

AUSTRALIAN OUTRIGGER CANOE RACING ASSOCIATION LTD

Complaints, Disputes, Conduct and Discipline Policy

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1. Introduction

Australian Outrigger Canoe Racing Association (AOCRA Ltd) is committed to making Outrigger Canoe Racing a safe and fair place for all participants. To achieve this, AOCRA Ltd has adopted the National Integrity Framework.

The National Integrity Framework is designed to assist with creating a safe and fair sporting environment for all by setting out the rules about the types of behaviour that are unacceptable in Outrigger Canoe Racing. These unacceptable behaviours are defined as Prohibited Conduct. The National Integrity Framework seeks to guide Relevant Persons and Relevant Organisations on what to do if they experience or witness breaches of these rules.

The National Integrity Framework has been developed by Sport Integrity Australia and is made up of the following five policies:

- Safeguarding Children and Young People Policy.
- Competition Manipulation and Sport Gambling Policy.
- Improper Use of Drugs and Medicine Policy.
- Member Protection Policy; and
- Complaints, Disputes, and Discipline Policy – For Discrimination Matters only.

The National Integrity Framework policy for Complaints, Disputes and Discipline issues only addresses issues related specifically to Discrimination and does not address all other prohibited conduct issues. This policy sets out the processes for resolving conduct and disciplinary disputes arising from an individual or organisation breaching any policy, rules or guidelines set out by AOCRA Ltd that is not discrimination.

This Policy applies to Prohibited Conduct under the following AOCRA Policies:

- AOCRA Constitution
- AOCRA Rules as listed on AOCRA Website. Including but not limited to the Code of Conduct
- AOCRA By Laws
- AOCRA Integrity Policies
- AOCRA High Performance Selection and Qualification Process
- AOCRA Social Media Policy
- Any other policies stated to be subject to this Policy as adopted by AOCRA from time to time.

This Policy subsumes the previous National Integrity Framework Policy and the relevant Prohibited Conduct that was contained within that Policy and AOCRA Ltd Policies.

2. Policy Intent

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

3. Definitions

In this Policy, the following words have the corresponding meaning:

Activity means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, which is sanctioned or organised by a Relevant Organisation.

Alternative Dispute Resolution is a collective term for processes, other than arbitration, such as mediation or conciliation that may be used to resolve allegations of Prohibited Conduct under this Policy.

Athlete means a person who is registered, or entitled to participate, in an Activity.

Australian Outrigger Canoe Racing means the sport of Outrigger Canoe Racing as governed by AOCRA Ltd and International Va'a Federation from time to time.

Appeals Tribunal means an Appeals Tribunal established internally by AOCRA to hear an appeal of a decision of a Hearing Tribunal.

Board means the board of AOCRA Ltd.

Breach Notice means a written notification sent to the Respondent in accordance with clause 8.6.

Case Categorisation Model means the guidelines as attached in appendix 6 [Case Categorisation Model](#). This is a guide only and AOCRA Ltd may in its sole discretion determine this guide is not relevant from time to time. This guide assists with determining an appropriate mechanism to manage a Complaint, as amended from time to time.

Club means any club that enters an Athlete or a Team to participate in an Activity.

Complaint has the meaning given in clause 6.1.

Complaint Manager means the person appointed by AOCRA as the complaints manager to manage Complaints under this Policy.

Complaints Process means the process for managing a Complaint under the guidance of this Policy from the time the Complaint is received to the Resolution Process.

Complainant has the meaning given in clause 6.2.

Contractor means any person or organisation engaged to provide services for or on behalf of a Relevant Organisation, and includes:

- (a) agents, advisers, and subcontractors of a Relevant Organisation and
- (b) employees, officers, volunteers, and agents of a Contractor or subcontractor.

Discrimination includes both direct and indirect discrimination which have the following meaning:

- (a) 'Direct discrimination' occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- (b) 'Indirect discrimination' occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

Disciplinary Action means action brought against or proposed to be brought against a respondent by AOCRA, alleging a breach of one or more of AOCRA Eligible Policies. This may occur by AOCRA becoming aware of allegations against, or information concerning, a respondent by any manner, including via a complaint.

Employee means a person employed by a Relevant Organisation.

Eligible Policy means the AOCRA constitution and all by laws, rules, regulations, policies and procedures (however named) and directions of AOCRA.

Internal Hearing Tribunal means Hearing Tribunal established internally by AOCRA Ltd to conduct a hearing under this Policy and in line with Internal Tribunal Procedure affected as attached appendix 4.

Member means a member of a Relevant Organisation, including:

- (a) **Member Organisation**, which means each company or incorporated association that is a member of AOCRA Ltd - including each:
 - i. state, Zone, and Club Member; and
 - ii. affiliate that is a member of a Zone.

- (b) **Individual Member**, which means individuals who are individuals registered with a Relevant Organisation.

National Integrity Framework means the AOCRA Ltd National Integrity Framework consisting of the five SIA approved policies located on the AOCRA website under Integrity policies.

NST means the National Sports Tribunal established under the NST Legislation.

NST Eligible Matter means an alleged breach that is a kind of dispute that falls within the guidelines outlined in 8.7(c).

Participant means:

- (a) Athletes;
- (b) coaches appointed to train an Athlete or Team in an Activity;
- (c) administrators who have a role in the administration, operation or Activity of a Relevant Organisation including owners, directors, committee members or other persons;
- (d) officials including referees, umpires, technical officials, or other officials appointed by a Relevant Organisation, or any league, competition, series, Club or Team sanctioned by a Relevant Organisation; and
- (e) support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, or any league, competition, series, Club or Team sanctioned by a Relevant Organisation including sports science sports medicine personnel, team managers, agents, selectors, and team staff members.

Policy means this Complaints, Disputes Conduct and Disciplinary Policy.

Prohibited Conduct means the conduct proscribed in each of the Relevant AOCRA Policies, rules, by laws and constitution including the conduct proscribed under clause 5 of this Policy. Examples of Prohibited Conduct area also contained in Schedule1.

Protected Characteristic means:

- (a) age;
- (b) disability;
- (c) race or ethnicity;
- (d) sex or gender identity;
- (e) sexual orientation; or
- (f) religion.

Provisional Action means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement.

Relevant Organisation means any of the following organisations:

- (a) AOCRA Ltd;
- (b) Member Organisations; or
- (c) any other organisation that has agreed to be bound by the Relevant Policies.

Relevant Person means any of the following persons:

- (a) Individual Member;
- (b) Participant;
- (c) Employee;
- (d) Contractor;
- (e) Volunteer; or
- (f) any other individual who has agreed to be bound by the Relevant Policies.

Relevant Policies means the following AOCRA Ltd policies:

- (a) SIA Safeguarding Children and Young People Policy;
- (b) SIA Competition Manipulation and Sport Gambling Policy;
- (c) SIA Improper Use of Drugs and Medicine Policy;
- (d) SIA Member Protection Policy;
- (e) SIA Complaints, Disputes and Discipline Policy;
- (f) AOCRA Ltd Complaints, Disputes, Conduct and Discipline Policy
- (g) Any other bi-laws, rules, regulations or policies of AOCRA to be subject to this Policy.

Report has the meaning given in clause 6.5.

Reporter has the meaning given in clause 6.6.

Resolution Process means the process from the point at which a Breach Notice or complaints has been issued to a Respondent.

Outrigging means the sport of Outrigger Canoeing, as governed by AOCRA and International VAA Federation from time to time.

Respondent has the meaning given in clause 6.3.

Sanction means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy. See attached appendix 7 Sanctions and Related measures.

Team means a collection or squad of Athletes, registered with a Relevant Organisation or entitled to participate in an Activity.

Volunteer means any person engaged by a Relevant Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel.

Vulnerable Person means a person who is:

- (a) under the age of 18;
- (b) aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason; or
- (c) aged 18 or over but has experienced or is experiencing poor mental health outcomes, either as a result of the incident in question, due to their life experiences, or as a result of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

4. Jurisdiction

4.1 When this Policy applies

- (a) This Policy applies to Prohibited Conduct under each of the Relevant Policies.

4.2 Who the Relevant Policies apply to

- (a) The Relevant Policies apply to and bind:
 - i. all Relevant Persons and Relevant Organisations.
 - ii. any person who, or organisation that:
 - A. has had a Complaint or Report made against them; and
 - B. was bound by the Relevant Policies at the time of the alleged Prohibited Conduct, even if they are no longer a Relevant Person or Relevant Organisation.
- (b) Employees are expected to abide by the terms of the Relevant Policies as a reasonable and lawful direction of the Relevant Organisation they are employed by (as relevant) as their employer.
- (c) A Relevant Organisation must ensure that all Contractors and Volunteers are contractually bound to abide by the terms of the Relevant Policies.
- (d) By participating in an Activity, a Participant is deemed to have agreed to be bound by the Relevant Policies.
- (e) Any person or organisation who has had a Complaint made about them and was bound by the Relevant Policies at the time of the alleged behaviour continues to be bound by the Relevant Policies until the Complaint is finalised and any sanction has been complied with.

