



**RICHMOND ROWING CLUB INC.**  
**REGISTRATION NO. A2236**

**COMPLAINTS, DISPUTES AND DISCIPLINE POLICY**

Richmond Rowing Club (RRC) is committed to making Rowing a safe and fair place for all participants.

This Policy sets out the process and parameters for how complaints and disputes are managed and resolved. This Policy applies to complaints under the RRC Code of Conduct, Rules of Association and any other policies stated to be subject to this Policy as adopted by Richmond Rowing Club.

Nothing in the Policy overrides a law of the Commonwealth, or a state or territory, which take precedence and must be complied with in the first instance.

This Policy and its procedures are designed to ensure that allegations are managed through an effective, consistent, and timely process, which is fair and transparent.

This Policy should be read in conjunction with the Rules of Association and RRC Code of Conduct

This Policy subsumes the previous RRC Grievance & Disciplinary Procedure 2006

**Document Control**

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July, 2024	Major	Policy re-drafted to conform with current Rules of incorporation and Member Protection Framework		ER	

## 1. Who the Policy applies to

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- 1) This Policy applies to:
  - a) all members, volunteers and employees of Richmond Rowing Club.
  - b) any person who, or organisation that:
    - i) has had a Complaint or Report made against them; and
    - ii) was bound by the policy at the time of the alleged conduct, even if they are no longer a member.

## 2. Making a Complaint or Report

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### What is a Complaint?

- 1) A Complaint is a formal written submission of an allegation:
  - a) made by a Complainant (who cannot make the Complaint anonymously); and
  - b) relating to conduct under a relevant policy; and
  - c) against a Respondent.

### Who is a Complainant?

- 1) A Complainant is a person or an organisation who or which is directly affected by the alleged conduct and makes a Complaint about a Respondent in accordance with this Policy.
- 2) A Complainant cannot be anonymous.

### Who is a Respondent?

- 1) A Respondent is a Relevant Person or Relevant Organisation about whom a Complaint or Report has been made and who was bound by relevant Policies at the time the alleged Conduct occurred.

### What is a Report?

- 1) A Report is a submission of allegations that a Respondent has engaged in conduct which contravenes relevant RRC rules, Codes of Conduct and/or policies, which does not meet the definition of a Complaint.
- 2) Reports received by RRC may be recorded for information purposes only with no further action taken. The process for managing a Report will be at the discretion of the Committee. In some circumstances, Reports may be managed through the Complaints Process. Reporters will not be contacted regarding their Report unless further information is required.
- 3) Factors that may be taken into account in determining whether to progress a Report through the Complaints Process include (but are not limited to) the seriousness of the alleged conduct, the availability of evidence that could be relied upon in an investigation, whether a person or organisation has been directly affected by the alleged conduct and if so their circumstances and preferences, the perceived risk to the club, and whether there have been other Reports relating to similar allegations.

- 4) A Report may be made anonymously; however this may limit the action that can be taken in relation to the allegations.
- 5) Where multiple Reports relate to the same or related alleged conduct by the same Respondent, they may be combined for the purposes of the Complaints Process.
- 6) If a Report is to be progressed through the Complaints Process, any reference to a Complaint throughout this Policy will apply to the Report.

### **Who is a Reporter?**

- 1) A Reporter is any person or organisation, who or which has reason to believe that a breach of club Rules and/or Policies may have occurred and makes a Report. A Reporter may be anonymous.
- 2) A Reporter is not entitled to the same rights throughout the Complaints Process as a Complainant. For example, a Reporter may not be kept informed of any decisions made in relation to the Report or participate in any Alternative Dispute Resolution.
- 3) A Complaint must be made in writing (including electronically).
- 4) A Report can be made in writing (including electronically) or verbally.

### **3. The Complaints Process**

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- 1) Upon receipt of a Complaint, the committee will determine whether the matter falls within the scope of this policy. In making this determination the committee will consider whether the conduct alleged in the Complaint would, if proven to the requisite standard, constitute a breach of club rules and/or policies.
- 2) The committee will also decide which organisation should manage the Complaint.
  - a) Where a Complaint has the potential to be managed by either Sport Integrity Australia, Rowing Australia or Rowing Victoria, these organisations may be consulted on who is best placed to manage the Complaint.
  - b) Where a Complaint is determined to be out of scope, it may be managed under an alternative policy of a Relevant Organisation (if applicable).
- 3) Mischievous or vexatious claims will not be managed under this Policy.
- 4) A Complaint that has been previously managed through a complaints process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as relevant new information becoming available.
- 5) If the Complaint is determined to be out of scope, the committee will notify the Complainant and no further action will be taken under this Policy.
- 6) If a person considers that a child is at risk of immediate harm the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.

