



Procedure: Determining Code of Conduct Breaches

Version	Endorsement Date	Summary of Changes
v1.0	21/11/2018	Procedure for managing breaches of the Code of Conduct and other policies. Adapted from ASC procedure. Endorsed by the HA Board at its meeting 21 November 2018.

Related Documents

- HA National Member Protection Policy v4.0 30/10/16 (see Attachment B1 Handball Australia Code of Behaviour)
- HA EOI Training Squad or Team Selection Form v1.2 1/10/17
- HA Code of Conduct – Team Member and Officials v1.0 21/11/18
- HA Position Statement on Alcohol and Other Drugs v1.0 20/6/18

Scope

This procedure applies to all HA members. This includes athletes, coaches, managers, medical personnel, officials and other volunteers.

Any references to Australian Handball Federation (AHF) and Handball Australia (HA) are to be taken to mean the same organisation.

Purpose

HA members are expected to conduct themselves in a manner which is consistent with the Code of Conduct (the Code), team agreements and other policies. Where reports of alleged breaches are received, HA will manage the report, investigation and outcome in accordance with this procedure.

Procedure for Determining Code of Conduct Breaches

Application of the Procedure

Not every policy breach must be the subject of a formal investigation and determination. A warning given by a coach or team manager or a counselling session may be more appropriate. The process used will be determined by the seriousness of the breach, and whether the breach is a repeat offence or an isolated incident.

Procedural Fairness

An investigation into alleged misconduct will provide the individual:

- an opportunity to present their point of view before decisions are made
- an opportunity to respond to any information in advance of a decision
- transparency about the processes and information used to reach a decision/judgment.

Reporting Alleged Breaches in the Code of Conduct

Any person, making allegations about a breach of the Code of Conduct, or involved in an investigation of such matters, has an obligation to act in a discreet and confidential manner. Matters related to allegations and investigations should only be discussed with people who have direct involvement in resolving the matter and/or the HA Board.

A person performing functions in or for HA must not victimise nor discriminate against any member because the member has reported alleged breaches of the Code of Conduct.

Investigation, Action and Reporting of Minor Breaches

Minor Breaches

An alleged minor breach of the Code of Conduct will be internally investigated by the following persons as appropriate to the circumstances of the alleged breach:

- the relevant coach, team manager or other team official
- a representative of HA, or
- a relevant person(s) appointed by HA.

Where the alleged breach is by an athlete, the outcomes of the investigation and the recommended actions will be applied by the coach in consultation with the team manager. The outcome will be formally notified to HA.

Where the alleged breach is by a team official or other member, the outcomes of the investigation and the recommended actions will be applied by a representative of HA, or a relevant person(s) appointed by HA (as appropriate) and the outcome formally notified to HA.

The recommended actions for a minor breach may include:

- a warning, either informal or formal
- a counselling session
- exclusion from a training session, a game or other related event, or
- the conduct of a formal internal investigation.

The process used will be determined by the seriousness of the breach, the impact on HA and its members and whether the breach is a repeat offence or an isolated incident.

Once notified, the representative of HA or the HA Board may determine that the breach is more serious and undertake a formal investigation.

Investigation, Action and Reporting of Serious Breaches

Where it is determined that the alleged breach is of a serious nature, the following process will be undertaken.

HA Disciplinary Committee

HA will convene a HA Disciplinary Committee which will be responsible for:

- ensuring an investigation is undertaken into the reported breach of the Code
- determining the consequences for any reported breach
- notifying the member (and parent/carer where a player who is under 18) of the outcomes of the investigation
- submitting a report to the HA Board on the investigation and the outcomes.

The HA Disciplinary Committee must include a member of the HA Board.

Appointment of an Investigating Officer

HA will appoint an Investigating Officer to investigate the facts and material relevant to the allegation(s) for either an internal or external investigation. The Investigating Officer must determine the way the investigation will be held to allow for procedural fairness.

The investigation will be based on the information provided by the person(s) making the allegation and other relevant persons, and the circumstances surrounding the incident.

Suspension or re-Assignment to other Duties

A member who is alleged to have committed a serious breach of the Code may be suspended from their role or from the team until the matter has been determined following completion of a formal investigation, whether external or internal. The suspension will be made in writing to the member.

Report to the HA Disciplinary Committee

The Investigating Officer will provide a report to the HA Disciplinary Committee stating whether a breach of the Code has occurred and recommend a course of action having regard to the seriousness of the breach and the circumstances involved.

A copy of the report shall be provided to the member alleged to have breached the Code.

Determination of the Matter

Before a determination is made in relation to whether a member has breached the Code, the member will be informed of the details of the suspected breach and the sanctions that may be imposed for breaches of the Code.

The HA Disciplinary Committee will determine the action to be undertaken having regard to the report and recommendation(s) of the Investigating Officer. The HA Disciplinary Committee may request additional information from the Investigating Officer prior to a determination being made. The HA Disciplinary Committee will inform the member in writing of the sanction to apply and report the outcomes to the HA Board.

Sanctions available under the Code of Conduct

The following disciplinary actions may be imposed on a HA member who is found to have breached the Code:

- Informal warning, reprimand or counselling session
- Exclusion from a training session, game or tour event
- Exclusion from all training sessions, games or events within a tour
- Formal written warning
- A reduction in classification i.e. head coach to assistant coach
- Termination of role or membership of a team
- Termination of role or membership of a team with requirement to return home at own expense
- Disqualification of a team
- Eligibility exclusion period for selection to a team or role
- Exclusion period for participation in any HA events
- Exclusion from membership of HA.

Harassment and Discrimination Complaints

Where an allegation of a breach of the Code is related to a harassment or discrimination complaint, the following process is to be followed.

The Resolution Process

Members are strongly encouraged to speak out against harassment should they witness it. Where a member feels that they have been subjected to harassing behaviour, they are encouraged to seek a resolution by adopting the methods below.

These procedures would be appropriate for dealing with less serious harassment issues and where the aggrieved person is comfortable with the process as a satisfactory means of resolution.

Informal means of resolution of a harassment or discrimination complaint

Informal resolution of a harassment or discrimination complaint is usually appropriate where the allegations are of a less serious nature or the individual wishes to pursue informal resolution.

Informal resolution can involve the following steps:

- Members can deal with the situation themselves through informal discussion with the alleged harasser. If the harassment was unintentional, an informal discussion may solve the problem.
- If the member is uncomfortable approaching the alleged harasser directly, the member can ask a team official or a HA representative to speak to the alleged harasser on their behalf.
- A team official or manager observing unacceptable conduct occurring should take independent action even though no complaint has been made.

An individual is not required to pursue or exhaust informal resolution of a problem before initiating formal investigation procedures to resolve the matter.

Formal means of resolution of a harassment or discrimination complaint

A formal process for investigating the harassment or discrimination complaint and resolving the matter can be initiated in circumstances where an informal approach has not been successful or is not considered appropriate because of the seriousness the allegations.

Some cases of harassment (such as sexual assault) may also be referred to the Police and be dealt with both as a criminal offence and as a serious breach of the Code of Conduct.