

Disciplinary Policy

Australian Fencing Federation Limited ACN 161 544 752 (**AFF**)

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Part A: Application of this Policy and Approach to Complaints

1. Purpose of this Policy

- (a) This Policy is designed to help all those bound by this Policy to deal with disciplinary situations that may occur through misconduct. The AFF recommends that where possible, minor discipline issues should be resolved informally. Where appropriate individuals who may need to navigate minor issues should talk about improvement in conduct or performance and monitor progress.
- (b) There will be situations where matters are more serious or where an informal approach has been taken and not achieved the required result. In these cases or if the misconduct is not minor, then appropriate action must be taken under this Policy.
- (c) This Policy deals with complaints or allegations of conduct or behaviour by a person to whom this Policy applies which constitute an Offence or is in breach of an AFF Policy or the Codes of Conduct.
- (d) This Policy applies to conduct or behaviour which is not otherwise dealt with in the Member Protection Policy or Anti-Doping Policy (**Other AFF Policies**).
- (e) Any complaint concerning a breach or potential breach of the AFF's Anti-Doping Policy will, if so determined by the AFF Board in its absolute discretion, be determined under the rules of the Anti-Doping Policy and not this Policy.
- (f) Any complaint made under AFF's Member Protection Policy must be determined under the rules of the Member Protection Policy and not this Policy.
- (g) This Policy may apply to behaviour or conduct in the course of fencing programs, Competitions and events organised, controlled or sanctioned by the AFF or its Members or behaviour and conduct that occurs "off-field". Where there is any inconsistency between this Policy and other AFF policies the following order of precedence applies to the extent of such inconsistency:
 - (1) the Other AFF Policies;
 - (2) this Policy;
 - (3) all other AFF policies,However, if there is uncertainty as to which AFF Policy applies to the conduct or behaviour, the AFF Board in its sole and absolute discretion will decide which AFF Policy is to be applied.
- (h) The purpose of this Policy is to ensure consistent and fair treatment of disciplinary situations and to encourage Participants and other persons to whom this Policy applies to maintain appropriate standards of conduct. Persons to whom this Policy applies should ensure that they have a good understanding of this Policy.
- (i) This Policy was approved by the AFF Board on 17 December 2019. This Policy is effective from 1 February 2020 and will operate until amended, repealed or replaced in accordance with the provisions of the Constitution.

2. To whom does this Policy apply?

- (a) This Policy applies to anyone involved in the sport of fencing in Australia including (but not limited to) the following individuals and organisations, regardless of whether they are acting in a paid or unpaid/voluntary capacity:

- (1) the AFF;
 - (2) individuals appointed or elected to the AFF's board, commissions, committees and working groups;
 - (3) employees, independent contractors and volunteers of the AFF;
 - (4) Participants;
 - (5) support personnel (including without limitation managers, physiotherapists, psychologists, masseurs and sport trainers) appointed to or selected to AFF teams or squads, competitions, tours, camps, training sessions or other events, held, sanctioned or otherwise supported by the AFF;
 - (6) referees, tournament management personnel and other Officials participating or otherwise involved in in AFF events and activities;
 - (7) coaches and assistant coaches;
 - (8) other personnel participating or otherwise involved in AFF events and activities, including without limitation tours, camps and training sessions, held, sanctioned or otherwise supported by the AFF;
 - (9) Members of the AFF (including Member States, Affiliate Members and Life Members) and their members;
 - (10) any other organisations affiliated with the AFF or a Member State; and
 - (11) any other person including parents, guardians, spectators and sponsors to the full extent that is possible, including where such person agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this Policy.
- (b) Under rule 7.2 of the Constitution, the AFF Board may make a policy or policies for the discipline of Members. This Policy is made pursuant to clause 7.2 of the Constitution and is binding on all Members pursuant to clause 20.2 of the Constitution.
 - (c) This Policy will be applied to any allegation or Complaint in respect of a person or organisation to whom this Policy applies which arose from an act or omission whilst this Policy applied to such person or organisation.
 - (d) Each Member State must also undertake to ensure that all of their members, including any Affiliate Members (in respect of Member States) and individual members, are bound by this Policy and are made aware of the existence of this Policy and its contents and must provide written verification that this has occurred by 1 January each calendar year.

