

EXTRACT FROM FFV MEMBER PROTECTION POLICY

RACIAL AND RELIGIOUS VILIFICATION CODE



PART 1 - INTRODUCTION

1. TITLE

This code is titled the Football Federation Victoria's Racial and Religious Vilification Code ("this Code").

2. OBJECTIVES

The objectives of this Code are:

- To promote FIFA's guiding principles of fair play and ethical conduct to ensure a welcoming environment for everyone to enjoy the game of football regardless of their race, colour, descent or ancestry, national or ethnic origin or religious belief or activity;
- To eliminate, as far as possible, racial and religious vilification in Victorian football amongst players, officials and spectators;
- To take active measures to educate and raise awareness about the damaging effects of racial and religious vilification on Victorian football, and of the benefits to be derived by taking positive action to eliminate it; and
- To provide redress for people involved in Victorian football who have been the victim of racial and religious vilification in an orderly and expeditious manner and in accordance with the requirements of natural justice and procedural fairness.

3. APPLICATION

3.1 Who does this Code apply to?

This Code applies to:

- you, if you are:
 - (i) A person registered to play with any football club affiliated with the FFV (“a player”); or
 - (ii) A person who is a board member, director, committee member, officer, employee or agent of the FFV or any club including a trainer, coach, medical officer, referee, assistant referee or fourth official (“an official”);
- Any club which is affiliated with the FFV (“a club”).

3.2 When does this Code apply to you?

This Code applies to you:

- If you are a player, when you are attending or participating in any match, training session or function conducted by a club or the FFV; and
- If you are an official, when you are in the course of carrying out your duties and functions as an official or attending any match, training session or function conducted by a club or the FFV.

3.3 When does this Code apply to clubs?

- This Code applies to clubs at all times.

PART 2 - ELIMINATION OF RACIAL AND RELIGIOUS VILIFICATION

4. YOUR OBLIGATIONS

4.1 You must not engage in racial and religious vilification.

- You must not engage in racial and religious vilification against any person.

4.2 What is racial and religious vilification?

You will be considered to have engaged in racial and religious vilification if you do an act, otherwise than in private, which:

- Is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
- Is done because of the race, colour, descent or ancestry, national or ethnic origin or religious belief or activity of the other person or of some or all of the people in the group.

5. RESPONSIBILITIES OF CLUBS

5.1 Clubs have 3 responsibilities.

A club has 3 responsibilities under this Code to help eliminate racial and religious vilification in Victorian football:

- To continuously educate its players and officials;
- To publish information; and
- To take responsibility for the acts of its spectators,

in the manner provided for by this Code.

5.2 Continuous education.

A club employing, engaging or otherwise associated with any player or official must fully participate in all continuous education programs from time to time prescribed by the FFV Board and comply with all directions of the FFV Board made from time to time in relation to those continuous education programs.

5.3 Publication of information.

A club must publish and disseminate any information in the form and manner from time to time prescribed by the FFV Board on the subject of racial and religious vilification to:

- All players and officials who are employed, engaged or otherwise associated with the club; and
- All spectators who attend:
- Any match, training session or official football function conducted under the auspices of the club; and

- Any match in which the club is a participant for the purposes of supporting the team fielded by the club in that match.

5.4 Clubs responsible for acts of spectators.

A club must use its best endeavours to ensure that all spectators associated with the club act in a manner, which is consistent with the objectives of this Code.

PART 3 - ENCOURAGING WIDER PARTICIPATION

6. INITIATIVES BY CLUBS

6.1 Clubs to adopt policy.

A club must adopt a racial and religious vilification policy in the form and within the timeframe from time to time prescribed by the FFV Board (see Annexure “A”).

6.2 How should clubs implement their racial and religious vilification policy?

A club must implement any racial and religious vilification policy adopted by a club in accordance with the guidelines from time to time prescribed by the FFV Board.

PART 4 - COMPLAINTS AND THEIR RESOLUTION

7. COMPLAINTS

7.1 Can you lodge a complaint?

If you feel a person (“the other person”) has engaged in racial and religious vilification against you, you may lodge a complaint against the other person.

7.2 When and how are you to lodge your complaint?

You must lodge your complaint in writing with the FFV Chief Executive Officer within 7 days after the date of the alleged racial and religious vilification.

7.3 What will the FFV Chief Executive Officer do with your complaint?

Within 7 days after receiving your complaint, the FFV Chief Executive Officer must:

(a) Notify the other person; and

(b) Arrange for your complaint to be conciliated in accordance with Clause 8.

8. CONCILIATION

8.1 What is the purpose of conciliation?

Your complaint will be referred to conciliation to see if you and the other person can resolve or settle your complaint by agreement.

8.2 Who will conduct the conciliation?

The conciliation of your complaint will be conducted by:

- A conciliator of the Equal Opportunity Commission of Victoria; or
- Where a conciliator of the Equal Opportunity Commission of Victoria is unable or unwilling to conciliate, a nominee of the FFV Board provided that such nominee must not be an official or a player.

8.3 Conciliation to be kept confidential.

- Subject only to Clause 8.6:
- The particulars of your complaint and the conciliation must at all times remain confidential; and
- A person must not publicly comment on or disseminate to any person information concerning your complaint at any time before, during or after the conciliation.
- Any person who fails to comply with Clause 8.3(a) will be deemed to have been guilty of misconduct within the meaning of Regulation 18 of the FFV Regulations.

