



# Vilification and Discrimination Policy

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The Donvale Football Club has developed this policy in line with the EFL and AFL Vilification and Discrimination Policies.

Further information can be found on the following websites:

- [EFL.org.au/resources/vilification and discrimination policy](http://EFL.org.au/resources/vilification%20and%20discrimination%20policy)
- [AFLvic.com.au/policies – new / AFL Vilification Policy](http://AFLvic.com.au/policies%20-%20new/AFL%20Vilification%20Policy)

## **SECTION 1 – COMMITMENT**

The Donvale Football Club is committed to an environment which promotes understanding, accepting the unique differences of all persons affiliated with or interested in football, and supporting racial and religious tolerance. This is achieved by prohibiting certain discriminatory or vilifying conduct, as well as providing a means of redress for players and officials aggrieved by what they reasonably consider to be vilification or discrimination based in their individuality.

The Club is bound by the applicable provisions of State-based legislation as well as the:

- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Human Rights & Equal Opportunity Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1995 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic)

This Policy is not in substitution of the legislation.

The Club will ensure that this Policy is communicated to spectators and participants of the Club.

Nothing in this Policy prevents a person lodging a complaint in relation to vilification or discrimination, racial and religious vilification and/or racial discrimination under the legislation. In the event a complaint is made under this policy the Club shall ensure that the parties are informed of their rights.



## **SECTION 2 – DEFINITIONS**

In this Policy-

**“Complaint”** means an allegation, contention or assertion made by a Participant or Participants in relation to the conduct of another Participant or Participants which the first Participant or Participants claim is Prohibited Conduct. Complaints will be either an Intra-Club Complaint or an Inter-Club Complaint.

**“complaints process”** means the procedure outlined in sections 6, 7 and 8 of this Policy.

**“Conciliation”** means a method of alternative dispute resolution to which a third party (the “conciliator”) attempts to facilitate an agreed resolution of the dispute through active input and advice to Participants about the best way to resolve the Complaint.

**“Club”** means the Donvale Football Club.

**“Club Complaints Officer”** means a person appointed by a Club to oversee this Vilification & Discrimination Policy, and to liaise with all persons relevant to the Complaints Process to the extent that it involves a Complaint made in respect of a Participant of the Club, and to act in accordance with sections 4.1 and 4.2. The Club’s Complaints Officer is Justin Goldsmith.

**“Club Official”** includes committee members, coaches, coaching staff, trainers, runners, persons involved in the every-day administration of the Club and any person who may reasonably be perceived to hold an official Club position.

**“detriment”** includes humiliation and denigration.

**“discrimination”** means for the purpose of this Policy, conduct based on a person’s race, religion, colour, gender, descent or national or ethnic origin. Discrimination may be direct or indirect.

**Direct discrimination** means treating or proposing to treat another person less favourably on the basis of a person’s race, religion, colour, descent or national or ethnic origin.

**Indirect discrimination** means imposing or intending to impose a requirement that a person of a particular race, religion, colour, descent or national or ethnic origin cannot comply with, but which a higher proportion of people without that attribute (or with a different attribute) can, when it is not reasonable in the circumstances to do so.



**“engage in conduct”** is defined with reference to the ordinary meaning ascribed to the phrase but also expressly includes use of the internet, Social Media or email to publish or transmit statements or other material.

**“EFL”** means the Eastern Football League

**“EFL Complaints Officer/s”** is either the EFL CEO, EFL Chairman EFL General Manager or such other person as thought fit and proper to hold the position

**“Informal Resolution”** means an informal arrangement, understanding or agreement that, in the reasonable opinion of the EFL Complaints Officer/s or a Club Complaints Officer, has been reached in relation to either an Inter-Club Complaint or an Intra-Club Complaint between the Participant or Participants alleged to have engaged in the Prohibited Conduct and the Participant or Participants alleged to have been the subject of the Prohibited Conduct. Such informal arrangements or agreements may involve an oral apology or retraction.

**“Inter-Club Complaint”** means a Complaint by a Participant or Participants from one Club involving an allegation of Prohibited Conduct directed at a Participant or Participants from a second club

**“Intra-Club Complaint”** means a Complaint by a Participant or Participants from one Club involving an allegation or Prohibited Conduct directed at a Participant or Participants from within the same club.

**“Investigation Officer”** means an independent person selected by the EFL in accordance with this policy to investigate a complaint and to provide a recommendation to the EFL Complaints Officer/s

**“League”** means the Football League

**“participant”** includes a player, director, officer, employee, volunteer to and agent of a Football Club that participates in the League

**“spectator”** is a person that attends a football game or event conducted by a Club or the League.

**“Social Media”** refers to what may reasonably be perceived to involve communication involving novel digital formats and platforms including, but not limited to, Facebook, Twitter, MySpace, Instagram, emails, and other forms of instant messaging. Refer to the Club’s Policy on Social Media for additional information.