3. Complaints Handling

3.1 Making a Complaint

- (a) The AFF aims to provide a simple procedure for Complaints based on the principles of Natural Justice (also referred to as procedural fairness).
- (b) Any person or organisation (**Complainant**) may make a Complaint about a person/s or body (**Respondent**) to whom or which this Policy applies if there is a reasonable basis to consider that they have committed an Offence under this Policy or breached an AFF Policy or Code of Behaviour (other than the Other AFF Policies).

- (c) The Complaints Handling Procedure outlined at Part C of this Policy applies exclusively to the reporting, investigation and resolution of Complaints reported under this Policy.
- (d) Complainants should refer to the Complaints Handling Procedure in Part C of this Policy for guidance on making a Complaint.
- (e) It is mandatory for a Member State or Affiliate Member who receives a Complaint to report the Complaint to the AFF, in accordance with the Complaints Handling Procedure in Part B of this Policy.
- (f) The AFF will decide the manner in which a Complaint will be dealt with in accordance with the Complaints Handling Procedure in Part C of this Policy.
- (g) The AFF has the right to:
 - (1) deal with any Complaint reported to the AFF in its sole discretion, in accordance with this Policy;
 - (2) deal with any Complaint reported to a Member State or Affiliate Member (which is relayed to the AFF) in its sole discretion, in accordance with this Policy;
 - (3) act as an observer to the handling of any Complaint, with the right to be properly informed as to the progress of the Complaint;
 - (4) assume the handling of any Complaint; and
 - (5) make a Complaint of its own volition by authority of the AFF Board against any person or body to whom or which this Policy applies (which will proceed and be dealt with in the same way as any other Complaint under this Policy).

3.2 **AFF response to Complaint**

- (a) On receipt of a Complaint in accordance with this Policy, a Disciplinary Committee will be established to review the Complaint in accordance with the Complaints Handling Procedure outlined in Part C of this Policy.
- (b) All Complaints will be dealt with promptly, seriously and sensitively, and in accordance with the Complaints Handling Procedure outlined in Part C of this Policy.
- (c) Final decisions regarding each Complaint received under this Policy will be made by the Disciplinary Committee, notwithstanding any findings that may be made by an investigator pursuant to the Complaints Handling Procedure in Part C.
- (d) A Complaint will be dealt with by the Disciplinary Committee in accordance with the Complaints Handling Procedure.

3.3 **Improper complaints and victimisation**

- (a) The AFF aims to ensure that the Complaints Procedure has integrity and is free of unfair repercussions or victimisation.
- (b) If at any point in the Complaint handling process the Disciplinary Committee considers that a Complainant has knowingly made an untrue Complaint, or the Complaint is vexatious or malicious or intended to cause distress to a Respondent, the Disciplinary Committee may take appropriate action, including possible disciplinary action against the Complainant in accordance with this Policy.

- (c) The AFF will also take necessary steps to make sure that people involved in a Complaint are not victimised. Disciplinary measures may be imposed on anyone who harasses or victimises another person for making a Complaint.

3.4 Mediation

- (a) The AFF aims to resolve Complaints quickly and fairly. In certain cases, Complaints can be resolved by agreement between the people involved with no need for disciplinary action.
- (b) Mediation is a confidential process that allows those involved in a Complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a Complaint.
- (c) Any mediation under this Policy will be conducted in line with the mediation process outlined in Attachment C2 of this Policy.

3.5 Tribunals

- (a) A Tribunal may be convened to hear an Application for Review of a Disciplinary Committee Decision under this Policy.
- (b) The Tribunal procedure will be in accordance with the AFF's Tribunal Appointment and Procedure Policy from time to time or such other applicable policy of the AFF.
- (c) A Complainant or a Respondent may only lodge an Application for Review to a Tribunal in respect of a Disciplinary Committee Decision. A Complainant or Respondent may have a right of appeal from a Tribunal decision to the Appeal Tribunal under the AFF's Tribunal Appointment and Procedure Policy from time to time or such other applicable policy of the AFF.
- (d) Every organisation to which this Policy applies will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this Policy.