4.3 What happens when there are conflicting provisions?

- (a) Laws of the Commonwealth, or a state or territory, take precedence and must be complied with in the first instance.
- (b) The Australian National Anti-Doping Policy or any other applicable World Anti-Doping Code compliant anti-doping policy (ADP) will prevail to the extent of any inconsistency with the Relevant Policies in all instances. Any allegation relating to a breach or possible breach of the Australian National Anti-Doping Policy or ADP will be dealt with under that policy.
- (c) Nothing in the Relevant Policies prevents the Relevant Organisation from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.
- (d) The Relevant Policies are subject to AOCRA Ltd Constitution and if there is any inconsistency, the Constitution will prevail.

5. Prohibited Conduct

5.1 What is Prohibited Conduct under this Policy?

- (a) Subject to clause 5.1(b) in addition to the conduct proscribed under each of the Relevant Policies, a Relevant Person or a Relevant Organisation will breach this Policy if they:
 - i. fail to report any conduct which is reasonably likely to be Prohibited Conduct, to Sport Integrity Australia or the AOCRA Ltd in accordance with clause 6.7, as soon as reasonably practicable after they become aware of it without reasonable cause;
 - ii. deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be Prohibited Conduct;
 - iii. fail to provide further information or documentation as requested during the Complaint Process without reasonable cause;
 - iv. fail to comply with a Breach Notice;
 - v. knowingly provide any inaccurate and/or misleading information during the course of any Complaint Process under this Policy; or
 - vi. fail to comply with obligations under this Policy to keep information confidential.
- (b) A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so would be a breach of any applicable law.
- (c) AOCRA Ltd may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 5.1(a) of this Policy.
- (d) Examples of prohibited conduct are attached as Schedule 1.

6. Making a Complaint or Report

6.1 What is a Complaint?

- (a) A Complaint is a formal written submission of an allegation:
 - i. made by a Complainant (who cannot make the Complaint anonymously); and
 - ii. relating to Prohibited Conduct under a Relevant Policy; and
 - iii. against a Respondent.
- (b) An AOCRA sample complaint form is attached as Appendix 1.

6.2 Who is a Complainant?

- (a) A Complainant is a person or an organisation who or which is directly affected by the alleged Prohibited Conduct and makes a Complaint about a Respondent in accordance with this Policy.
- (b) Where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or carer. The Vulnerable Person will still be considered to be the Complainant when a Complaint is submitted on their behalf.
- (c) A Complainant cannot be anonymous.

6.3 Who is a Respondent?

- (a) A Respondent is a Relevant Person or Relevant Organisation about whom a Complaint or Report has been made and who was bound by the Relevant Policy/ies at the time the alleged Prohibited Conduct occurred.

6.4 Vulnerable Persons and support persons

- (a) Where required, the parent or carer of a Vulnerable Person who is a party to a Complaint may support the Vulnerable Person and/or act on their behalf if necessary, through the Complaints Process and any subsequent Resolution Process. For example, at any interview, Alternative Dispute Resolution process, or Hearing Tribunal or Appeals Tribunal.
- (b) A party to a Complaint may request that they be assisted by a support person or authorised representative. This request will generally be granted unless there is a specific reason to deny it (for example, where a nominated support person or authorised representative is also a witness to the allegations or is actively hindering the interview process). Reporters and witnesses may be permitted to be assisted by a support person or authorised representative where this is considered appropriate.

6.5 What is a Report?

- (a) A Report is a submission of allegations that a Respondent has engaged in conduct which may be Prohibited Conduct which does not meet the definition of a Complaint.
- (b) Reports received by AOCRA Ltd 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 Complaints Manager. In some circumstances, Reports may be managed through the Complaints Process. Reporters will not be contacted regarding their Report unless further information is required.
- (c) 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 Prohibited Conduct and if so their circumstances and preferences, the perceived risk to the sport, and whether there have been other Reports relating to similar allegations.
- (d) A Report may be made anonymously; however, this may limit the action that can be taken in relation to the allegations.
- (e) 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.
- (f) If a Report is to be progressed through the Complaints Process, any reference to a Complaint throughout this Policy will apply to the Report.

6.6 Who is a Reporter?

- (a) 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.

6.7 Responsibility for Managing Complaints or Reports

- (a) A Complaint or Report may be submitted to Sport Integrity Australia where it relates to alleged Prohibited Conduct under the Safeguarding Children and Young People Policy or allegations of Discrimination under the Member Protection Policy.
- (b) Complaints relating to matters such as personal grievances, breaches of code of conduct, breaches of AOCRA rules, policies, by-law issues, governance, eligibility and selection disputes, and competition-related rules will not be managed by Sport Integrity Australia.
- (c) A Complaint or Report may be submitted to AOCRA Ltd where it relates to any alleged Prohibited Conduct.

- (d) Where a Complaint relates to alleged Prohibited Conduct below the national level, AOCRA Ltd may delegate its functions and responsibilities relating to managing Complaints under this Policy to a Zone or Club Management Committee, other than those functions and responsibilities set out in this clause 6.7. AOCRA Ltd must consider any significant conflict of interest, and whether it can be appropriately managed, in considering whether to delegate such functions and responsibilities to a Relevant Organisation. If delegated:
- i. Any reference to AOCRA Ltd in provisions relevant to the delegated functions will be read as a reference to that Relevant Organisation;
 - ii. the matter may only be referred to an external organisation through AOCRA Ltd;
 - iii. the matter remains subject to overview and review by AOCRA Ltd, which may require the Relevant Organisation managing the Complaint to remedy any failure to discharge a delegated responsibility and/or improper exercise of a delegated function.
- (e) The organisation managing the Complaint may appoint an independent investigator where appropriate but will remain responsible for overall management of the Complaint.

6.8 Submitting a Complaint or Report

- (a) A Complaint or Report form is to be used and submitted to AOCRA Ltd as attached Appendix 1.
- (b) A Complaint must be made in writing (including electronically).
- (c) A Report can be made in writing (including electronically) or verbally.

6.9 Withdrawing a Complaint

- (a) A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (including electronically) to the organisation that it was submitted to.
- (b) Where a Complaint has been withdrawn, the organisation managing the Complaint may choose to continue to progress the matter through the Complaints Process.

6.10 Confidentiality

- (a) All Complaints and Reports must be kept in confidence, by all parties.
- (b) Any Relevant Organisation or Sport Integrity Australia may disclose information as required or authorised by law.
- (c) Subject to this clause, decisions around appropriate disclosure of information will be addressed on a case-by-case basis. Disclosure of information to parties not directly affected by the alleged behaviour are restricted, unless authorised by all parties.

6.11 Appointment of Complaint Manager

- (a) AOCRA Ltd will appoint a Complaint Manager, who will be responsible for managing AOCRA Ltd's obligations under this Policy.

6.12 Failure to cooperate

- (a) Subject to clause 6.12(c), Relevant Persons should cooperate fully with any Complaints Process or Resolution Process they are involved in. A failure to do so may be Prohibited Conduct under clause 5.1(a) of this Policy.
- (b) If a Respondent fails or refuses to respond, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in a Complaints Process or Resolution Process, AOCRA Ltd, a Hearing Tribunal or an Appeals Tribunal (as applicable) may make findings based on the available information.
- (c) No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law.

7. The Complaints Process

7.1 Evaluation

- (a) Upon receipt of a Complaint, the complaints manager will determine whether the matter falls within the scope of the Relevant Policies. In making this determination the complaints manager will consider whether the conduct alleged in the Complaint would, if proven to the requisite standard, constitute Prohibited Conduct, as well as whether it otherwise meets the requirements of clause 6. The complaints manager will also decide in accordance with clause 6.7 as to which organisation should manage the Complaint.
- (b) Where a Complaint has the potential to be managed by either Sport Integrity Australia or AOCRA Ltd, these organisations may consult on who is best placed to manage the Complaint.
- (c) Mischievous or vexatious claims will not be managed under this Policy and simply rejected.
- (d) 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, and approved by the complaints manager and AOCRA Ltd Board.
- (e) Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of a Relevant Organisation, the matter will be managed under the most appropriate policy.
- (f) If the Complaint is determined to be out of scope of the Relevant AOCRA Policies, the complaints manager which received the Complaint will notify the Complainant and no further action will be taken under this Policy.
- (g) 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.
- (h) The complaints manager has absolute discretion to determine whether a complaint is excluded under clause 7.1(a) and their decision will be final and binding. In making a determination under the clause, the complaints manager may seek any further information, or make such further enquires as necessary.