8.4 What will happen at the conciliation conference?

(a) The FFV Chief Executive Officer must lodge with the conciliator:

- (i) Your complaint;
- (ii) The response to your complaint by the other person;
- (iii) A list of witnesses of the circumstances and events which are the subject of your complaint; and
- (iv) Any evidence relevant to your complaint which is within the possession of the FFV or to which the FFV has access including, without limitation, video or other evidence available through the multimedia.

(b) The conciliator must immediately make an assessment of whether your complaint is capable of conciliation.

(c) You and the other person must participate in good faith in the conciliation.

(d) You are the person who will determine the course of redress to be pursued at the conciliation.

(e) The conciliator must ensure that the conciliation is undertaken in accordance with the principles of natural justice and procedural fairness.

(f) The conciliator, the other person and all other persons in any way involved in the conciliation must respect your right to self-determination in relation to the progress of your complaint.

8.5 What happens if you resolve or settle your complaint at conciliation?

(a) Subject to Clause 8.8, if your complaint is resolved or settled at conciliation, you cannot take your complaint any further including to hearing in accordance with Clause 12. Possible resolutions at conciliation include:

- (i) A public or private, written or verbal apology;
- (ii) An agreement to undertake training programs; or
- (iii) Such other resolution as agreed by you and the other person.

(b) Any agreement reached between you and the other person to resolve or settle your complaint may be an informal verbal agreement or a formal written agreement signed by you and the other person.

8.6 Public statement.

If your complaint is resolved by conciliation, the only public statement that may be made by you or the other person concerning your complaint and its resolution must be that agreed upon by you and the other person.

8.7 What happens if conciliation fails or is unsuccessful?

If the conciliator assesses that your complaint is incapable of conciliation or is unable to bring about a settlement of your complaint by conciliation within 7 days after the complaint is referred to him or her:

- You may withdraw your complaint in which case no further action will be taken; or
- The conciliator must inform the FFV Chief Executive Officer of the failure of conciliation.

8.8 What happens if the other person fails to comply with the conciliated settlement?

If the other person fails to comply with any resolution or settlement of your complaint reached at conciliation under this Clause 8, you may elect to take your complaint further including to hearing in accordance with Clause 9.

9. REFERRAL TO FFV TRIBUNAL

If the FFV Chief Executive Officer is notified of the failure of conciliation, the FFV Chief Executive Officer must within 7 days refer your complaint to the FFV Tribunal to be dealt with in accordance with Clause 10 and Regulation 3 of the FFV Regulations.

10. WHAT MAY THE FFV TRIBUNAL DECIDE?

10.1 Orders by FFV Tribunal.

After hearing the evidence that you and the other person desire to adduce or make, the FFV Tribunal may:

(a) Find your complaint or any part of it proven and make any one or more of the following orders:

- An order that the other person refrains from committing any further contravention of this Code in relation to you;
- An order that the other person pays to the FFV within a specified period an amount the FFV Tribunal thinks fit, which amount the FFV must apply towards continuous education programs for officials, players, spectators and clubs in furtherance of the objectives of this Code;
- An order that a non-pecuniary penalty be imposed upon the other person which may include but which is not limited to:
 - a. The preparation of a written apology;
 - b. Suspension;

(b) Find your complaint or any part of it proven but decline to take any further action in relation to the matter; or

(c) Find your complaint or any part of it not proven and make an order that your complaint or part be dismissed.

10.2 Previous involvement.

If the FFV Tribunal finds your complaint or any part of it proven, the FFV Tribunal may in the exercise of its functions under Clause 10.1 take into account:

- Whether the other person has previously taken part in a conciliation under Clause 8 (other than as the person who lodged a complaint); and
- Any previous breach by the other person of Clause 4.

10.3 Deemed liability of clubs.

If the FFV Tribunal makes an order pursuant to Clause 10.1 that the other person pay to the FFV within a specified period an amount the FFV Tribunal thinks fit, the FFV Tribunal must:

- Deem the club employing, engaging or otherwise associated with the other person to be liable for the conduct of the other person; and
- Order that club pay to the FFV the amount determined within the period specified by the FFV Tribunal,

Unless the club has satisfied the FFV Tribunal that it was at all relevant times meeting all of its responsibilities under Clause 5.

11. TIME LIMITS

Any time limit for the doing of any thing referred to in this Code may be extended by the FFV Chief Executive Officer if he or she is of the opinion that it is just and equitable to do so.

PART 5 - ENFORCEMENT OF RESPONSIBILITIES OF CLUBS

12. MISCONDUCT

12.1 Clubs that fail to meet responsibilities may be charged with misconduct.

- Any club that fails to meet any of its responsibilities under Clause 5 may be charged with misconduct within the meaning of Regulation 18 of the FFV Regulations.

12.2 FFV Regulations to apply.

The FFV Board must ensure that any club that is charged with misconduct under Clause 12.1 is dealt with in accordance with the FFV Regulations.

PART 6 - REWARD FOR ENCOURAGING WIDER PARTICIPATION

13. FFV/PFA AWARD

13.1 Excellence in encouraging wider participation to be rewarded.

If the FFV Board is satisfied that a club has achieved excellence in carrying out its obligations under Part 3, the FFV Board may, in its absolute discretion, determine to make an award to that club on such terms and conditions as the FFV Board thinks fit.

13.2 Role of PFA.

In determining to make any award under Clause 13.1, the FFV Board must consult with and acknowledge the role of the Australian Professional Footballers' Association Inc in the development and implementation of this Code and its initiatives in furthering and advancing the objectives of this Code.