4. Disciplinary measures

4.1 Overview

- (a) If an individual or organisation to which this Policy applies commits an Offence or breaches an AFF Policy or a Code of Behaviour (excluding a breach under one of the Other AFF Policies), one or more forms of disciplinary measure may be imposed.
- (b) Any disciplinary measure imposed under this Policy must be determined in accordance with the AFF Constitution (if applicable to the organisation or person involved) and must:
 - (1) observe and be consistent with any contractual and employment rules and requirements;
 - (2) conform to the principles of Natural Justice and be fair and reasonable;
 - (3) be based on the evidence and information presented and the seriousness of the breach; and
 - (4) be within the powers of the entity imposing the disciplinary measure.

4.2 Individuals

Subject to contractual requirements or otherwise under law, if a finding is made that an individual has committed an Offence or breach of an AFF Policy or a Code of Conduct under this Policy, one or more of the following forms of discipline may be imposed:

- (a) a direction that the individual make a verbal and/or written apology;
- (b) a written warning;
- (c) a direction that the individual attend counselling to address their behaviour;
- (d) a withdrawal of any funding, grants, awards, scholarships, placings, records or achievements bestowed in any tournaments, activities or events held, sanctioned or otherwise supported by the AFF;
- (e) a demotion or transfer of the individual to another role or activity;
- (f) a suspension of the individual's membership or participation or engagement in a role or activity;
- (g) termination of the individual's membership, appointment or engagement;
- (h) a direction that an individual not enter the venue of an AFF event or activity or Member State or Affiliate Member event or activity;
- (i) a direction that a Member State or Affiliate Member:
 - (1) refuse to admit a person into its membership;
 - (2) terminate the membership of one of its members;
- (j) termination of any licence that gives rise to an ability to enter an AFF, Member State or Affiliate Member event;
- (k) the imposition of conditions, limitations or restrictions on the participation of the individual in activities, squads, and/or teams sanctioned or otherwise supported by the AFF;
- (l) a recommendation that the AFF terminate the individual's membership, appointment or engagement;
- (m) a lifetime ban on being re-considered for membership of the AFF, a Member State or Affiliate Member, or participating or entering activities or events sanctioned or otherwise supported by the AFF, a Member State or Affiliate Member;
- (n) in the case of a coach or Official, a direction that the relevant organisation de-register the accreditation of the coach or Official for a period of time or permanently;
- (o) a fine;
- (p) a payment to the AFF of reasonable costs incurred by the AFF, a Member State or Affiliate Member (as applicable) in addressing the Complaint process set out in this Policy;
- (q) any other form of discipline that the AFF or Disciplinary Committee considers appropriate.

4.3 Organisations

If a finding is made that an organisation to which this Policy applies has committed an Offence or breach of an AFF Policy or a Code of Behaviour (excluding a breach under one of the Other AFF Policies), one or more of the following forms of discipline may be imposed:

- (a) a written warning;
- (b) a fine;
- (c) a direction that any rights, privileges and benefits provided to that organisation by the AFF, Member State or Affiliate Member be suspended for a specified period;
- (d) a direction that any funding granted or given to it by the AFF, Member State or Affiliate Member cease from a specified date;
- (e) a direction that the AFF, Member State and/or Affiliate Member cease to sanction events held by or under the auspices of that organisation;
- (f) a recommendation to AFF that its membership of the AFF, Member State and/or Affiliate Member be suspended or terminated in accordance with the relevant constitution or rules;
- (g) any other form of discipline that the AFF, Member State or Affiliate Member considers appropriate.

4.4 Factors to consider

The form of discipline to be imposed on an individual or organisation will depend on factors, including but not limited to:

- (a) the nature and seriousness of the breach;
- (b) if the person knew, or should have known, that the behaviour was a breach of the policy;
- (c) the person's level of contrition;
- (d) the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- (e) if there have been any relevant prior warnings or disciplinary action;
- (f) the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy); and
- (g) any other mitigating circumstances.