### **SECTION 3 – PROHIBITED CONDUCT**

No person in the capacity as a supporter or official shall engage in conduct which may reasonably be considered to incite hatred towards, contempt for, ridicule of or discrimination against a person or group of persons on the ground of their:

- Race
- Religion
- Gender
- Colour
- Sexual preference, orientation or identity
- Special ability or disability.

### **SECTION 4 – AUTHORISED PERSONS**

**4.1** In the event that a complaint has been made, the Club will refer the matter to the Complaints Officer (Justin Goldsmith) to ensure that any breach of this Policy is responded to in an equitable and prompt manner.

**4.2** The President of the Club is the senior decision-maker in the Club's Complaints Process. Therefore, should the President be absent for a significant period, he/she must nominate a person to act on his/her behalf should the process need to be enacted.

### **SECTION 5 – CONFIDENTIALITY AND RECORDS**

**5.1** Confidentiality must be maintained throughout the complaints process. All parties to a complaint, the President (or Delegate), the Club's Complaints Officer, any witnesses and the Conciliator must all agree, in writing, to the maintenance of confidentiality. No person involved in the complaints process shall publicly comment on any aspect of the complaints process without the prior written agreement of all parties.

**5.2** The Club shall ensure that any documents relating to a complaint shall remain confidential and be retained for 7 years from the date that the complaint is made.

### **SECTION 6 – INTER CLUB BREACH OF THE POLICY**

In the event that it is alleged that a spectator or participant from another Club has contravened this Policy:

**6.1** an Umpire, spectator or participant of the Club may by 5.00pm on the first working day



following the day on which the contravention is alleged to have occurred, lodge a complaint in writing with Complaint's Officer of the Club;

**6.2** the Complaint's Officer of the Club where the complaint was made shall, by 5.00pm on the next working day following the day that the complaint was lodged with the Club, lodge the complaint with the League's Complaints Officer;

**6.3** the Club's Complaints Officer will take no further action once the complaint has been lodged with the League unless otherwise instructed by the League's Complaints Officer.

## **SECTION 7 – INTRA CLUB BREACH OF THE POLICY**

In the event that it is alleged that a participant of the Club has contravened this Policy an umpire, spectator or participant may by 5.00pm on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing with the Club's President, Committee Member or Complaints Officer.

## **SECTION 8 – MANAGEMENT OF INTRA CLUB COMPLAINTS**

The Club's Complaints Officer shall:

**8.1** make every effort to ensure that:

- confidentiality is maintained at all times during the complaints process and that the outcome of the complaints process remains confidential;
- any breach of confidentiality is referred to the League's Tribunal no later than 5pm on the next working day following the day that the breach was discovered;

**8.2** inform the person alleged to have contravened the Policy (the respondent) of the complaint and provide the respondent with an opportunity to respond to it;

**8.3** inform only the President of the Club or Nominee that a Complaint has been received by the Complaints Officer;

**8.4** obtain written statements from any witnesses identified by both parties to the complaint;

**8.5** where available, obtain any other evidence;

**8.6** arrange for the complaint to be conciliated, by an independent conciliator agreed upon by both parties;



**8.7** take all steps necessary for the complaint to be conciliated within 5 working days from the day on which the incident is alleged to have occurred;

**8.8** refer the complaint to the League's Tribunal:

- when the complainant informs the Complaints Officer that the matter has not been resolved through conciliation. The Complaints Officer will if requested by the complainant, take all steps necessary for the complaint to be referred to League's Tribunal within 5 working days from when the conciliation failed;
- directly when a respondent has previously taken part in conciliation as a respondent of a complaint;
- when both the Club's Complaints Officer and President have determined that the complaint was lacking in substance and was made vexatiously;
- when both the Club's Complaints Officer and President determine that under sections 24 or 25 of the Racial and Religious Tolerance Act 2001 (Vic) the complaint could be considered as "serious", he/she will take all steps necessary for the complaint to be referred to the League's Tribunal within 5 working days from the day on which the incident is alleged to have occurred;

**8.9** ensure that any time limit referred to in this Policy may be extended by the Club if in the opinion of the President of the Club it is just and equitable to do so;

**8.10** ensure that where a matter is resolved by conciliation the only public statement that shall be made shall be agreed to by both parties to the complaint and the Club's President and that the terms of any settlement are finalised to the satisfaction of the complainant and respondent and signed by the parties and the conciliator.

## **9. EFL**

**9.1** Should the matter not be resolved by the Club appointed Complaint's Officer, a complaint can be raised with the EFL, in writing, within the timeframes specified in the EFL Vilification and Discrimination Policy. Their policy can be found at [EFL.org.au/Resources/Vilification and Discrimination Policy](http://EFL.org.au/Resources/Vilification%20and%20Discrimination%20Policy)

**9.2** The EFL will follow the steps outlined in the EFL Vilification and Discrimination Policy.

## **10. Club Liability**

If found to have contravened this Policy or the EFL Vilification and Discrimination Policy, the Club may be vicariously liable for Prohibited Conduct engaged in by a Participant connected to the club if the Club is unable to establish that it took reasonable precautions to prevent the Participant from engaging in that Prohibited Conduct.