



MEMBER INVESTIGATION AND DISCIPLINARY PROCEDURE

1 Purpose

The purpose for this document is to provide a procedure for the handling of a breach or alleged breach the Club's constitution, Code of Behaviour, policies or procedures. Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of Club's rules. All parties outlined in the Document Scope (members) agree to fully comply with the Club's Constitution, Code of Behaviour, specific Policies and Procedures as presented on the Club website.

2 Scope

This procedure applies to all members of Sturt Basketball Club as defined in the Club Constitution.

3 Definitions

Committee	The Sturt Basketball Club Committee (The appointed officers of the Club).
Complaint	In this procedure includes the Incident, Issue, Action or other such behaviour that is the cause of the investigation and/or disciplinary action.
Defendant	The member subject of the complaint.

4 Procedure

This Disciplinary Procedure can be triggered by:

- a written complaint from a member, another team or club within the sport, the governing body, the league/match organisers or any other party, or
- the Committee may trigger the procedure if they believe an incident has taken place that has not been officially reported but that it is in the interest of the club and the welfare of its members for it to be investigated

4.1 Investigation

Where a breach or alleged breach is suspected, an investigation will be conducted by a committee appointed appropriately trained Investigation Officer.

- A disciplinary file will be opened by the Investigating Officer in which will be placed copies and records of the original complaint, together with any statements, evidence, any other correspondence and subsequently, any actions taken as a result of the complaint.
- To ensure ongoing member protection, information relating to the name and any other identifying details of a complainant or evidence provided against a Defendant must remain confidential.



- Contact the member subject of the complaint to advise of the official complaint and request the member to submit a written statement of events in response.
- The Investigation Officer will review evidence presented and, if possible, obtain further written evidence, witness statements, etc.
- They will, if necessary, interview or consult all relevant parties and witnesses for supportive evidence or clarification of facts.
- Prepare a report using the Investigation Report Template.
- Once the Investigating Officer has finalized their investigation, they will attempt to communicate their planned action regarding the incident to the complainant and or affected individual(s). This is only to understand if there is likely to be further escalation prior to informing the defending party of the alleged incident(s).
- In cases of disputes of a personal nature, the Investigating Officer will attempt to resolve the situation amicably and to the mutual satisfaction of the parties concerned.
- If settlement cannot be agreed between the parties, or if the offence merits it, then a disciplinary meeting will be arranged as soon as possible.

4.2 Escalation

- The Investigation Officer will deem what action is needed by categorizing the breach or alleged breach as follows:

4.2.1 Simple Misconduct

“Simple Misconduct” is the carrying out of an offence considered to be of a minor nature (unless frequently repeated) and will normally incur a written warning from the General Manager (or if none appointed at the time, the President). The General Manager will write to the defendant with a formal written warning including the demand for an apology or other corrective action the Investigating Officer may deem appropriate.

Examples of offences that may be considered Simple Misconduct include:

- Discourteous, crude or offensive behaviour at games, training sessions or organised Club events
- Conduct of an unsafe nature
- Offensive disregard for equipment or property
- Refusal to carry out reasonable instructions issued by Club employees, Committee members, Coaches, Team Managers, Umpires/officials or other Club / industry representatives
- Failure to attend or participate in events or meetings that have been previously committed to in the name of the Club by either an individual or team, where this is likely to have an affect on other club members.
- Failure to comply with or adhere to the Sturt Constitution, Code of Behaviour, Policy or Procedure requirements.
- Any other actions of similar gravity to the above, at the discretion of the Committee.
- Repetition of the above offences or failure or comply with any demands made in writing by the Committee may result in further action by the Committee leading to a Disciplinary Meeting (see below).



4.2.2 Serious Misconduct

“Serious Misconduct” is the carrying out of an offence of such gravity that in the opinion of the Investigation Officer it warrants a Club Disciplinary Meeting.

Examples of offences that may be considered as serious misconduct include:

- Misconduct offences above if specially grave or repeated
- Deliberate or consistent breaches of club rules
- Any attempt to achieve gains or advantage over others by unfair or unscrupulous means
- Use of threatening or abusive behaviour
- Participating in the sport whilst under the influence of drugs or alcohol
- Malicious interference with equipment or property
- Disregard for one’s own or other people’s safety
- Any other action, which in the opinion of the Investigation Officer/Committee may bring the sport or Club into disrepute, or which left unpunished, may result in the detriment of the Club or its members.

4.2.3 Gross Misconduct

“Gross Misconduct” is action of such seriousness that the Committee will require the immediate expulsion of the member from the club. The Committee may – by means of a full Committee decision – summarily expel such a member without invoking a Disciplinary Meeting. The expelled member will have the right to a Disciplinary Meeting as soon as this can be arranged but will remain expelled until and unless such a meeting overturns the Committee decision.

