



Vilification & Discrimination Policy

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1. Commitment

- 1.1 The Essendon District Football League is committed to an environment which promotes tolerance by prohibiting certain conduct and providing a means of redress for victims of vilification and/or discrimination.
- 1.2 **Prohibited conduct**
No Person shall act towards or speak to any other person in a manner, or engage in any other conduct which threatens, disparages, vilifies or insults another person or group of persons on any basis, including but not limited to, a person's race, religion, colour, descent or national or ethnic origin, disability, sexual orientation or gender identity.
- 1.3 The League will ensure that this Policy is communicated to spectators and participants of the League.

2. Definitions

In this Policy-

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

“Club” means any football Club that is a member of the Essendon District Football League.

“engage in conduct” includes use of the internet or email to publish or transmit statements or other material.

“League” means the Essendon District Football League.

“detriment” includes humiliation and denigration.

“discrimination” means for the purpose of this Policy, conduct based on a person's race, religion, colour, 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, disability, sexual orientation or gender identity. 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, disability, sexual orientation or gender identity 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.

“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.

3. Prohibited Conduct

3.1 Vilification

No person in their capacity as a spectator or participant in the League in the course of carrying out their duties or functions as or incidental to being a participant in the League shall engage in conduct that offends, humiliates, intimidates, contempts, ridicules, incites, threatens, disparages, vilifies or insults another person on the basis of that

person's race, religion, colour, descent or national or ethnic origin, disability, sexual orientation or gender identity.

3.2 Serious Vilification

No person in their capacity as a spectator or participant in the League in the course of carrying out their duties or functions as or incidental to being a participant in the League shall intentionally engage in conduct that they know is likely to incite hatred against another person, or threaten physical harm or incite hatred in others to cause physical harm to a person or to a person's property because of that person's race, religion, colour, descent or national or ethnic origin, disability, sexual orientation or gender identity.

3.3 Discrimination

No person in their capacity as a spectator or participant in the League in the course of carrying out their duties or functions as or incidental to being a participant in the League shall engage in conduct that discriminates, directly or indirectly against another person on the basis of that person's race, religion, colour, descent or national or ethnic origin, disability, sexual orientation or gender identity.

3.4 Victimisation

3.4.1 No person in their capacity as a spectator or participant in the League in the course of carrying out their duties or functions as or incidental to being a participant in the League shall victimise another person.

3.4.2 A person will victimise another person (the victim) if:

- (a) the person subjects or threatens to subject the victim, or a person who acts as a witness, to any detriment because the victim (or a person associated with the victim) intends to or has lodged a complaint in contravention of this Policy; or
- (b) the person assists, requests, induces, encourages or authorises another person to subject the victim, or a person who acts as a witness, to any detriment because the victim (or a person associated with the victim) intends to or has lodged a complaint in contravention of this Policy.

4. Authorised Persons

4.1 The League will appoint a Complaints Officer (the League's Complaints Officer) to ensure that any breach of this Policy is responded to in an equitable and prompt manner.

4.2 The League shall appoint an Authorised Person as the senior decision-maker in the League's Complaints Process. Should the Authorised Person be absent for a significant period, they must nominate a person to act on their behalf should the process need to be enacted.

5. Confidentiality and Records

5.1 Confidentiality must be maintained throughout the complaints process. All parties to a complaint, the Authorised Person (or Delegate), the League'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 League 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.

6. Inter club Breach of the Policy

In the event that it is alleged that a spectator or participant 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 Complaints Officer of the Club;
- 6.2 the Complaints 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.

