documents that have been given to the Panel will also be provided to the respondent(s).
8. The respondent(s) will be allowed to participate in all Association activities and events, pending the decision of the Panel, including any available appeal process, unless the Committee has resolved to suspend the member from all or some Association activities and events, after considering the nature of the matter.
9. The Secretary will inform the complainant by written notification that a hearing will take place. The written notification will outline:
 - (a) That the person has a right to appear at the hearing to support their complaint;
 - (b) The date, time and venue of the hearing;
 - (c) That they can make either verbal or written submissions to the Panel;
 - (d) That they may arrange for witnesses to attend the hearing in support of their position; and
 - (e) That legal representation will not be allowed but that they may be accompanied by a support person.
10. A copy of any information / documents that have been given to the Panel will also be provided to the complainant.

Panel Hearing Procedure

11. The following people will be allowed to attend the hearing:
 - (a) The Panel members;
 - (b) The respondent(s);
 - (c) The complainant;
 - (d) Any witnesses called by the respondent;
 - (e) Any witnesses called by the complainant;
 - (f) Any parent / guardian or support person required to support the respondent or the complainant.
12. The Panel Chair will call the hearing to order at the designated time and determine if the respondent(s) is present.
13. If the respondent(s) is not present and the Panel Chair considers that no valid reason has been presented for their absence, the hearing will continue subject to the Panel Chair being satisfied that all hearing notification requirements have been carried out correctly.
14. If the Panel Chair considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Panel Chair does not believe the hearing notification requirements have been carried out correctly, then the hearing will be rescheduled to a later date.
15. The Panel Chair will inform the Secretary of the need to reschedule and the Secretary will organise for the hearing to be reconvened.
16. The Panel Chair will read out the complaint/ allegations to be considered, ask the respondent(s) if they understand the complaint/ allegations being made against them, and if they agree or disagree with it.
17. If the respondent agrees, they will be asked to provide any evidence or witnesses that should be considered by the Panel when determining any action or disciplinary measures.
18. If the person disagrees, the complainant will be asked to describe the circumstances that lead to the complaint/ allegations being made.
 - (a) Brief notes may be referred to.
 - (b) The complainant will be allowed to call witnesses.

- (c) The respondent(s) may be allowed to question the complainant and their witnesses.
19. The respondent(s) will then be asked to respond to the complaint/ allegations.
- (a) Brief notes may be referred to.
 - (b) The respondent will be allowed to call witnesses.
 - (c) The complainant may be allowed to ask questions of the respondent and their witnesses.
20. Both the complainant and respondent will be allowed to be present when evidence is presented to the Panel. Witnesses may be asked to wait outside the hearing until required.
21. The Panel will be allowed to:
- (a) consider any evidence, in any form, that it deems relevant;
 - (b) question any person giving evidence;
 - (c) limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them, but will not provide any new evidence.
22. If the Panel considers that at any time during the hearing that there is any unreasonable behaviour from anyone allowed to be present, the Panel Chair shall have the power to stop any further involvement of the person in the hearing.
23. After all of the evidence has been presented the Panel will make its decision in private.
24. All decisions made by the Panel will be based on a majority vote.
25. If the Panel believes the complaint/ allegations have been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Panel and make a submission on any action or disciplinary measures that may be recommended. The Panel may make a recommendation to the Committee for the imposition of any of the disciplinary measures outlined Section C; no others may be considered.
26. The Panel's recommendation that a disciplinary measure should be imposed is of no effect unless accepted by the Committee.
27. Within 48 hours, the Panel Chair will forward to the Secretary a note of the Panel's decision including any disciplinary measures the Panel recommends be imposed.

28. The Secretary will convene a meeting of the Committee to consider the Panel's recommendation within 7 days of receipt of the Panel's decision.
29. Within 48 hours of the Committee consideration of the Panel's decision, the Secretary will forward a letter to the respondent(s) confirming the Committee's decision and any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal to be made.

Appeals

30. A complainant or a respondent(s) who is not satisfied with a decision of:
 - (a) a Panel; or
 - (b) the Committeemay lodge an appeal to the Association on one or more of the following bases:
 - (c) that a denial of natural justice has occurred; or
 - (d) that the disciplinary measure imposed is unjust or unreasonable.
31. A person wanting to appeal must do so by letter, setting out the basis for their appeal. The letter must be received by the Secretary within 7 days of the relevant decision.
32. If the letter of appeal is not received by the Secretary within the relevant time period the right of appeal will lapse.
33. Upon receipt of the letter of appeal, the Secretary, if necessary in consultation with the President, will review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed.
34. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 30, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision.
35. If the appeal is considered to have sufficient grounds to proceed then an Appeal Panel will be convened to hear the appeal in accordance with the procedures outlined in paragraphs B1 to 10 above.
36. The Panel Hearing Procedure shall be followed for the appeal.
37. The decision of the Appeal Panel hearing the appeal will be final.

C: DISCIPLINARY MEASURES

1. Disciplinary measures may only be imposed by resolution of the Committee upon the recommendation of a Panel or an Appeal Panel following a hearing under Section B of this policy.
2. Disciplinary measures may be imposed on a member of the Association if it is found that a member:
 - (a) has failed to comply with the Association's Rules;
 - (b) has failed to comply with the Association's Code of Conduct;
 - (c) has failed to comply with any of the Association's policies;
 - (d) has acted in a manner prejudicial to the interests of the Association or its members.
3. Any disciplinary measure imposed must:
 - (a) be in accordance with the Association's Rules and this policy;
 - (b) conform to the principles of natural justice;
 - (c) be fair and reasonable in the circumstances;
 - (d) be based on the evidence and information presented.
4. If a finding is made that an individual has breached the Association's Rules or policies, including the Association's Code of Conduct, one or more of the following forms of discipline may be imposed:
 - (a) A direction that the individual make a verbal or written apology;
 - (b) A written warning;
 - (c) A direction that the individual attend counselling to address their behaviour;
 - (d) A withdrawal of any awards, records or achievements bestowed in any regattas, competitions, activities or events held or sanctioned by the Association;
 - (e) Removal of the individual to another role or activity;
 - (f) A suspension for a specified period of the individual's membership or participation in a particular activity, office or role;
 - (g) In the case of a coach or official, termination of the individual's role;
 - (h) A fine in accordance with the *Associations Incorporation Regulations 1998* (Vic);
 - (i) Expulsion of the individual from membership of the Association.

5. When imposing any form of discipline (other than expulsion), it will be accompanied by a warning that similar conduct by that individual in the future may result in the imposition of a more serious form of discipline.
6. No member may be expelled from membership of the Association other than in accordance with the procedure set out in Rule 7 of the Association's Rules.

Factors to consider when imposing discipline

7. The form of discipline to be imposed on an individual will depend on factors such as:
 - (a) Nature and seriousness of the behaviour or incident;
 - (b) In a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the complainant;
 - (c) If the individual concerned knew or should have known that the behaviour was a breach of the Rules or policy;
 - (d) Level of contrition of the respondent(s);
 - (e) The effect of the proposed disciplinary measures on the respondent(s) including any personal or professional consequences;
 - (f) If there have been relevant prior warnings or disciplinary action;
 - (g) If there are any mitigating circumstances such that the respondent(s) should not be disciplined at all or not disciplined so seriously.