5. Dictionary of terms and Interpretation

5.1 Dictionary

In this Policy:

AFF means Australian Fencing Federation Limited ACN 161 544 752.

AFF Board means the board of directors of AFF.

AFF Constitution means the constitution of the AFF adopted by the Members as amended from time to time.

AFF events and activities means any event or activity held, sanctioned or otherwise supported by the AFF.

AFF Policy means a policy of the AFF in force from time to time.

Affiliate Member means a club registered as a member or an affiliate with a Member State and also includes an Affiliate Member as that term is defined in the AFF Constitution.

AFF Website means ausfencing.org.

Application for Review means an application for review of a Disciplinary Committee Decision made pursuant to this Policy, in accordance with the AFF's Tribunal Appointment and Procedure Policy.

Anti-Doping Policy means the anti-doping policy of the AFF in force from time to time.

Competition means a fencing bout, competition, championship, tournament or competitive event, whether held in Australia or internationally, including competitions conducted or sponsored by the AFF, a Member State or Affiliate Member or in which a person is representing Australia, a State of Australia, the AFF, a Member State or Affiliate Member.

Complaint means a complaint made under this Policy.

Complainant means a person who makes a Complaint.

Complaints Handling Procedure means the procedure set out in Part C of this Policy.

Codes of Conduct means the codes of conduct published by the AFF, as amended from time to time.

Disciplinary Committee means the committee appointed by the AFF Board to make decisions in relation to each Complaint received under this Policy, in accordance with the Complaints Handling Procedure.

Member means a member of the AFF as defined in the AFF Constitution.

Member Protection Policy means the member protection policy of the AFF in force from time to time, as published on the AFF Website.

Member State has the meaning given to that term by the AFF Constitution.

Natural Justice (also referred to as procedural fairness) incorporates the following principles:

- (a) both the Complainant and the Respondent must know the full details of what is being said against them and have the opportunity to respond;
- (b) all relevant submissions must be considered and irrelevant matters must not be taken into account;
- (c) no person may judge their own case;
- (d) the decision maker/s must be unbiased, fair and just; and
- (e) the penalties imposed must be fair and not disproportionate given the nature of the Complaint.

Offences means those offences set out in Attachment A1.

Official means a person who acts as an official in the sport of fencing such as a judge, referee, adjudicator, umpire, jury member or mediator and participates in events and activities held, sanctioned or supported by the AFF, a Member State or Affiliate Member from time to time, whether in a paid or volunteer capacity.

Other AFF Policies means the AFF Member Protection Policy or Anti-Doping Policy.

Participant means a person who participates in the sport of fencing including, but not limited to, athletes.

Policy means this disciplinary policy adopted by the AFF.

Registered Fencer means a person recognised or affiliated with an affiliated state/territory association and for whom the affiliated association is required to pay the AFF the prescribed fees.

Respondent means a person whose behaviour is the subject of a Complaint made under this Policy.

Sexual Offence means any act involving sexual activity or acts of indecency including, but not limited to (due to differences under state/territory legislation):

- (a) rape;
- (b) indecent assault;
- (c) sexual assault;
- (d) assault with intent to commit sexual acts;
- (e) incest;
- (f) sexual penetration of a minor;
- (g) indecent act with a minor;
- (h) sexual relationship with a minor;
- (i) sexual offences against people with impaired mental functioning;
- (j) abduction and detention;
- (k) procuring sexual penetration by threats or fraud;
- (l) procuring sexual penetration of a minor;
- (m) bestiality;
- (n) soliciting a minor to take part in an act of sexual penetration, or an indecent act;
- (o) promoting or engaging in acts of child prostitution;
- (p) obtaining benefits from child prostitution;
- (q) possession of child pornography; and
- (r) publishing child pornography and indecent articles.

Tribunal means a tribunal convened under the AFF's Tribunal Appointment and Procedure Policy to hear an Application for Review of a Disciplinary Committee Decision made under this Policy.

Tribunal Appointment and Procedure Policy means the tribunal appointment and procedure policy of the AFF as in force from time to time.