7.2 Case Categorisation Model: In-scope matters

- (a) Once a Complaint has been deemed to be in-scope, it will undergo Case Categorisation to determine an appropriate means of dealing with the Complaint. Complaints are categorised with reference to the nature of the alleged conduct, the possible level of harm and complexity of the issues raised in the Complaint (refer to [Case Categorisation Model](#)). Refer to Appendix 6.
- (b) Following Case Categorisation, any one or a combination of the following actions may be undertaken by the complaints manager:
 - i. External referral;
 - ii. Referral to an Internal Hearing Tribunal;
 - iii. Provisional Action;
 - iv. Investigation; personally, or appoint an independent person;
 - v. Alternative Dispute Resolution;
 - vi. Case closure;
 - vii. Refer the matter to the Police
- (c) For Complaints that have been categorised as Category 1, the Complaint may be closed in accordance with clause 8.11 with no findings being made or sanction imposed. A Respondent may be reminded of their obligations under the Relevant Policies or recommended to undergo education or training.
- (d) AOCRA Ltd may refer a Complaint directly to a Hearing Tribunal to hear the allegations and make findings about the Complaint instead of proceeding to an investigation.
- (e) It is the sole discretion of the complaints manager on what actions are undertaken.

7.3 External referral

- (a) At any time during the Complaints Process, allegations may be referred by the complaints manager to a relevant external organisation if it will assist the organisation 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. 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.
- (b) If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

7.4 Provisional Action

- (a) Where an allegation suggests a risk of physical or mental harm to a Participant, or the integrity of the sport which justifies imposing Provisional Action, the complaints manager may refer the alleged breach to the AOCRA board to determine, in the board's absolute discretion whether any Provisional Action will be taken to mitigate any potential harm to any person and/or interference in an investigation.
- (b) Provisional Action may only be taken by Relevant Organisations and not by Sport Integrity Australia. For matters managed by Sport Integrity Australia, Sport Integrity Australia will advise AOCRA Ltd as soon as practicable of any possible risk of harm to Participants identified, including sufficient details of the matter to enable AOCRA Ltd to determine whether to impose any Provisional Action.
- (c) Provisional Action may include suspension, supervision, restriction of duties or temporary re-deployment, or suspension or restriction of rights, privileges, or benefits.
- (d) If the complaints officer or AOCRA Board believes it is necessary to exclude the respondent(s) from all or some AOCRA activities & events after considering the nature of the complaint they can do so with no appeal process.
- (e) In addition, if AOCRA deem that an individual is continually breaching AOCRA's prohibited conduct they can impose a Provisional Action.

7.5 Investigation

- (a) The organisation responsible for managing the Complaint may conduct an investigation to obtain additional evidence, including by way of formal interview and collection of additional information, to determine if the alleged Prohibited Conduct is a breach of a Relevant Policy.
- (b) In conducting an investigation, the rules of procedural fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard.
- (c) Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would constitute Prohibited Conduct under a Relevant Policy, the Respondent will be deemed under this Policy to have committed Prohibited Conduct without requiring further investigation, or any other process.
- (d) Following an investigation, the Complaint will be managed in accordance with clause 8, or the complaints manager may refer directly to an Internal Hearing Tribunal.

7.6 Standard of proof

- (a) The standard of proof that applies to all substantive decisions (including by a Hearing Tribunal) made under this Policy in respect of allegations of Prohibited Conduct is "balance of probabilities". This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

7.7 Alternative Dispute Resolution

- (a) The Complainant and the Respondent may both agree to an Alternative Dispute Resolution. The Complaints Process may be suspended while Alternative Dispute Resolution is pursued. The Complaints Process may be discontinued if both parties are satisfied that the matter has been resolved.

- (b) This process will be coordinated by the Complaint Manager, if required.
- (c) An alternate dispute process can only occur if both parties agree.

8. Findings and Resolution Process

8.1 Findings

- (a) Unless the matter has been referred directly to a Hearing Tribunal under clause 7.5(d) following an investigation, the Complaints Manager managing the Complaint will determine whether, to the requisite standard of proof, the allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated.
- (b) In cases where AOCRA Ltd manages the Complaint, AOCRA Ltd will notify the parties of the findings, and if the allegation of Prohibited Conduct is substantiated, will manage the Resolution Process described in clause 8.2.

8.2 The Resolution Process

- (a) Consistent with clause 6.7, AOCRA Ltd may delegate the management of the Resolution Process to another Relevant Organisation.
- (b) The Complaints Manager, after receiving approval from the AOCRA Ltd Board is ultimately responsible for issuing either a Warning Letter or a Breach Notice to the Respondent and applying and administering Sanctions and other related measures as it sees fit. Refer to Appendix 7 - [Sanctioning Guidelines](#) that provide only a guidance for sanctions.
- (c) Where a Respondent admits the alleged breach and accepts the Sanction or fails to respond to the Breach Notice within the time prescribed within the Breach Notice, the AOCRA Ltd Complaint Manager may impose the Sanction and proceed to finalise the Complaint.
- (d) Where a breach notice or sanction is accepted it cannot be appealed at a later date.

8.3 Notification to parties

AOCRA Ltd will communicate as appropriate with the Respondent, Complainant and any Relevant Organisation involved in the matter throughout the Resolution Process and will notify both the Complainant and the Respondent of the outcome and finalisation of the matter at the conclusion of the Resolution Process.

8.4 Appropriate Sanctions

- (a) Where AOCRA Ltd is advised or becomes aware of an allegation or considers that a member, or respondent has breached an Eligible Policy, it may commence Disciplinary Action immediately.
- (b) AOCRA Ltd may impose one or more Sanctions on a Respondent where this is considered appropriate.
- (c) In making a determination under clause 8.4(a) AOCRA Ltd may refer to the [Case Categorisation Model](#), taking into account:
 - i. the seriousness of the behaviour;
 - ii. whether it was a one-off incident or part of an overall pattern of behaviour;
 - iii. whether it was an honest and reasonable mistake;
 - iv. the potential impact on public confidence in the integrity of the sport;
 - v. the potential impact of the proposed Sanction on the Respondent;
 - vi. the views and opinion of the Complainant; and
 - vii. any other relevant or mitigating factors.

- (d) The sanctions that may be imposed on a respondent include but are not limited to:
- i. A reprimand via a warning letter
 - ii. Direction to attend counselling or training to address their behaviour
 - iii. Suspended sentence and / or good behaviour period
 - iv. Removal of accreditation
 - v. Remove of awards (life membership)
 - vi. Exclusion from particular events, competition or activity
 - vii. Supervision of membership from AOCRA or affiliated club of AOCRA

8.5 Warning Procedure

- (a) A Warning Letter may only be chosen to be issued where an alleged Breach concerns Conduct that, in the opinion of the Complaints Manager:
- i. Is of minor nature and
 - ii. If established would likely only result in a warning being issued to the respondent
- (b) A Warning Letter is not a Prerequisite for a Breach Notice, Sanction or Provisional Action to be imposed, it is strictly for minor breaches.

8.6 Breach Notice

- (a) If the allegations are found to be substantiated, AOCRA Ltd will issue a Breach Notice. Any Breach Notice issued by AOCRA Ltd to a Respondent will:
- i. notify the Respondent of the allegations found to be substantiated, including the alleged conduct;
 - ii. state the proposed Sanction, if any, for the substantiated allegations;
 - iii. state that the Respondent has a right to an appeal hearing in relation to the allegations found to be substantiated and/or the proposed internal Sanction;
 - iv. state that the Respondent may accept the findings, waive their right to a hearing and accept the proposed Sanction;
 - v. state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by AOCRA Ltd;
 - vi. state that any response to the Breach Notice must be made to AOCRA Ltd, and provide contact details of the Complaint Manager; and
 - vii. be provided to the Respondent, and (if applicable) Relevant Organisation.
- (b) In response to a Breach Notice, a Respondent may:
- i. accept the findings, waive their right to an appeal and accept the proposed Sanction; or
 - ii. dispute the findings and/or the proposed Sanction, in which case the matter will be referred back to the Complaints Manager, to determine the best course of action under this policy to resolve the matter.
- (c) Unless otherwise agreed by AOCRA Ltd, a Respondent has 14 days from the date of the Breach Notice to notify the Complaint Manager in writing of their decision.
- (d) Notice given under paragraph (b)(ii) must be:
- i. given in writing (whether by email or other means);
 - ii. sent to the AOCRA Ltd Complaint Manager at the address given on the Breach Notice; and
 - iii. received within 14 days from the date of the Breach Notice.

- (e) If AOCRA Ltd does not receive notice under clause (b)(ii) within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.

