



DISCRIMINATION, RACIAL AND RELIGIOUS VILIFICATION POLICY

1.1 Prohibited Conduct

No person subject to these Rules shall act towards or speak to any other person, or engage in any other conduct in a manner which threatens, disparages, vilifies or insults another person ("the person vilified") on any basis including but not limited to a person's race, religion, colour, descent or national or ethnic origin, special ability/disability, sexual orientation, preference or identity.

1.2 Lodging Complaint

In the event that it is alleged that a person has contravened Rule 1.1 an Umpire, Club or Player may by 5.00 p.m. on the first working day following the day on which the contravention is alleged to have occurred, lodge a complaint in writing to the ATCA Executive Officer. The complaint must outline the circumstances of the allegations made against a person.

1.3 Executive Officer

The Executive Officer shall:-

- (a) Inform the person alleged to have contravened Rule 1.1 of the complaint and provide that person with an opportunity to respond to it in writing.
- (b) Identify and obtain written statements from any available witnesses.
- (c) Arrange for the complaint to be conciliated and take all steps necessary for the complaint to be conciliated. If, in the opinion of the Executive Officer, the matter is of such a serious nature that it should be heard directly by a Tribunal, then he can refer directly to the Tribunal.

1.4 Confidentiality and No Public Comment

Subject to Rule 1.7:-

- (a) The particulars of a complaint and the conciliation shall at all times remain confidential; and
- (b) A person shall not publicly comment on or disseminate to any person (other than to the parties directly involved) information concerning a complaint at any time prior to, during or after the conciliation.

1.5 Conciliator

A conciliation arranged under Rule 1.3 shall be conducted by the nominee of the Executive Officer.

1.6 Attendance at Education Program

(a) Where:-

- (i) a person alleged to have contravened Rule 1.1 attends a conciliation for the first time (other than as a person vilified); and
 - (ii) the complaint against the person is resolved at conciliation, the person may be required to attend an education program approved by the ATCA unless the conciliator nominated under clause 1.5 reasonably considers that the person has not contravened Rule 1.1.
- (b) A person who fails to attend the education program shall be deemed to have contravened this Rule and shall pay to the ATCA a sanction of \$250.

1.7 Public Statement

Where a complaint is resolved by conciliation, the only public statement that shall be made concerning the complaint and its resolution shall be that agreed upon by the parties.

1.8 Unsuccessful Conciliation

Where the Executive Officer is of the opinion that the matter has not been resolved by conciliation, the Executive Officer shall refer the complaint to the Tribunal

1.9 Previous Involvement

(a) Where a person alleged to have contravened Rule 1.1 has previously taken part in conciliation (other than as a person vilified), the Executive Officer may refer the complaint directly to the Tribunal

(b) For the purposes of this Rule, conciliation includes a conciliation arranged under Rule 1.3 or such other form of conciliation arranged by the ATCA or directly between the parties concerned.

1.10 Evidence before Tribunal

In the event that a complaint is referred to the Tribunal under this Rule 1, no evidence shall be given to or be accepted by the Tribunal relating to anything said or done in any conciliation carried out pursuant to Rule 1.3.

1.11 Referring Complaint

In any case where the Executive Officer determines to refer the complaint to the Tribunal, the complaint shall be referred to the Tribunal as soon as practicable.

1.12 Legal Representation

Where a complaint is referred to the Tribunal under this Rule, the person alleged to have contravened Rule 1.1 may be represented by a Legal Practitioner.

1.13 Time Limit

Any time limit for the doing of anything referred to in this Rule may be extended by the Executive Officer if in the opinion of the Executive Officer it is just and equitable to do so.

1.14 Liability of Club

(a) In the event that a complaint under these Rules in respect of conduct engaged in by a person is found to have been proven by the Tribunal, the Club employing, engaging or otherwise associated with the person at the time of the conduct shall be deemed to be vicariously liable for the conduct of the person and shall be liable to a sanction to be determined by the Tribunal.

(b) Rule 1.14(a) does not apply to a contravention by a person if in the opinion of the Tribunal the Club took all reasonable steps to prevent persons employed, engaged or otherwise associated with the Club from engaging in the conduct which contravened the vilification rules.

1.15 False or misleading information

A person who:-

(a) In a complaint lodged under Rule 1.2 or during the conciliation process, provides any information or acts in a manner which is in any respect false or misleading or likely to mislead; or

(b) Falsely accuses a person of breaching Rule 1.1.

Shall be liable to a sanction as determined by the Executive Officer, in his absolute discretion.