All other defined terms and expressions will have the same meaning as in the AFF Member Protection Policy or, to the extent they are not defined in the Other AFF Policies or the AFF Constitution. In the event of any conflict, the definition in the Other AFF Policies or AFF Constitution will prevail.

5.2 Interpretation

In this Policy, unless the contrary intention appears:

- (a) a person, corporation, trust, association, unincorporated body, government body or other entity includes any other of them;
- (b) the singular includes the plural and the plural includes the singular;
- (c) headings are for ease of reference only and do not affect the meaning or interpretation;
- (d) the word 'include' in any form is not a word of limitation; and
- (e) money is to Australian dollars, unless otherwise stated.

Attachment A1 - Offences

The following constitute an offence under this Policy:

- (a) inappropriate consumption of alcohol or tobacco (including consumption of alcohol whilst under the age of 18) and/or being drunk and disorderly;
- (b) consuming or aiding and abetting the consumption of illegal or illicit drugs and/or other prohibited substances;
- (c) breaching a curfew or other rules;
- (d) any disruptive, disorderly, unreasonable, untoward or inappropriate behaviour;
- (e) improperly incurring debts (e.g. telephone or accommodation charges) on behalf of the AFF, a Member State or an Affiliate Member;
- (f) failure to pay debts to the AFF, a Member State or an Affiliate Member within credit terms;
- (g) being convicted of a criminal offence, committing a criminal offence or unlawful activity;
- (h) acts, omissions, conduct and any other behaviour that brings, or is reasonably likely to bring the sport of fencing and/or the AFF, a Member State or an Affiliate Member into ridicule or disrepute;
- (i) any "match-fixing" or other act or omission that may artificially, improperly, illegally or unreasonably alter the outcome of a Competition;
- (j) gambling, or placing any wager or bet or assisting another individual to gamble or place a wager or bet, on the outcome or details of a Competition in respect of which the relevant individual is involved or has some specialist, confidential, "insider" or other sensitive information;
- (k) disclosing any specialist, confidential, "insider" or other sensitive information as described immediately above to any third party for the purposes of or relating to gambling, betting, "match-fixing", or any act or omission designed to artificially, improperly, illegally or unreasonably alter the outcome of a Competition;
- (l) underage or inappropriate sexual activity; and
- (m) inappropriate use of social media and technology, including posting or distributing actual or potentially defamatory, offensive, derogatory, private or otherwise sensitive photos, videos, comments or other information of or relating to another person or the AFF, a Member State or an Affiliate Member.

Part B: Codes of Conduct

The AFF seeks to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behaviour by athletes, coaches, Officials, administrators, parents/guardians (of child participants) and spectators, which are documented in the Codes of Conduct.

Copies of the Codes of Conduct can be obtained from the AFF website at www.ausfencing.org.

Part C: Complaints Handling Procedure

Attachment C1 - Complaints Handling Procedure

1. Step 1 - How to make a complaint

- (a) A Complaint under this Policy must relate to an Offence or breach of one or more of the Codes of Conduct or an AFF Policy.
- (b) Any person may make a Complaint about a Registered Fencer, Member State, Affiliate Member or any other person or body to whom this Policy applies pursuant to clause 21 of this Policy.
- (c) You may submit a Complaint directly to the AFF or to your Member State or Affiliate Member.
- (d) A Complaint may be submitted to the following persons:
 - (1) in respect of a Complaint made directly to the AFF, by email to:
 - (A) the AFF President at president@fencing.org.au; or
 - (B) if a Complaint involves the AFF President, the AFF Secretary by email to secretary@fencing.org.au;
 - (2) in respect of a Complaint made to the relevant Member State or Affiliate Member, by email to:
 - (A) the president of the Member State or Affiliate Member; or
 - (B) if a Complaint involves the president of the Member State or Affiliate Member, to the secretary of the Member State or Affiliate Member.
- (e) Subject to clause 1(e) of this Part C, any Complaint that a Member State or Affiliate Member receives under this Policy or its own policy (if applicable), that the Member State or Affiliate Member elects to deal with, must be notified to the AFF President by email to president@fencing.org.au or the AFF Secretary (as appropriate) by email to secretary@fencing.org.au by the relevant Member State or Affiliate Member and the Member State or Affiliate Member must also provide copies of any documents received or correspondence exchanged in relation to the Complaint.
- (f) A Member State or Affiliate Member who receives a Complaint under this Policy or its own policy (if applicable) in respect of:
 - (1) any persons under 18 years of age; or
 - (2) any abuse or Sexual Offence,must notify the AFF President of the Complaint by email to president@fencing.org.au or the AFF Secretary (as appropriate) by email to secretary@fencing.org.au and provide copies of any documents received or correspondence exchanged in relation to the Complaint.