8.7 Referral to a Hearing Tribunal

- (a) If the Respondent disputes the substantiated allegations and/or the proposed Sanction in the Breach Notice, the Complaint Manager can request a formal meeting between the parties to try and reresolve the matter or, must refer the matter to an internal Hearing Tribunal.
- (b) If the matter is refer to an Internal Hearing Tribunal, the substantiated allegations and proposed sanction must be put forward by the complaints manager. The applicant must pay the Tribunal fee of \$500 and be aware that 50% of all Tribunal costs will be paid by the applicant and 50% by the respondent.
- (c) Only matters of severe nature will be able to be referred to NST for hearing and is only able to be referred to NST if all of the following occur:
 - i. both parties agree to utilise NST
 - ii. AOCRA Ltd board approves
 - iii. It is recommended by the complaints manager

8.8 Hearing Tribunals

- (a) AOCRA internal hearings and appeals will be managed in accordance with Appendix 5 The Internal Appeals Tribunal Procedure, as applicable:
 - i. if referred directly to the Hearing Tribunal under clause 7.1, make the findings required by clause 8.1, and determine whether a Sanction should be imposed and if so, the nature of that Sanction; or
 - ii. if referred to a Hearing under clause 8.7 following an investigation, arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.

8.9 Appeals Procedure

A complainant or a respondent(s) who is not satisfied with:

- i. A first instance decision (e.g. a decision which purports to be a final decision imposing or not imposing a penalty (subject to this appeal right) or
A membership decision (regarding the granting, rejection, suspension, or cancellation of a membership),

Whether it is the decision of a Complaints Officer, a Decision of the Board, a decision of the Hearings Tribunal (other than an appeal from another decision) or a decision of a Zone, the complainant or respondent(s) can lodge one appeal to AOCRA Ltd on one or more of the following bases:

- a. That a denial of natural justice has occurred; or
- b. That the disciplinary measure(s) imposed is unjust and/or unreasonable.
- c. That the decision was not supported by the information/evidence provided to the Decision Maker;
 - ii. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the AOCRA President within 28 days of the relevant decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
 - iii. If the letter of appeal is not received by the AOCRA President within the time period the right of appeal lapses. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal lapses.
 - iv. The letter of appeal and copy of tribunal decision report will be forwarded to the AOCRA Management Committee/board to review and decide whether there are sufficient grounds for the appeal to proceed. The AOCRA Management Committee/board may invite any witnesses to the meeting it believes are required to make an informed decision.

- v. If the appellant has not shown sufficient grounds for appeal in accordance with this clause 27, then the appeal will be rejected. The appellant will be notified with reasons. The appeal fee will be forfeited.

8.10 Implementation

- (a) It is the responsibility of AOCRA Ltd to ensure that appropriate Sanctions (or other alternative actions) are undertaken, and that the Relevant Policies are implemented and applied. It is the responsibility of all AOCRA members and its affiliated clubs to inform themselves of the rules, policies and code of conduct expected of all participants in outriggering.
- (b) AOCRA or Relevant Organisations will determine if a Sanction should be publicly disclosed in order to give it full effect. This may be necessary for suspension or cancellation of membership or accreditation.
- (c) Notwithstanding clause 8.10(a), ignorance of the Relevant Policies is not a defence, excuse or justification for Prohibited Conduct and will not be considered a mitigating circumstance.

8.11 Case closure

- (a) Complaints may be closed by the Complaints Manager under this Policy at any of the following times:
 - i. the Complaint is evaluated by the Complaints Manager as being out of scope of this Policy under clause 7.1;
 - ii. the Complaint is categorised by the Complaints Manager as a Category 1 Complaint in accordance with clause 7.2 and the [Case Categorisation Model](#), and no further action is being taken;
 - iii. during investigation of the Complaint, it becomes apparent that the Complaint no longer meets the eligibility requirements set out in clause 6 (for example, the Respondent is discovered not to have been bound by the Relevant Policies at the time the alleged conduct occurred due to information obtained during the investigation);
 - iv. the Complaint is resolved through Alternative Dispute Resolution in accordance with clause 7.7, or the Complaint was sought to be resolved through Alternative Dispute Resolution but it was not resolved and the participants are in agreement that the Complaint may be closed;
 - v. following investigation, all allegations are found to be either unsubstantiated or unable to be substantiated;
 - vi. following investigation, the Respondent accepts or is deemed to have accepted the findings and any Sanction imposed upon them in accordance with clause (d); or
 - vii. the matter is finalised before a Hearing Tribunal or Appeals Tribunal.
- (b) Once a matter has been closed in accordance with this clause, it has been finalised and no further action will be taken in relation to the matter under this Policy.
- (c) AOCRA Ltd will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.

9. Interpretation and Other Matters

9.1 Application and commencement

- (a) The Relevant Policies are approved by the AOCRA Ltd Board.
- (b) The Relevant Policies:
 - i. commence on the date outlined on the front cover (Commencement Date);

- ii. are subject to AOCRA Ltd's constitution (or other governing rules and polices as applicable), and if there is any inconsistency, the constitution will prevail; and
 - iii. when in force, are binding on all Relevant Persons and Relevant Organisations.
- (c) The 'Policy Intent' section (if applicable) at the start of each Relevant Policy is not intended to be and should not be construed in any way as a complete and comprehensive overview of that Relevant Policy. To the extent of any inconsistency, the operative provisions of that Relevant Policy prevail.

9.2 Amendment

In accordance with AOCRA Ltd's constitution (or other governing rules as applicable), the Board may amend the Relevant Policies as required, including to incorporate amendments notified to the AOCRA Ltd by Sport Integrity Australia from time to time. Such amendments will be effective on the date specified by the Board.

9.3 Interpretation

- (a) The following rules of interpretation apply to each Relevant Policy:
- i. Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
 - ii. Words in the singular include the plural and vice versa.
 - iii. Reference to 'including' and similar words are not words of limitation.
 - iv. Words importing a gender include any other gender.
 - v. A reference to a clause is a reference to a clause or subclause of the Relevant Policy in which it appears.
 - vi. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
 - vii. If any provision of a Relevant Policy is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because any part of it is held invalid.
 - viii. Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Framework shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement thereof or of any other right on any other occasion.
 - ix. Defined terms are Capitalised and consistent across the Relevant Policies.

9.4 Education

- (a) AOCRA members must make themselves aware of all AOCRA Ltd Rules, Policies, By Laws and Constitution to ensure they comply.
- (b) Each member has an Annual responsibility when renewing their membership to sign off that they are aware of all current policies.
- (c) AOCRA may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in Outrigging and the associated integrity risks.

SCHEDULE 1 - Examples of Prohibited Conduct

1. **Abuse** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
 - (a) physical abuse and assault including hitting, slapping, punching, kicking, destroying property, sleep, and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
 - (b) sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
 - (c) emotional abuse such as repeated and intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation;
 - (d) verbal abuse such as repeated or severe insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
 - (e) financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
 - (f) neglect of a person's needs.

2. **Bullying** must be behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:
 - (a) keeping someone out of a group (online or offline);
 - (b) acting in an unpleasant way near or towards someone;
 - (c) giving nasty looks, making rude gestures, calling names, being rude and impolite, constantly negative and teasing;
 - (d) spreading rumours or lies, or misrepresenting someone (i.e., using their social media account to post messages as if it were them);
 - (e) 'fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
 - (f) harassing someone based on their race, sex, religion, gender, or a disability;
 - (g) intentionally and repeatedly hurting someone physically;
 - (h) intentionally stalking someone; and
 - (i) taking advantage of any power over someone else,but does not include legitimate and reasonable:
 - (a) management action;
 - (b) management processes;
 - (c) disciplinary action; or
 - (d) allocation of activities in compliance with agreed systems.

3. **Harassment** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
 - (a) telling insulting jokes about racial groups;
 - (b) sending explicit or sexually suggestive emails or text messages;
 - (c) displaying racially offensive or pornographic images or screen savers;
 - (d) making derogatory comments or taunts about someone's race;
 - (e) asking intrusive questions about someone's personal life, including his or her sex life;
 - (f) sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
 - (g) any of the above conduct in the workplace, based on or linked to a person's disability or the disability of an associate; and
 - (h) offensive behaviour based on race or racial hatred, such as something done in public that offends, insults, or humiliates a person or group of people because of their race, colour or nationality or ethnicity.

4. Sexual Misconduct is behaviour including, but not limited to:

- (a) unwelcome touching;
- (b) staring or leering;
- (c) suggestive comments or jokes;
- (d) showing or sharing sexually explicit images or pictures;
- (e) unwanted invitations to go out on dates;
- (f) requests for sex;
- (g) intrusive questions about a person's private life or body;
- (h) unnecessary familiarity, such as deliberately brushing up against a person;
- (i) insults or taunts based on sex;
- (j) sexually explicit physical contact;
- (k) sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
- (l) displaying pornographic images or screen savers;
- (m) asking intrusive questions about someone's personal life, including about his or her sex life; and
- (n) criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.

