



VOLLEYBALL WESTERN AUSTRALIA

Member Disciplinary Policy

The Board of Volleyball WA resolved at their November 2020 meeting, that the following statement will be added to all Board Approved Policies.

“This policy will be reviewed and updated every three years or earlier if required by the organisation. The review will ensure it reflects both the community expectations and all legal requirements”.

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| Date of Issue | August 2019 |
| Last Reviewed | August 2019 |
| Controlling Body | VWA Board |

Overview

The purpose of this policy is to outline the processes for dealing with and resolving disciplinary situations that occur through misconduct in a consistent and fair manner. This policy is to be read in conjunction with the following documents:

- VWA Anti-Harassment Policy
- VWA Child Safeguarding Policy
- VWA Code of Conduct
- VWA Complaint Management Policy
- VWA Constitution
- VWA Member Protection Policy Statement
- VWA Membership Policy

If the misconduct relates bullying, harassment, discrimination or child protection, the VWA Anti-Harassment and Child Safeguarding Policies will be followed. If the matter relates to a breach of the VWA Constitution, the suspension and expulsion procedure set out in the Constitution will be followed. All matters of a criminal nature will be reported to the WA Police.

Definitions

- **Bullying** is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing.¹ Refer to the VWA Anti-Harassment Policy for further information
- **Discrimination** happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.² Refer to the VWA Anti-Harassment Policy for further information
- **Harassment** can be against the law when a person is treated less favourably on the basis of certain personal characteristics. Some limited exemptions and exceptions apply.³ Refer to the VWA Anti-Harassment Policy for further information
- **Member** means an individual who is a member of VWA, defined by the membership categories within the VWA Membership Policy, including but not limited to:
 - VWA members and their parents / guardians if under 18
 - VWA officials, including referees and coaches
 - VWA Affiliates and their volunteers
- **Misconduct** means unacceptable or inappropriate behaviour
- **Tribunal** means the body convened to settle a dispute / complaint. A Tribunal may be convened by the CEO due to the serious nature of the complaint, because the complaint was unable to be resolved or because VWA policy directs it to be called. The procedure for a tribunal is outlined in the Complaint Management Procedure.

Policy Application

This policy applies to

- All VWA members (*Employees of VWA are covered by the VWA Misconduct Policy*)
- Behaviour and practices occurring during the course of VWA business, activities, competitions and events
- Formal complaints and allegations received via email, letter or incident report forms.

¹ <https://www.humanrights.gov.au/our-work/commission-general/what-bullying-violence-harassment-and-bullying-fact-sheet>

² <https://www.humanrights.gov.au/quick-guide/12030>

³ <https://www.humanrights.gov.au/quick-guide/12040>

Responsibilities

VWA'S role and contribution in making this policy work is to:

1. Ensure compliance with legislative requirements;
2. Prepare a policy statement
3. Take all reasonable steps necessary to ensure that all interested parties know:
 - What the policy is
 - their roles and responsibilities

This will be achieved by:

- including a copy of the Policy in the Policy and Procedures Manual
 - ensuring all Organisation personnel are educated and trained with the policy
 - providing written procedures and instructions
 - including a copy of the policy on the VWA website
 - notifying all members, parents/guardians and officials that they will be required to comply with this policy
 - consulting with interested parties to enhance the effectiveness of procedures
4. Review this policy and update as required every 12 months.

Policy Statement

VWA will take all breaches of the policy seriously and will ensure they are dealt with promptly, sensitively and confidentially. Disciplinary action may be taken against a person who is found in breach of this policy, in accordance with the Complaints Management Procedure.

Member Disciplinary Procedure

1. Establishing the Facts

Complaints and allegations received will be dealt with in accordance with the VWA Complaint Management Policy and Procedure.

2. Severity of the Complaint / Allegation

On receipt of the Complaints Record, the CEO, with guidance from the VWA Board where required, will determine the severity of the complaint / allegation and determine an initial grade:

- Minor – minor breach of the Code of Conduct and a written warning plus additional sanctions required. Two written warnings may be given before escalation to a Major grading.
- Major – Gross misconduct and or/ major breach of Code of Conduct or misconduct following two written warnings.

Examples of gross misconduct may include:

- Actual or attempted theft, fraud or dishonesty.
- Fighting, physical or sexual assault, violence, threatening behaviour or deliberate and serious damage to people or property.
- Bullying or harassment on the grounds of sex, race, disability, age, sexual orientation, religion or belief or any other protected characteristic of another Athlete, employee of Volleyball WA, visitor or any other third party to whom Volleyball WA has a duty to prevent such discrimination.
- Indecent, offensive or immoral behaviour.
- Sports betting, corrupt conduct and match fixing.
- Anti-Doping Regulation violations.
- Gross insubordination, including failure to comply with reasonable requests/instructions.
- Incapacity for training owing to the use of alcohol or illegal drugs.
- Serious breaches of VWA Values or deliberate actions or omissions that bring VWA's name into serious disrepute.
- Gross negligence or incompetence which causes serious loss, damage or injury.
- Serious breaches of VWAs policies and procedures
- Offensive use of social media.
- Disclosure of confidential information pertaining to VWA.
- Violation of the rules outlined in the Code of Conduct.

3. Informing the Member of the Complaint / Allegation

- Minor – If the complaint / allegation is graded as Minor, the member will be notified of this in writing in accordance with the Complaint Management Policy. This will include:
 - the alleged misconduct;
 - the outcome of the investigation;
 - the issuing of a written warning and any other sanctions deemed appropriate;
 - the length of the warning and sanctions (timescale);
 - changes of behaviour required; and
 - the future consequences of further misconduct within the time period

- Major – If, at the end of the investigation, it is decided that the misconduct is Major and a Tribunal is required, the member will be notified of this in writing in accordance with the Complaint Management Policy.

4. Tribunals

A tribunal may be called in accordance with the VWA Complaint Management Policy.

5. Opportunity to Appeal

Where the member believes that the disciplinary action taken against them is wrong or unjust they may appeal the decision (\$500 Appeal Fee) in accordance with the VWA Complaint Management Policy.

6. Document Management

- All complaints received, both formal and informal, will be documented on the Complaint Record Form. This includes recording how the complaint was resolved and the outcome of the complaint.
- This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place in accordance with the VWA Document and Archiving Policy