Examples of offences that may be considered as gross misconduct include:

- Physical violence of assault towards other persons at a Club event or related activity, including serious threatening, intimidating or forceful behaviour
- Theft or misappropriation
- Reckless disregard of safety and basic safety rules
- Being convicted of criminal offences involving physical violence or abuse
- Other acts that are considered to be of an extremely serious nature perpetrated against the Club, its members or any other party.
- Repeated examples of Serious Misconduct committed by the same member or member family.

Child Protection – if the matter relates to a child protection issue the Club will follow the Child Protection requirements, and then follow the Disciplinary Procedure after an outcome has been reached.

4.3 Judiciary Committee

Where the Investigating Officer reports to the Committee they have deemed the Complaint Serious or Gross Misconduct, a Judiciary Panel will be convened by the Committee.

The Judiciary Panel will typically consist of:

- The Club President or Club Secretary and two members of the Committee
- The Committee may feel it is not appropriate for the make-up of the Judiciary Panel to be made up of the Committee and hence reserve the right to change the makeup of the Judiciary Panel.



- The Judiciary Panel must best represent the interests of the club and the welfare of the membership.
- Under no circumstances can the accused, the complainant or any other directly affected party be a member of the Judiciary Panel.
- The Judiciary Panel will appoint a chairperson (who will have the casting vote).
- The Chairperson shall normally take charge of the meeting and all questions will be addressed through this chairperson.
- The Club Committee or a Judiciary Panel with advice from a Legal Advisor should they so wish – will decide whether the complaint falls within the scope of this procedure.
- Disciplinary action against Club members, including expulsion without notice, may be taken for offences of misconduct or breach of Club's rules. However, it is recognised and accepted that every member:
 - a. Has the right to expect fair and consistent treatment
 - b. Has the right to natural justice
- The Judiciary Panel will review all of the evidence in the relevant case file and will discuss the issue with the Investigating Officer to determine the finding

4.4 Disciplinary Meeting

The Judiciary Panel will be responsible for reviewing the evidence from the case file and discussing the case with the Investigating Officer.

Should the complaint be considered by the Judiciary Panel as one of serious misconduct, then the following procedure will be implemented: –

- Contact the member subject of the complaint to advise of the official complaint and request the member to attend the meeting. This may be in person or by voice or video conferencing.
- Non-attendance by the defendant at a disciplinary meeting will not prevent the meeting being convened and completed. In such circumstances/instances a written declaration may be submitted to the Committee.
- The Defendant may request a support person attend however, this person is may not speak or act on behalf of the defendant.
- Other relevant individuals maybe requested to join by the Judiciary Panel if specific knowledge is required to manage the disciplinary case.
- No member will be expelled for the first breach of Club's rules except in cases deemed "gross misconduct".

The following actions will normally occur at the meeting:

- The nature and facts of the Complaint will be stated read out by the Judiciary Panel.
- Findings and recommendations from the investigation will be explained.
- The defendant will be provided the opportunity to state their case in defence of their actions.
- No witnesses or statements can be introduced at the meeting without prior notice.
- The Disciplinary Committee may adjourn the meeting to allow further evidence to be referred to if the Disciplinary Committee considers it fair to do so



- Upon completion of the meeting, the defendant will leave and the Disciplinary Committee will adjourn to determine a decision with reference to the Sturt Sabres (SS) Just Rewards Process. The Defendant is to be notified in writing of such decision and informed of any penalties within 7 days of the meeting.
- Penalties will be effective from the date of the decision.
- If new evidence becomes available or feedback is received from an external body then this can be reconsidered by the original Disciplinary Committee.

The Club will in all cases comply with the requirements of the Constitution and its Child Protection requirements including immediate notification of the police where required.

The action outlined above will normally finalise the process unless any of the parties involved object strongly to the finding and decision in which case they may appeal directly to the General Manager (or if none appointed at the time, the President) for a final decision.

Any member suspended or expelled under this procedure, may appeal to a special general meeting where such an appeal is sponsored by no less than five members.

4.5 Appeal

Any appeal of the decision or penalty must be made by way of registered post or email to the General Manager (or if none appointed at the time, the President) by the member, within 7 days of being notified of the decision.

No appeal will be valid or considered after that period has elapsed. The appeal must give full written grounds, stating exactly what is being appealed against and the reasons for this.

An appeal together with full and recorded argument may be considered relative to:

- the decision
- the penalty
- other

An appeal meeting will be convened as soon as practicable and will consist of an Appeal Board of at least one member of the Club Committee who did not take part in the first disciplinary meeting as well as an appropriately trained investigating officer. The Appeal Board will elect their own chairperson (who will have the casting vote).

New evidence cannot be presented at the appeal meeting.

The Appeal Committee shall have power to amend or revoke any decision made at the previous Disciplinary Meeting.



5 Records and References

5.1 Records

- Case File
- Written evidence and statements
- Investigation report
- Investigation Tracking Form
- Findings and determination from the complaint
- Appeals and Appeals Board findings

5.2 References

- Sturt Sabres Club Constitution
- Sturt Sabres Code of Conduct
- Member Protection Policy
- SS Just Rewards Process