2. Step 2 - Receipt of Complaint and Appointment of Disciplinary Committee

- (a) The AFF President or Secretary (as the case may be) will advise the AFF Board of any Complaint received under this Policy.

- (b) The AFF has the right to:
- (1) deal with any Complaint reported to the AFF in its sole discretion, in accordance with this Policy;
 - (2) deal with any Complaint reported to a Member State or Affiliate Member (which is relayed to the AFF) in its sole discretion, in accordance with this Policy;
 - (3) act as an observer to the handling of any Complaint, with the right to be properly informed as to the progress of the Complaint;
 - (4) assume the handling of any Complaint; and
 - (5) make a Complaint of its own volition by authority of the AFF Board against any person or body to whom or which this Policy applies (which will proceed and be dealt with in the same way as any other Complaint under this Policy).
- (c) On receipt of a Complaint under this Policy or the AFF assuming the handling of a Complaint in accordance with this Policy, a committee of not less than two members must be convened to review the Complaint (**Disciplinary Committee**), comprised of the following:
- (1) where the Complaint relates to behaviour or an incident that occurred at, or involves people operating at a:
 - (A) national level - the AFF President;
 - (B) state level - the President of the Member State; or
 - (C) club level - the President of the Affiliate Member; and
 - (2) at least one appointee determined by the AFF Board, being a person or persons the AFF Board considers possesses the appropriate experience or skills to consider the Complaint having regard to the nature of the Complaint. Such an appointee may (but is not required to be) a director of the AFF.
- (d) If the AFF Board determines that the AFF President or President of the Member State or Affiliate Member (as the case may be) has an actual or perceived conflict of interest in relation to the Complaint, the AFF Board will appoint another member to the Disciplinary Committee in place of the AFF President or President of the Member State or Affiliate Member.
- (e) The AFF Board will nominate one member of the Disciplinary Committee to be the contact point for all correspondence to and from (including any notices to be received or given by) the Disciplinary Committee (**Disciplinary Committee Liaison**). The Disciplinary Committee Liaison will advise the Complainant and the person or body against whom the Complaint is directed (**Respondent**) of their contact details.
- (f) Decisions regarding each Complaint received under this Policy will be made by the Disciplinary Committee.
- (g) After receiving a Complaint, and based on the material the Complainant provides, the Disciplinary Committee will assess whether:
- (1) the Disciplinary Committee is the most appropriate body to receive and handle the Complaint;

- (2) the nature and seriousness of the Complaint requires a formal resolution procedure;
 - (3) to take no further action because the Complaint is improper, insignificant or vexatious, or has been adequately dealt with through informal or other processes.
- (h) The Disciplinary Committee will in its sole discretion have the power to decide the most appropriate method of dealing with a Complaint. In dealing with a Complaint, the Disciplinary Committee may take into account:
- (1) whether any member of the Disciplinary Committee has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the Complaint;
 - (2) the views of any person who might have been subjected to or affected by any alleged breach, Offence or misconduct of the Respondent (for example, the person directly affected by the breach, Offence or misconduct where another person has made a Complaint on their behalf);
 - (3) whether the facts of the Complaint are in dispute; and
 - (4) the urgency of the Complaint.
- (i) Having reviewed a Complaint, the Disciplinary Committee may take any step, issue any direction to or impose any restriction on the Respondent or any other person or body it considers appropriate, on an interim basis, pending the investigation of and a final determination being made in relation to the Complaint under this Policy. This may include imposing any disciplinary measure set out in clause 4 of Part A of this Policy against the Respondent on an interim basis and the Disciplinary Committee's decision in this regard is final.