5. Unlawful Discrimination is unfair treatment based on a person's:

- (a) age;
- (b) disability;
- (c) race, colour, nationality, ethnicity, or migrant status;
- (d) sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
- (e) sexual orientation, gender identity or intersex status.

6. Victimization is behaviour including, but not limited to:

- (a) dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
- (b) alteration of an employee's position or duties to his or her disadvantage;
- (c) discrimination between an employee and other employees;
- (d) repeated failure to select an individual on merit;
- (e) a reduction in future contract value; and
- (f) removal of coaching and other financial and non-financial support.

7. Vilification is behaviour including, but not limited to:

- (a) speaking about a person's race or religion in a way that could make other people dislike, hate, or ridicule them;
- (b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
- (c) repeated and serious verbal or physical abuse about the race or religion of another person;
- (d) encouraging violence against people who belong to a particular race or religion, or damaging their property; and
- (e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites or email.

<p>Description of alleged breach by Respondent</p> <p><i>Please provide as much information as possible, including details of who is involved, describe what happened and when, and how you found out about the breach - attach further pages if necessary</i></p>	
<p>Witnesses (if any)</p>	<p>Did anyone else witness this alleged breach by the Respondent?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p>If 'Yes', please list the witnesses and their contact details (if known):</p> <p>1. Name: Phone: Email:</p> <hr/> <p>2. Name: Phone: Email:</p> <hr/> <p>3. Name: Phone: Email:</p>
<p>Level of the Sport at which alleged breach occurred</p>	<p><input type="checkbox"/> NSO level where they relate to behaviour, an incident or circumstances that occurred at or involve individuals operating at the NSO level;</p> <p><input type="checkbox"/> SSA level where they relate to behaviour, an incident or circumstances that occurred at or involve individuals operating at the State (Territory) Sporting Association level; or</p> <p><input type="checkbox"/> Affiliate level - where it relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Affiliate level (Association/League/Club level).</p>
<p>Eligible policy that Respondent has allegedly breached</p> <p>Sections allegedly breached</p>	
<p>Does Complainant consent to alternative dispute resolution?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Signed by Complainant</p>	<p>Signature:</p> <p>Date:</p>

APPENDIX 2

Item 1: Letter - Warning Letter

AUSTRALIAN OUTRIGGER CANOE RACING ASSOCIATION Ltd CONDUCT AND DISCIPLINARY POLICY - WARNING PROCEDURE

[insert name]

[address line 1]

[address line 2]

By email: [insert email address]

Referral

1. AOCRA (**Sport**) has received information (**Alleged Breach**) under its Conduct & Disciplinary Policy (**Policy**) alleging that you have breached an eligible policy of the Sport, as outlined below. A copy of the Policy is available at [insert link].
2. The Complaints Manager under the Policy has referred the Alleged Breach about you for resolution under the Warning Procedure.

Allegations

3. The Alleged Breach was received by the Sport on [insert date]. **OR** The Sport was made aware of the Alleged Breach on [insert date].
4. It is alleged in the Alleged Breach that you:
 - a) [insert alleged conduct]; and
 - b) [+++++].
5. Your conduct constitutes a breach of the following policies of the Sport:
 - a) [insert specific sections of policies allegedly breached]; and
 - b) [+++++].

Warning

6. This is a warning that if this conduct continues or further breaches occur it may lead to sanctions being posed against you.

Invitation to Comment

7. You are invited to comment in writing on whether or not. You dispute this warning and the basis for this dispute.
8. Please provide your comments within 14 days, ending **5:00pm AEST on [DAY] [MONTH] [YEAR]**.
9. The Complaints Manager will take into account any comments provided by you.
10. If you have any questions or comments in relation to this letter, the Complaints Manager can be contacted by telephone on [+++++] or by email at [+++++].

Yours faithfully

[insert signatory]

Item 2: Notification - Warning Procedure

AUSTRALIAN OUTRIGGER CANOE RACING ASSOCIATION LTD CONDUCT AND DISCIPLINARY POLICY - WARNING PROCEDURE

Notification of Outcome

[insert name]

[address line 1]

[address line 2]

By email: [insert email address]

Allegations

1. You were previously notified by notice dated [insert date] of an Alleged Breach of an eligible policy of the Sport, as outlined below.
2. It was alleged that you:
 - a) [insert alleged conduct]; and
 - b) [+++++].
3. If the above allegations were to be established, your conduct would likely constitute a breach of the following policies of the Sport:
 - a) [insert specific sections of policies allegedly breached]; and
 - b) [+++++].

Warning

4. Without determining whether the allegations in the Alleged Breach were correct, or that the Alleged Breach is proven, Sport proposed to issue a warning that the allegations, if they were proven, would constitute a breach of the policies outlined at paragraph 3.
5. You were invited to comment on the proposed warning and whether or not that warning should be issued.

Outcome

6. Sport has taken your response into consideration in making its decision on whether or not to warn you in relation to your conduct.
7. Sport has decided that a warning is not appropriate in relation to your conduct. **OR** Sport formally warns you that the allegations made in the Alleged Breach, if they were proven, would constitute a breach of the policies outlined at paragraph 3.
8. Sport reserves its rights in relation to any separate or future allegations or complaints that you have breached a policy of Sport.
9. If you have any questions or comments in relation to this letter, the Complaints Manager can be contacted by telephone on [+++++] or by email at [+++++].

Yours faithfully

[insert signatory]

APPENDIX 3

Letter - Breach Offer

AUSTRALIAN OUTRIGGER CANOE RACING ASSOCIATION LTD COMPLAINTS & DISPUTES POLICY - BREACH OFFER

Breach Offer

[insert name]

[address line 1]

[address line 2]

By email: [insert email address]

Referral

1. AOCRA (**Sport**) has received information (**Alleged Breach**) under its Conduct & Disciplinary Policy (**Policy**) alleging that you have breached an eligible policy of the Sport, as outlined below. A copy of the Policy is available at [insert link].
2. The complaints manager under the Policy has referred the Alleged Breach about you for resolution under the Breach Offer Process.

Allegations

3. The Alleged Breach was lodged by [insert name] and received by the Sport on [insert date].
OR The Sport was made aware of the Alleged Breach on [insert date].
4. It is alleged in the Alleged Breach that you:
 - a) [insert alleged conduct]; and
 - b) [+++++].
5. As a result of the above allegations, it is alleged that you have consequently breached the following eligible policies of the Sport:
 - a) [insert specific sections of eligible policies allegedly breached]; and
 - b) [+++++].

Sanction

6. If a breach of the type outlined in the Alleged Breach was fully proven, Sport would ordinarily impose the following sanction:
 - a) [insert applicable sanction]; and
 - b) [+++++].
7. In accordance with the Policy, to resolve the Alleged Breach using the Breach Offer Process, if you accept the alleged breach occurred without a hearing, Sport will offer you a sanction as follows:
 - a) [insert applicable sanction]; and
 - b) [+++++].

Decision

- 8. You are entitled to decide either to accept your alleged breach occurred, and the proposed sanction that will be imposed by Sport set out at paragraph 7, or alternatively dispute the alleged breach and/or proposed sanction.
- 9. If you dispute the alleged breach and/or proposed sanction, the Alleged Breach will be referred to a hearing tribunal for determination under the Policy.

Notification

- 10. Please advise Sport's complaints manager of your decision to either accept the alleged breach and proposed sanction or dispute the breach and/or sanction and proceed to a hearing tribunal, by signing and returning the below 'Acknowledgement' to the complaints manager at complaints@acora.com.au
- 11. You must advise the complaints manager of your decision within 7 days of the date of this letter, failing which you will be deemed to have accepted the breach occurred and the proposed sanction will automatically commence.
- 12. Unless you dispute the alleged breach and/or proposed sanction, the proposed sanction will commence on the earlier of the date you notify the complaints manager of your acceptance, or the end of the date 14 days from the date of this letter.
- 13. If you have any questions in relation to this Breach Offer, the complaints manager can be contacted by telephone on [++++++] or by email at [+++++].

Yours faithfully

[insert signatory]

ACKNOWLEDGEMENT

I,....., confirm to AOCRA Ltd, that in response to this Breach Offer, I (tick one):

Accept my breach of the eligible policies occurred and the proposed sanction offered.
OR

Dispute my breach of the eligible policies occurred and/or the proposed sanction offered and wish the matter to be heard by a hearing tribunal.

Signed:

Dated:

APPENDIX 4

Internal Tribunal Procedure

Interpretation

1. In this Schedule:

Chair means the chair of a particular Internal Tribunal in accordance with this Schedule.

Legal Practitioner is a person holding a current practising certificate as a lawyer or barrister in any Australian jurisdiction.

Sports Administrator means a person who currently, or within the previous five years, is or has been employed in the field of sports administration.

Tribunal Member means an individual person sitting on an Internal Tribunal.

