



Bentleigh Bowling Club



DISCIPLINARY POLICY & PROCEDURES/CODES OF BEHAVIOUR

PURPOSE

These Policies & Procedures are to be considered in conjunction with the Bentleigh Bowling Club's (BBC) constitution [ss 59 – 67 of the Constitution].

The Bentleigh Bowling Club endorses the principles of equality and actively supports the core values of: **fairness; justice; integrity; respect and equity.**

The purpose of this document is to describe the approach the BBC will take to deal with any persons associated with the club whose conduct and/or behaviour breaches the club's code of behaviour or brings the club into disrepute.

Whilst the **Committee has discretion** to undertake investigation of breaches of behaviour without having regard to a formal written complaint [s 59], it is generally the case that investigations arise from a formal written complaint.

Acceptance of an offer of membership and continuation of membership of the club will be understood to be an acceptance of the Club's Constitution, these codes of behaviour (as described elsewhere in this document) and the laws governing the playing of bowls in Victoria and Australia.

- ♣ Please be aware that the **Committee has the absolute right to expel members** without warning or refund for breaches of these codes where the member's behaviour is of such magnitude that the welfare and safety of other members is at risk.

THE DISCIPLINARY COMMITTEE ("DC")

The disciplinary powers of the Club's Management Committee to investigate and deal with a complaint will be delegated and exercised by a sub-committee known as the **Disciplinary Committee (DC)** made up of not less than 3 Committee members comprising:- the President, the Secretary and the Treasurer [or alternatively appointed committee members in their stead should the 3 first named members be unavailable].

The DC will not pre-determine whether the charge or complaint is substantiated or not, but will adopt and abide by the **principles of natural justice.**

The role of the DC is to:

- (a) investigate the suspected breach;
- (b) determine whether any breach of our code has occurred;
- (c) inform the member as to the DC's decision; and
- (d) advise the Management Committee on its decision.

It is recognised and accepted that every member:

- (a) Has the right to expect fair and consistent treatment;
- (b) Has the right to adequate notice from the Club about an alleged breach of our rules;
- (c) Has the right to appeal against the classification of the incident or DC's decision in all disciplinary matters;
- (d) Has the right to representation.

No member will be expelled for the first breach of the club's rules except in cases of "gross misconduct" as determined by the DC where the welfare and safety of other members and guests is at risk.

WRITTEN NOTICE OF A CHARGE

Save for a charge exercised under the Management Committee's discretion, a member complaint must be made by serving on the Secretary a **written notice** of a charge/s which sets out the facts and matters giving rise to the charge/s.

Anonymous, hearsay and oral complaints will not be accepted or considered.

UNACCEPTABLE BEHAVIOUR

For the avoidance of doubt, unacceptable conduct and inappropriate behaviour includes:

<i>Harassment</i>
Any unwanted conduct affecting and violating the dignity of an individual or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person
<i>Unwanted physical contact</i>
Unnecessary touching, patting, pinching, insulting or abusive behaviour or gestures, physical threats and assault.
<i>Unwanted verbal conduct</i>
Unwelcome advances, propositions or remarks, bad comments, jokes, banter or offensive/abusive language and aggressive verbal threats.
<i>Unwanted non-verbal conduct</i>
Racially or sexually based graffiti, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature, pictures, films, videos or inappropriate use of visual display units, e-mail and/or other social media.
<i>Bullying</i>
Personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate, demean or undermine an individual and personal abuse either in public or private.
<i>Unlawful Victimisation</i>
Treating an individual less favourably than others are, or would be, treated in the same or similar circumstances because they have made a complaint or allegation of discrimination, or have acted as a witness or informant.
<i>Direct Discrimination</i>
Less favourable treatment on the grounds of a particular persuasion or characteristic.
<i>Indirect Discrimination</i>
Occurs when a provision, criterion or practice is applied to an individual or group that would put persons of a particular persuasion or characteristic at a particular disadvantage compared with others.
<i>Other conduct</i>
<ul style="list-style-type: none"> • That ridicules, intimidates or is physically or psychologically abusive towards an individual or group. • Interference with the Club or another member's belongings or property without permission. • Theft or embezzlement of the Club or an individual's monetary or material property. • Bad sportsmanship

DISCIPLINARY PANEL PROCESS

The Secretary shall, as soon as practicable, but no later than within 48 hours of receiving a written complaint, serve on the accused member a notice in writing of a disciplinary hearing before the DC:

1. setting out the specific details of the alleged breach by the member;
2. setting out the facts and grounds on which the alleged breach is based;

3. informing the member that he/she may address the DC at a hearing to be held not earlier than 3 days after service of the notice on the member;
4. advising the date, place and time of the hearing;
5. informing the member that he/she may do one or more of the following:
 - (a) attend the hearing;
 - (b) give the DC, before the date of that hearing, a written statement regarding the alleged breach;
 - (c) that if the member does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in his/her absence.

PENALTIES FOR BREACH

The DC shall make its decision in private no later than 24 hours after the conclusion of the disciplinary hearing. The decision of the DC will be confirmed by a resolution of the Committee no earlier than 14 days after the member and complainant have received notice in writing by registered post of the DC's decision [ss 60(a) & 61].

If a complaint is upheld, the DC may impose one or more of the following penalties, depending on the severity of the complaint:

1. Dismiss the complaint with no action to follow;
2. Admonish the member/person and advise on future conduct;
3. Issue a verbal or written warning regarding conduct;
4. Impose a monetary penalty not exceeding \$500.00 [s 59(a)];
5. Suspend the member for a defined period of time;
6. Expel and terminate membership of the club;
7. Any such other sanction or penalty which is considered fit to be reasonably imposed.
8. Notification that the person's registration will not automatically be accepted for the following season and will be subject to review to determine if the player is of proper character to represent the Club.

APPEALS

Both the complainant and the member have a right of appeal against any decision of the DC which has been approved by the Management Committee.

The appellant must seek leave to appeal by applying in writing to the Secretary, with reasons for the appeal, within 48 hours of the outcome of the disciplinary hearing having been delivered to the appellant – such delivery to be confirmed by reference to Australia Post's tracking service [s 63].

If a properly constituted appeal is received by the Secretary, the Club Committee must convene a General Meeting of the club members within 21 days of the appellant's notice of appeal [s 64].

The decision of the DC (as confirmed by the Committee) will be passed if two thirds of the members present and entitled to vote affirm the Committee's decision; otherwise the decision is revoked.