7. Management of Complaints

The League's Complaints Officer shall:

- 7.1 make every effort to ensure that:
- 7.1.1 confidentiality is maintained at all times during the complaints process and that the outcome of the complaints process remains confidential;
 - 7.1.2 any breach of confidentiality is referred to the Essendon District Football League's Tribunal no later than 5pm on the next working day following the day that the breach is discovered;
- 7.2 inform the person alleged to have contravened the Policy of the complaint, the complaint procedures and provide that person with an opportunity to respond to the complaint;
- 7.3 inform only the President of the League or Nominee, that a Complaint has been received by the Complaints Officer;
- 7.4 obtain written statements from any witnesses identified by both parties to the complaint;
- 7.5 where available, obtain any other evidence;
- 7.6 Make available any witness statements or any other evidence obtained in the course of investigating a complaint to both parties, with an opportunity to comment, as part of the conciliation process or prior to a tribunal hearing.
- 7.7 arrange for the complaint to be conciliated, by a conciliator agreed upon by both parties except when the complaint is referred to the League's Tribunal in accord with clause 7.9.2 and 7.9.3 herein.
- 7.7.1 Where the holding of a conciliation is arranged, the League must inform the AFL prior to the conciliation and, in consultation with the AFL, appoint a conciliator.

The League may, by written notice, request the assistance of an AFL Vilification and Discrimination Panel member to conduct the conciliation and the AFL may, subject to the availability of the AFL Vilification and Discrimination Panel, arrange for that requested assistance.

7.8 take all steps necessary for the complaint to be conciliated within 10 working days from the day on which the incident is alleged to have occurred;

7.8.1 the conciliation participants will be at liberty to consider and agree to any outcome or sanction including but not limited to any of the following (or a combination of them):

- (i) suspension of a Contravening Person from playing and/or officiating in Matches at any level;
- (ii) if reasonably practicable, attendance at or participation in a community service program by the Contravening Person;
- (iii) completion of relevant education by a Contravening Person;
- (iv) the provision of a public apology or apologies by a Contravening Person.

For the avoidance of doubt:

- (i) the person(s) vilified, the Contravening Person and the League must all agree to any outcome or sanction;
- (ii) the conciliation participants may not agree to any outcome that binds or sanctions any Person that is not a conciliation participant;

In their consideration of agreed outcomes and sanctions, the conciliation participants should have regard to the following:

- (i) the nature of the Policy Breach and all the circumstances in which it was undertaken including the setting (e.g. during the course of a Match, during the course of an official or unofficial Club activity, in a public place, in a private setting);
- (ii) the extent to which the Policy Breach caused offence or hurt to the vilified person or others (e.g. was it undertaken in an aggressive or threatening way, did it offend or hurt a large number of people);
- (iii) whether there have been previous instances of Policy Breaches by the Contravening Person;
- (iv) whether the Contravening Person has received any relevant training and education.

7.9 refer the complaint to League's Tribunal:

7.9.1 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 within one working day from the day on which the conciliation failed, take all steps necessary for the complaint to be referred to League's Tribunal in accordance with clause 8.2 herein.

- 7.9.2 when both the League's Complaints Officer and the Authorised Person have determined that the complaint was lacking in substance and/or was made vexatiously;
- 7.9.3 when both the League's Complaints Officer and the Authorised Person determine that the complaint could be considered as "serious", they 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;
- 7.10 ensure that any time limit referred to in this Policy may be extended by the League if in the opinion of the Authorised Person of the League it is just and equitable to do so;
- 7.11 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 Authorised Person 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.

8. League Tribunal Process and Penalties

- 8.1 The League's Tribunal will be constituted in accordance with the rules and regulations of the League.
- 8.2 Where a complaint is referred to the League's Tribunal pursuant to clause 7.9.1 of this Policy or as a result of a referral from a Club's Complaint Officer arising from an intra club breach, the Tribunal will hear the complaint within 5 working days of the complaint being referred.
- 8.3 The League's Tribunal has the power to order any reasonable penalties or directions for breaches of this Policy as are allowable under the rules and regulations of the League in force at the time of the hearing.
- 8.4 If found to have contravened this Policy a Club may be vicariously liable for conduct engaged in by a participant acting as the club's agent or employee, if the Club is unable to establish that it took reasonable precautions to prevent the participant from engaging in that conduct.

9. Appeals from the League Tribunal

- 9.1 Where a complainant or respondent is unsatisfied with the decision made by the League Tribunal, they may lodge an Appeal in accordance with the rules and regulations of the League.

10. Monitoring and Review of the Policy

This Policy will be monitored on an ongoing basis by the League's Board and Management.