2. Defined terms not otherwise defined in this Schedule have the meaning given to them in the Policy.

3. All clause references refer to this Schedule unless otherwise provided.

Convening Internal Tribunal

4. Where required under this Policy, the Complaints Manager will convene an Internal Tribunal in accordance with this Schedule.

5. The Internal Tribunal shall be convened as soon as reasonably practicable after a referral, and approval by the AOCRA Ltd Board and shall endeavour to convene no later than four weeks after notification by the Complaints Manager.

Composition of Internal Tribunal

6. Subject to clause 8, each Internal Tribunal shall:

(a) Comprise three Tribunal Members selected by the Complaints Manager;

(b) Comprise at least one Legal Practitioner;

(c) Be chaired by the Chair, who shall be appointed by the Complaints Manager and shall be:

(i) A Legal Practitioner; and

(ii) A person of experience and skills suitable to the function of chairing a tribunal.

7. The Complaints Manager shall use reasonable endeavours to ensure that the Tribunal Members selected for any particular Internal Tribunal:

(a) Do not have an actual or perceived conflict of interest in relation to the Alleged Breach that might reasonably call into question the impartiality of the Internal Tribunal; and

(b) Do not have any close personal connection to the Respondent(s) or the matters being considered by the Internal Tribunal.

8. Should a Tribunal Member become unable to sit on an Internal Tribunal following the convening of the Internal Tribunal for whatever reason, the Complaints Manager shall appoint a replacement Tribunal Member having regard to the requirements of clause 7.
9. Should a Respondent challenge the impartiality of any one or more Tribunal Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:
 - (a) The Complaints Manager; or
 - (b) If the Complaints Manager is unavailable or unable to act, the other members of the Internal Tribunal.
10. There shall be no right of appeal from a decision made under clause 9.
11. No Internal Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal Member.

Responsibilities of Chair

12. Without limiting any other duties of the Chair set out under this Schedule, the person appointed as Chair of the Internal Tribunal shall have the following responsibilities:
 - (a) To chair hearings of the Internal Tribunal;
 - (b) To ensure accurate records are kept of all of the Internal Tribunal's proceedings and decisions, including at a minimum:
 - (i) Particulars of the hearing, including date, time and location;
 - (ii) The names of each Tribunal Member, Complainant, Respondent, witnesses called, and any other parties permitted to attend by the Internal Tribunal;
 - (iii) The decision of the Internal Tribunal, including any Sanction imposed, whether given to the parties orally, in writing or a combination of both, and the date(s) of communication; and
 - (c) To communicate to all parties of an Internal Tribunal the results of such Internal Tribunal and provide a copy of the record of result to the Complaints Manager within seven days of the hearing.

Attendance at Internal Tribunal

13. The following persons shall be required to attend the Internal Tribunal hearing conducted under this Schedule:
 - (a) The Respondent; and
 - (b) The Complainant.
14. The following persons shall be entitled to attend an Internal Tribunal hearing as required by the Complainant, or the Respondent:
 - (a) Witnesses called to give evidence by a Respondent;
 - (b) Witnesses called to give evidence by the Complainant;
 - (c) Any person that the Chair in their absolute discretion believes will assist the Internal Tribunal and invites to attend the Internal Tribunal for that purpose; and

- (d) Where the Respondent, the Complainant or a witness is a Vulnerable Person, an adult adviser, which will in the absence of unavailability or other extraordinary circumstance be expected to be such person's parent or guardian.
- 15. Legal Practitioners are not permitted to appear before, or represent a party at, the Internal Tribunal unless in their personal capacity as a party to the Dispute. This clause does not prohibit a party seeking legal advice in relation to an Alleged Breach or engaging a Legal Practitioner to prepare materials to be used by that party at the Internal Tribunal.
- 16. Each party to the Internal Tribunal shall bear their own costs.

Non-attendance by Respondent(s)

- 17. If any Respondent (or representative of a Respondent organisation) fails to attend the Internal Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Internal Tribunal in the absence of the Respondent, provided that the Internal Tribunal is satisfied that this Schedule have been complied with.
- 18. A Respondent or Complainant may apply to the Chair to have an Internal Tribunal hearing:
 - (a) Adjourned; or
 - (b) Convened in another way (eg teleconference),

if there are compelling circumstances that warrant such steps being taken to avoid costs, hardship or significant inconvenience to one or more parties. The Internal Tribunal has sole discretion on whether or not to grant the application.

- 19. If the Complainant fails to attend an Internal Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Internal Tribunal in the absence of that person, provided that the Internal Tribunal is satisfied that all notification procedures under this Schedule have been carried out.

Procedure of Internal Tribunal

- 20. The Internal Tribunal shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:
 - (a) Consider any evidence, and in any form that it deems relevant;
 - (b) Question any person giving evidence;
 - (c) Limit the number of witnesses presented to those who provide any new evidence; and
 - (d) Act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- 21. Without limiting the Internal Tribunal's power to regulate its own procedure as it sees fit, the Internal Tribunal shall ordinarily proceed in accordance with the following steps:
 - (a) If a body corporate, the NSO, a Member Organisation or Affiliate is a party to an Internal Tribunal hearing, one member of that body corporate, NSO, Member Organisation or Affiliate shall be appointed by the body corporate, NSO, Member Organisation or Affiliate to act as spokesperson for such body at the Internal Tribunal.

- (b) At the commencement of a hearing, the Chair will identify the Tribunal Members and determine whether the Respondent is present to answer the allegation(s) in the Alleged Breach.
- (c) The Respondent and the Complainant will be notified of their right to remain in the hearing until all evidence is presented but not to be present while the Internal Tribunal considers its findings and determines an appropriate Sanction (if any).
- (d) The Chair shall advise all those persons present of the method of recording the hearing (if any).
- (e) The allegation(s) as contained in the Alleged Breach shall be read out in the presence of all persons eligible to be present.
- (f) The Respondent shall be asked whether or not they intend to contest the allegation(s).
- (g) If the Respondent does not contest the allegation(s), the Chair will provide the Complainant and the Respondent with an opportunity to make submissions as to the appropriate Sanction (if any) to be imposed. In such circumstances, the Complainant and/or the Respondent may, if they wish, call witnesses to give evidence regarding the seriousness or otherwise of the breach, and any other mitigating or aggravating factors.
- (h) If the Respondent contests the allegation(s), then the Chair will ask all witnesses except the Complainant(s) and the Respondent (and their advisers, if appointed in accordance with this Schedule) to leave the room and to wait to be called to give their evidence.
- (i) The Complainant shall proceed to give evidence and the witnesses (if any) called by the Complainant(s) shall be called upon to give their evidence in turn, subject to the approval of the number of witnesses to be called by the Internal Tribunal in its discretion. The Respondent (or, if they are a minor his/her adviser) may ask questions of the Complainant or any witness called.
- (j) Each witness shall be entitled to leave the Internal Tribunal hearing after giving evidence unless otherwise directed by the Internal Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Internal Tribunal.
- (k) The Respondent shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Internal Tribunal in its discretion. Complainants or the adviser to a Complainant who is a minor may ask questions of the Respondent or any witness called.
- (l) Where a person under the age of 18 exercises his/her right to have an adult observer or adviser present in accordance with this Schedule, a reasonable opportunity for consultation between the minor and the adviser shall be provided by the Internal Tribunal.
- (m) Where the Respondent makes video evidence available to the Internal Tribunal, it may, at the discretion of the Internal Tribunal, be presented. The onus of providing suitable viewing equipment shall lie with the person requesting that the evidence be presented.
- (n) The Internal Tribunal may, so as to limit inconvenience to witnesses, allow evidence to be given by telephone or videoconference. If via video conference camera's must be activated.

22. At the conclusion of all of the evidence and submissions the Chair shall ask the Respondent, the Complainant and all other persons present to leave the hearing room while the Internal Tribunal considers its findings.
23. If the Internal Tribunal is satisfied that a breach of an Eligible Policy has been proven using the Standard of Proof, it shall find the breach proven. Otherwise, the Alleged Breach shall be dismissed.
24. If the Internal Tribunal is not satisfied that the particular alleged breach has been proved but is satisfied that a lesser breach of an Eligible Policy has been proven, then the Internal Tribunal may find such lesser breach proved.
25. Where it appears to the Internal Tribunal that the Complainant has made an error in making the wrong alleged breach of an Eligible Policy, or omitted alleged breaches that should have been made, the Internal Tribunal may amend the allegation(s), subject always to the requirement that the Respondent must be informed of the new allegations and given an opportunity to respond to such allegations.
26. The decision of the Internal Tribunal shall be given by the Chair in the presence of both the Respondent and Complainant, unless one or both choose not to remain. If:
 - (a) One of the Respondent or Complainant are not present, the Chair may give the decision orally, and must communicate the decision to the non-attending party in writing as soon as practicable; or
 - (b) Neither the Respondent nor Complainant are present, the Chair must communicate the decision to each of the Respondent and Complainant in writing as soon as practicable.
27. The Internal Tribunal may reserve its decision but if it does so, it will provide its decision within 14 days of the hearing.
28. The Internal Tribunal is not obliged to give oral or written reasons for any decision made by it under this Schedule but may do so if it wishes.
29. Where the Internal Tribunal finds that one or more alleged breaches of an Eligible Policy have been proven, it shall inform the parties of its decision and provide the Complainant and the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the Internal Tribunal makes a decision on Sanction. The Internal Tribunal may, in its absolute discretion, decide that it is appropriate to:
 - (a) Receive oral submissions as to Sanction immediately after delivering its decision on liability; or
 - (b) Adjourn the hearing to allow the parties to make Sanction submissions on some later date, in which case, the Internal Tribunal shall direct whether submissions on penalty should be made orally or in writing.
30. After considering the parties' submissions as to Sanction, the Internal Tribunal shall determine the Sanction to be imposed (if any) in accordance with clause **Error! Reference source not found.** of the Policy and shall advise the Respondent of the Sanction. The Chair shall also notify the Complaints Manager of the decision of the Internal Tribunal.