3. **Step 3 - Preliminary Investigation**

3.1 Conduct of Investigation

- (a) The Disciplinary Committee will conduct a preliminary investigation of the Complaint (**Preliminary Investigation**). As part of the Preliminary Investigation, the Disciplinary Committee may provide the information received from the Complainant to the Respondent and any other person(s) involved in the conduct the subject of the Complaint and ask for a response, either orally, in writing, or both.
- (b) The Disciplinary Committee may also:
 - (1) invite either or both of the Complainant or Respondent to identify any witnesses and supporting evidence; and
 - (2) make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how); and
 - (3) obtain other information that the Disciplinary Committee considers would assist it in making a decision on the Complaint.

3.2 Interview

- (a) The Disciplinary Committee Liaison may give notice to one or more of the Complainant, Respondent or any other person to whom this Policy applies requiring them to attend before the Disciplinary Committee (or one or more of its members) at a

specified time and place, to answer questions, provide information or make a submission before the Disciplinary Committee regarding the Complaint (**Interview**).

- (b) If a party is unable to attend the Interview at the proposed time, he or she must inform the Disciplinary Committee Liaison of this fact no later than 48 hours prior to the scheduled commencement time of the Interview. The Disciplinary Committee may in its discretion reschedule the Interview to enable the party to attend. If a party is unable to attend the Interview in person, the Disciplinary Committee Liaison may make appropriate arrangements so that a party is able to participate in the Interview by alternate means, such as video conference or teleconference.
- (c) The Disciplinary Committee may regulate the conduct of any Interview as it sees fit. An Interview will be conducted with as little formality and technicality as is required for proper consideration of the matters put forward by the Disciplinary Committee.
- (d) A person participating in an Interview will have reasonable and sufficient notice of the matters the subject of the Interview.
- (e) A party who attends an Interview is entitled to support from a support person however legal representation will not be allowed.

3.3 Evaluating Next Steps

- (a) Following the Preliminary Investigation, the Disciplinary Committee will:
 - (1) decide if there is enough information to determine whether the matter alleged in a Complaint did or did not occur; and/or
 - (2) determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this Policy.
- (b) The Disciplinary Committee may take any action it considers appropriate, including to:
 - (1) **issue a decision** in relation to the Complaint (see Step 4);
 - (2) refer the Complaint to **mediation**. If the Complaint is referred to **mediation**, it will be **conducted** in accordance with Attachment C2 of this Policy or as otherwise agreed by the AFF, the Complainant, the Respondent and the mediation provider;
 - (3) refer the Complaint for further independent **investigation** to gather further information (refer to Attachment C3 of this Policy for procedure);
 - (4) refer the Complaint to a **Tribunal**; or
 - (5) refer the matter to the **police or other appropriate authority**. If the Complaint is referred to the **police or another external agency**, the AFF will endeavour to provide all reasonable assistance required by the police or the agency.
- (c) Any costs relating to the Complaint process set out in this Policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the AFF, Member State or Affiliate Member (as applicable) unless otherwise stated.

4. Step 4 - Decision of the Disciplinary Committee

- (a) Following any:
 - (1) Preliminary Investigation under Step 3;

- (2) independent investigation under Step 3 in accordance with the procedure in Attachment C3 of this Policy (and having regard to the findings of the investigator); or
- (3) mediation conducted under Step 3 in accordance with the procedure in Attachment C2 of this Policy (and subject to the outcome of such mediation),

the Disciplinary Committee will issue a decision in relation to the Complaint (**Disciplinary Committee Decision**).

- (b) In the Disciplinary Committee Decision the Disciplinary Committee may in its discretion:
 - (1) dismiss and close the Complaint; or
 - (2) impose a penalty or disciplinary measure set out in clause 4 of Part A of this Policy.
- (c) The AFF will notify the Complainant and the Respondent of the Disciplinary Committee Decision relating to a Complaint made under this Policy within 7 days after it is made.