### **External referral**

- 1) At any time during the Complaints Process, allegations may be referred to a relevant external organisation if it will assist the committee to perform or exercise any of the

functions, duties or powers. This may include referral to a law enforcement agency, government or regulatory authority or child protection agency.

- 2) If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

### **Case closure**

- 1) Complaints may be closed under this Policy at any of the following times:
  - a) the Complaint is evaluated as being out of scope of this Policy;
  - a) during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements (for example, the Respondent is discovered not to have been bound by the policies at the time the alleged conduct occurred);
  - b) the Complaint is resolved through alternative dispute resolution and the participants are in agreement that the Complaint may be closed;
  - c) following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated
  - d) following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them; or
  - e) the matter is finalised before a Hearing Tribunal or Appeals Tribunal.
- 2) Once a matter has been closed no further action will be taken in relation to the matter under this Policy unless there is a compelling reason to do so.
- 3) The Secretary will document the case, the process followed and the outcome. This register and any associated documents will be stored in a confidential and secure place.

### **Withdrawing a Complaint**

- 1) A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (including electronically) to the committee.
- 2) Where a Complaint has been withdrawn, RRC may choose to continue to progress the matter through the Complaints Process.

### **Confidentiality**

- 1) All Complaints and Reports will be kept in confidence.
- 2) RRC may disclose information as required or authorised by law.

## **4. Grounds for taking disciplinary action**

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- 1) On behalf of the Association, the Committee may take disciplinary action against a member in accordance with this Division if it determines that the member—
  - a) has failed to comply with the Association's Rules; or
  - b) has failed to comply with any of the Association's policies; or

- c) has engaged in conduct prejudicial to the Association or its members; or
- d) has engaged in behaviour that contravenes the Association's Code of Conduct

## **5. Disciplinary subcommittee**

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- 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 who must hear the matter and determine what action, if any, it recommends the Committee should take against the member.
- 2) The members of the disciplinary subcommittee—
  - a) may be Committee members, members of the Association or anyone else; but
  - b) must not be biased against, or in favour of, the member concerned.

### **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 23.
- 2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

### **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 shall provide their report within 14 days of holding the disciplinary meeting, and may recommend to Committee that it
  - a) take no further action against the member; or
  - b) subject to subrule (3) -

- i) reprimand the member; or
  - ii) in the case of a committee member, remove the member from the Committee; or
  - iii) suspend the membership rights of the member for a specified period; or
  - iv) expel the member from the Association.
- 3) The disciplinary subcommittee's recommendation to Committee shall not include any recommendation that the member be fined.
- 4) On receipt of the disciplinary subcommittee's report under sub-rule (2), the Committee shall as soon as reasonably possible and in any event within 4 weeks:
  - a) consider the report; and
  - b) resolve what action, if any, shall be taken with respect to the member; and
  - c) inform the member of that decision.
- 5) The suspension of membership rights or the expulsion of a member by the committee under this rule takes effect immediately after the vote in sub-rule (4)(b) is passed.

## **6. Disciplinary Measures**

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- 1) 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.
- 2) 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) Expulsion of the individual from membership of the Association;

- i) Ban on future memberships with the Association.
- 3) 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.
- 4) No member may be expelled from membership of the Association other than in accordance with the procedure set out in Division 2 and/or Division 3 of the Association's Rules.

### **Factors to consider when imposing discipline**

- 1) 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.

## **7. Appeal rights**

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- 1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 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 committee 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.
- 8) otherwise comply with the requirements for notice of a special general meeting.

### **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.
  - d) the meeting must otherwise be conducted as a special general meeting.
- 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.

## **8. Grievance procedure**

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### **Application**

- 1) The grievance procedure set out in this Division applies to disputes under these Rules between—

- a) a member and another member; and
  - b) a member and the Committee; and
  - c) a member and the Association.
- 2) 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.

**Parties must attempt to resolve the dispute**

- 1) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

**Appointment of mediator**

- 1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 24, the parties must within 10 days—
- a) notify the Committee of the dispute; and
  - b) agree to or request the appointment of a mediator; and
  - c) attempt in good faith to settle the dispute by mediation.
- 2) The mediator must be—
- a) a person chosen by agreement between the parties; or
  - b) in the absence of agreement—
    - i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - ii) if the dispute is between a member and the Committee or the Association—a registered mediator.

**Mediation process**

- 1) The mediator to the dispute, in conducting the mediation, must—
- a) give each party 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 throughout the mediation process.
- 2) The mediator must not determine the dispute.
- 3) Any costs of mediation are to be paid—
- a) if an agreement as to costs is reached between the parties—in accordance with that agreement; or
  - b) if there is no such agreement—by the Committee.

**Failure to resolve dispute by mediation**

- 1) If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.