APPENDIX 5

Internal Appeals Tribunal Procedure

Interpretation

1. In this Schedule:

Appeal Chair means the chair of a particular Internal Appeals Tribunal in accordance with this Schedule.

Tribunal Member means an individual person sitting on an Internal Appeals Tribunal.

2. Defined terms not otherwise defined in this Schedule have the meaning given to them in the Policy.
3. All clause references refer to this Schedule unless otherwise provided.

Convening Internal Appeals Tribunal

4. As required under this Policy, the Complaints Manager will convene an Internal Appeals Tribunal in accordance with this Schedule.
5. The Internal Appeals Tribunal shall be convened as soon as reasonably practicable after a referral under this Policy and shall endeavour to convene no later than four weeks after notification by the Complaints Manager.

Composition of Internal Appeals Tribunal

6. Subject to clause 7, each Internal Appeals Tribunal shall
 - (a) Comprise three Tribunal Members selected by the Complaints Manager;
 - (b) Comprise at least one Legal Practitioner;
 - (c) Be chaired by the Appeal Chair who shall be appointed by the Complaints Manager and shall be:
 - (i) A Legal Practitioner; and
 - (ii) A person of experience and skills suitable to the function of chairing an Internal Appeals Tribunal,

none of whom sat on or was involved in the original Hearing Tribunal for the Alleged Breach subject of the appeal.

7. Clauses 8 to 10 (inclusive) of Schedule 4 apply to an Internal Appeals Tribunal with any necessary amendments.

Procedure of Internal Appeals Tribunal

8. Subject to this Schedule, the Internal Appeals Tribunal and persons appearing before it is bound by the same procedures under this Policy as if the Internal Appeals Tribunal was the Internal Tribunal hearing a matter at first instance.
9. The Complaints Manager shall forward records of the Internal Tribunal hearing in which the matter the subject of the appeal was heard at first instance to the Appeal Chair.

10. The Internal Appeals Tribunal must limit its hearing to consideration of the Ground(s) of Appeal relied upon by the Appellant under this Policy, in accordance with clause 8.9 of the Policy.
11. An Internal Appeals Tribunal has the power to:
 - (a) Dismiss the appeal;
 - (b) Uphold the appeal;
 - (c) Impose any of the Sanctions set out in the Policy; or
 - (d) Reduce, increase or otherwise vary any Sanction imposed by the Internal Tribunal under the Policy,
12. At the conclusion of the appeal, the Appeal Chair shall ensure that the Appellant, Respondent and AOCRA Ltd are informed of the determinations of the Internal Appeals Tribunal. The Appeal Chair shall also notify the Complaints Manager of the decision of the Internal Appeals Tribunal.
13. The Internal Appeals Tribunal is not obliged to give oral or written reasons for its decision.
14. The Internal Appeals Tribunal has discretion to order the refund of the appeal fee and shall do so where the appeal results in the breach being dismissed or the Sanction reduced.

APPENDIX 6

THE SYSTEM: CASE CATEGORISATION

To align with the National Integrity Framework, AOCRA is providing this sample case categorization document from Sports Integrity Australia as a sample guide to case management. SIA have categorised through a 3-tier system, based on the nature of the alleged conduct, perceived level of harm, and complexity. Each matter should be considered on its merits in light of these categories.

■ CATEGORY 1: BLUE – LOW

Category 1 (Blue) matters involve **minor allegations of Prohibited Conduct** and mostly (although not always) involve a mistake, misunderstanding, or an absence of intent to harm. There are rarely, if any, complicating factors.

The presence of any **complicating factors** may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, **aggravating factors** (as set out in *Aggravating and Mitigating Circumstances* later in this document), an uncooperative Respondent or risk to the sport.

Category 1 matters do not usually require an extensive Assessment.

Category 1 matters include (but are not limited to):

- Children having a physical altercation.
- Low level swearing, derogatory or disrespectful comments, chastising a child.
- Aggressive tone, disrespectful comments, or a heated altercation, in the absence of malice, vilification or bullying or other egregious behaviour.
- Lewd jokes (where adults involve minors, a higher category may result).
- Unnecessary physical contact (not involving sexual misconduct) including pushing, shoving or bumping into another.
- Non-compliance with the following Child Safe Practices, **but only where** no obvious aggravating circumstances or behavioural patterns of concern are present:
 - Exhibiting favouritism towards a child.
 - Photographing a child without appropriate consent.
 - Transport of a child/children without parent / guardian consent.
 - Gifting to a child/children unless an official award.
 - Engaging in open discussions of a mature nature in the presence of children.
 - Social media contact with a child/children (where there is no inappropriate content).
 - Accepting invitation to attend a private social function without an existing social, personal or family relationship.

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■ CATEGORY 2: AMBER – MEDIUM

Category 2 (Amber) matters allege Prohibited Conduct violations, and may involve the risk of moderate

Category 2 matters may also allege more severe prohibited conduct violations, or complicating factors, having regard to frequency, intensity, number of reported incidents or complaints received, or where the circumstances indicate a reasonable possibility for escalation (and may require referral to law enforcement).

The presence of any **complicating factors** may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, aggravating factors (as set out in *Aggravating and Mitigating Circumstances*), an uncooperative Respondent or risk to the sport.

Category 2 matters include (but are not limited to):

Frequency & Intensity

- Repeated or more severe Category 1 matters, including the risk of reasonable harm.

Member and Child Protection

- Athlete to athlete bullying.
- Mocking an athlete's appearance or body shape.
- Abuse of position of trust or power.
- Disregarding medical advice when directing training or playing protocol.
- Single incident access to change rooms or private areas (known to be used for changing) by officials.
- Harassing behaviours, including unwanted sexual interest.
- Inappropriate jokes, including insensitive jokes (race, religion and culture, disability, gender, sex)
- Egregious or severe acts of prohibited conduct, including repeated use of demeaning or bullying language.
- Hazing and degrading initiation, intimidation and harmful conduct.
- Repeated or multiple incidents of harmful coaching techniques or training as punishment.

- Striking or slapping an athlete.

- Repeated or multiple incidents of offensive conduct based on age, race, culture, religion, mental health, intellectual or physical disability.

Child Protection

- Non-compliance with any Child Safe Practices (aggravated), including:
 - profane or sexual language, or language intended to threaten or frighten
 - excessive swearing, derogatory or disrespectful comments, chastising a child.
 - Use of training as punishment or ignoring a child expressing pain during training.
 - Inappropriate stretching of an athlete, having regard to their clothing, that exposes an athlete.

Other

- Betting by members on their own sport.
- Inappropriate use of supply of supplements.
- Interfering with, or intimidating, complainants, witnesses.
- Failing to report criminal charges or convictions.

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■ CATEGORY 3: RED – HIGH

Category 3 (Red) matters may involve criminal behaviour and /or immediate risk of harm, and includes child abuse, sexual abuse and includes sexual misconduct, as well as serious assault, doping and corruption.

Category 3 matters may include more severe **Category 1 or 2** allegations where there is the presence of significant complications.

Whether a matter is more severe is determined on the specific circumstances, including the frequency, intensity, number of reported incidents or complaints received.

The presence of any **complicating factors** may escalate a matter to a more severe Category. Complicating factors include a real risk of harm, criminality, **aggravating factors** (as set out in *Aggravating and Mitigating Circumstances*), an uncooperative Respondent or risk to the sport.

Category 3 matters must be reported to law enforcement / child protection, as mandated. Restrictive measures or provisional safety plans may be imposed as appropriate.