5. **Step 5 - Making an Application for Review**

- (a) A Complainant or Respondent who is dissatisfied with a Disciplinary Committee Decision may submit an Application for Review of a Disciplinary Committee Decision. The process for making an Application for Review and any subsequent appeal to an Appeal Tribunal are set out in the AFF's Tribunal Appointment and Procedure Policy.
- (b) An Application for Review must be made in the time and manner prescribed by the Tribunal Appointment and Procedure Policy.

6. **Step 6 - Documenting the resolution**

The Disciplinary Committee will record the Complaint, the steps taken to resolve it and the outcome, in the form set out in Attachment D1 of this Policy. This information will be stored in a confidential and secure place by the AFF (subject to any disclosure that may be required by law).

Attachment C2 - Mediation

Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it.

This attachment outlines the general procedure of mediation that will be followed by the AFF or the relevant Member State.

- (a) The Disciplinary Committee will appoint an appropriate mediator to help resolve the Complaint, in consultation with the Complainant and the Respondent. The mediator will be an independent person in the context of the Complaint, however this does not preclude a person with an association with the AFF acting as mediator.
- (b) The mediator's role is to assist the Complainant and Respondent reach an agreement on how to resolve the problem. The mediator, in consultation with the Complainant and Respondent, will choose the procedures to be followed during the mediation. At a minimum, the mediator will prepare an agenda of issues for discussion.
- (c) All issues raised during mediation will be treated confidentially and without prejudice to the rights of the Complainant and the Respondent to pursue an alternative process if the Complaint is not resolved.
- (d) If the Complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement which will be signed by the Complainant and the Respondent recording their agreement.
- (e) If the Complaint is not resolved by mediation, the Disciplinary Committee may take any step it considers appropriate in proceeding with the Complaint including to issue a Disciplinary Committee Decision in respect of the Complaint in accordance with Attachment C1.
- (f) Mediation will not be recommended where:
 - (1) the Complainant and the Respondent have completely different versions of events and will not deviate from these;
 - (2) the Complainant and the Respondent are unwilling to attempt mediation;
 - (3) due to the nature of the Complaint, the relationship between the Complainant and the Respondent or any other relevant factors, the Complaint is not suitable for mediation; or
 - (4) the matter involves proven serious allegations (regardless of the wishes of the Complainant).

Attachment C3 - Investigation Process

If an investigation needs to be conducted to gather more information the following steps will be followed unless otherwise agreed:

- (a) The Disciplinary Committee will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:
 - (1) Interview the Complainant and record the interview in writing.
 - (2) Convey full details of the Complaint to the Respondent so that he or she can respond.
 - (3) Interview the Respondent to allow them to answer the Complaint, and record the interview in writing.
 - (4) Obtain statements from witnesses and other relevant evidence.
 - (5) Make a finding as to whether the Complaint is:
 - (A) substantiated (there is sufficient evidence to support the Complaint);
 - (B) inconclusive (there is insufficient evidence either way);
 - (C) unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded); or
 - (D) mischievous, vexatious or knowingly untrue.
- (b) Provide a report to the Disciplinary Committee documenting the Complaint, investigation process, evidence, finding and, if requested, recommendations.
- (c) The Disciplinary Committee will provide a report to the Complainant and the Respondent documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
- (d) The Complainant and the Respondent will be entitled to support throughout this process from their chosen support person or adviser.
- (e) The Complainant and the Respondent may have the right to seek review of a Disciplinary Committee Decision based on the investigation (refer to Step 5 in the Complaints Handling Procedure).

Part D: Reporting Requirements and Documents

The AFF will ensure that all the Complaints we receive are properly documented. This includes recording how the Complaint was resolved and the outcome of the Complaint. The template forms in Part D may be used for this purpose. This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this Policy) and stored in a secure place.

Nature of the Complaint? (category/basis/grounds)	
Methods (if any) of attempted informal resolution	
Formal resolution procedures followed (outline)	
If investigated:	Finding
If decided by Disciplinary Committee:	Decision Action recommended
If mediated:	Date of mediation: Both/all parties present: Agreement Any other action taken
If decision was reviewed by Tribunal:	Decision Action recommended

Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3-8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Date / / Signature:
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the Complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to the AFF and a copy kept with the organisation where the Complaint was first made.