Category 3 matters include (but are not limited to):

Egregious and Criminal Conduct

- Sexual misconduct.
- Touching of genitals, breasts, buttocks (One off tapping of the buttocks as a sign of encouragement or bonding by fellow athlete may be more appropriately Categorised differently, depending on the circumstances).
- Child abuse.
- Exposing the child to age inappropriate or harmful material, or behaviours.
- Criminal charges or convictions.
- Failing to report child abuse or sexual misconduct.
- Serious assaults including striking or punching.
- Supplying alcohol or drugs to a minor.
- Use, possession or trafficking of illegal drugs.

Doping

- Doping.
- Supplying medicines or over the counter medicines except where permitted by law and with the consent of a parent.

Match Fixing and Corruption

- Match, race or competition fixing, or supplying inside information for the purposes of gambling.

APPENDIX 6

THE SYSTEM: AGGRAVATING AND MITIGATING CIRCUMSTANCES

The following guiding principles are intended to outline the aggravating and mitigating circumstances that should be taken into account when evaluating and assessing a matter under the Case Categorisation System and before determining the appropriate response

The relative level of aggravating and mitigating circumstances may impact on the ultimate re-categorisation of a matter as well as the appropriate sanction (if any).

In addition to aggravating or mitigating circumstances, there may be other factors to consider that increase the relative complexity of a matter.

Aggravating circumstances include consideration of:

- The presence of criminality, including sexual abuse.
- Actual or threatened use of violence.
- Breach was committed in the presence of a child under 18 years of age.
- Victim's vulnerability, for example, because the victim was very young or very old or had a disability, or because of the geographical isolation of the victim.
- Behaviour that is malicious, or targets vulnerable people.
- Behaviour that is coordinated or operating as part of a group.
- Behaviour that targets multiple parties or results in multiple victims.
- Breach motivated by race, religion, ethnicity, nationality, sexual identity, disability, gender.
- Gratuitous cruelty.
- Injury, emotional harm, loss or damage was substantial, including the level of embarrassment, distress or humiliation by the victim.
- Previously similar conduct or related breaches, previous sanctions.
- Failure to comply with provisional action.
- Breach whilst on probation or a sanction.
- Ongoing and sustained offending over a period of time.
- Abuse of position of power or trust.
- Attempting or disposing of evidence.
- Lack of cooperation.
- The breach was premeditated (rather than spur of the moment).
- The Respondent has previously undertaken education in relation to the particular type of conduct.

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Mitigating circumstances include consideration of:

- First time breach.
- Unplanned, spur of the moment behaviour.
- Youth and age of the person breaching.
- Limited role played in the breach.
- The Respondent had taken reasonable steps, prior to commencing an Assessment, to settle the disagreement or dispute.
- The Respondent was not fully aware of the consequences of his or her actions because of the Respondent's age or any disability.
- Accepting responsibility and level of remorse / contrition.
- Level of cooperation.
- Harm suffered by the victim or the sport was not substantial
- The presence of provocation, persuasion, or coercion by others.
- Mental illness.
- Risk of loss of employment.
- Whether the prohibited behaviour was uncharacteristic including:
 - the length of service, balancing a previously unblemished record against the expectation of greater awareness of behavioral requirements,
 - whether there are records of previous counselling or breaches of the National Integrity Framework about related issues,
 - the extent to which there is evidence that the behaviour is atypical – to assess this, the behaviour over a longer period may need to be examined e.g. any records of discussion with the individual within the last two years. Relevance of previous behaviour diminishes over time,
 - the individual's attempts to manage any external personal issues impacting on the conduct, such as accessing welfare help.

APPENDIX 7

THE SYSTEM: SANCTIONS AND RELATED MEASURES

The following principles are intended to serve as a minimum standard for providing guidance to National Sporting Organisations (NSO) and sporting clubs when sanctions and other measures may be appropriate to address allegations of Prohibited Conduct under the National Integrity Framework.

The purpose is to provide NSOs an appropriate range of sanctions and related measures that may be applicable in a particular type of integrity matter as part of assisting NSOs to develop and manage a robust integrity framework. Sport Integrity Australia may also provide advice to NSOs and clubs in individual cases as to whether particular conduct fits within the range of measures set out in this guidance.

NSOs are ultimately responsible for applying and administering sanctions and related measures as they see fit, having regard to, amongst other things, Sport Integrity Australia's guidance.

Sanctions

Rather than seeking to punish, sanctioning misconduct is primarily aimed at protecting an individual from harm with a secondary aim of protecting the integrity of sport.

Sanctions are also designed to provide a clear message that the behaviour was unacceptable, thereby acting as a deterrent.

The decision about whether to apply a sanction needs to be considered carefully on the facts and context of each case having regard to the following:

- the seriousness of the conduct
- whether it was a one-off incident or a part of an overall pattern of behaviour
- whether it was an honest and reasonable mistake
- the potential impact on public confidence in the integrity of the sport
- the views, if any, of the Complainant (for example, merely seeks an apology).

Aggravating and Mitigating circumstances (as set out in *Aggravating and Mitigating Circumstances*) should be taken into account before determining the appropriate sanctions, if any. Aggravating circumstances refers to the factors particular to a breach, the victim or the offending party that

For example, whether a person acted maliciously, or made an honest and reasonable mistake.

As a general rule, the more serious the alleged behaviour, the more appropriate it is to use sanctions.

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Range of Sanctions and Related Measures include one or a combination of any of the following:

Category 1 Breaches

The following range of measures may be appropriate:

- Awareness of NIF Policies.
- Mandatory awareness and education requirements.
- Formal Warning and /or Reprimand.
- Requiring an apology.

Category 2 Breaches

The following range of sanctions could be considered (in conjunction with Category 1 measures):

- Formal conciliation or mediation.
- Counselling.
- Restricted duties or access.
- Supervision and mandatory oversight.
- Mandatory education and programs.
- Temporary suspension from relevant event / entity / club.

Category 3 Breaches

The following range of sanctions could be considered:

- Formal and mandatory awareness and education requirements.
- Formal Reprimand.
- Requiring an apology.
- Formal conciliation or mediation.
- Counselling.
- Role change / restricted duties or access.
- Supervision and mandatory oversight.
- Mandatory education and programs.
- Temporary suspension from relevant event / entity / club.
- Withdrawal of accreditation from the relevant sporting event.
- Permanent suspension / exclusion from the event / entity / club.
- Return of awards.

More than one sanction or measure may apply in any given circumstance.

Provisional Action

Provisional Action is the process undertaken to impose a temporary measure on a member of Sport while they are subject to the Complaints Process, or an investigation by law enforcement. Provisional Action is designed to keep members safe by removing or monitoring a person within the Sport who may pose a potential risk of physical or mental harm to others. In addition to harm to individuals if the behavior is bringing overall harm to the integrity of the sport provisional action may be applied.

The following principles should be considered when determining what type of Provisional Action may be appropriate:

- The type of Provisional Action recommended should be sufficient to mitigate the potential risk posed by the Respondent but should not be punitive; and
- The type of Provisional Action should not be more significant than a possible sanction may be, should the alleged Prohibited Conduct be Substantiated.

Provisional Action should be determined on a case-by-case basis. The categorisation of a matter within the Case Categorisation System and the sanctioning principles provide guidance as to the types of Provisional Action that may be suitable.

APPENDIX 7

Alternatives to Sanctions (other measures)

Options available to address allegations of Prohibited Conduct through means other than breach proceedings and / or sanctions include:

- through a sport's own code of conduct framework.
- by encouraging awareness training for the individual.
- by informal counselling.
- by assigning new roles duties, although due care should be taken to ensure this action does not amount to a sanction without due process.
- by offering informal and formal alternative dispute resolution to assist in resolving interpersonal disputes.

Alternative measures may not satisfactorily resolve concerns about an individual's conduct and the individual may continue to engage in misconduct. It may therefore be necessary to administer more severe sanctions – even in relation to less severe matters – particularly where there are concerns that a pattern of misconduct may be emerging.

Proportionality

The application of sanctions and other measures must always adhere to due process, thereby enabling Respondents to be heard before sanctions are applied.

Sanctions and other measures must be applied in accordance with the principle of proportionality – that is, in proportion to the severity of the violation(s) in any given matter. This will include taking into account any aggravating and mitigating circumstances (see earlier).

Implementation and Monitoring

It is the responsibility of NSOs (and their member organisations) to implement and apply the National Integrity Framework, including effecting sanctions where applicable.

NSOs (and their member organisations) should adopt appropriate mechanisms, such as awareness and educational programs, to best facilitate an understanding of the National Integrity Framework within their organisation. This should include providing information on the role of Sport Integrity Australia, information on the National Integrity Framework Policies, and information on how to raise concerns about alleged breaches of the National Integrity Framework policies.

Through the National integrity Framework arrangements, Sport Integrity Australia and NSOs (and their member organisations) will have an integral role. NSOs will be responsible for ensuring rules and processes are in place to effect full cooperation and subsequent administration and enforcement of any sanctions.