

# CLUB DISCIPLINE & DISPUTE RESOLUTION POLICY

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## 1 Purpose of Policy

1.1 The purpose of this Policy is to lay a framework for the disciplinary and appeals process used when Clubs are in breach of policy, as well as for handling and resolving internal Club disputes.

## 2 Definitions

Word/Term	Definition
Breach Notice	<p>A formal letter notifying the Club Committee that a Policy Breach has occurred. In some cases, no further action will be required. In other cases, Remedies may be required in order to resolve a Policy Breach.</p> <p>In the case of serious and/or repeat Policy Breaches, or noncompliance with a previous Breach Notice, Sanctions may be levied on the Club as disciplinary action to deter further Policy Breaches.</p>
Club Account	A mechanism for storing and tracking a Club's funds separately from the funds of other Clubs. Set up and maintained by SSAA. Clubs are not permitted to operate their own independent mechanisms for funds storage, such as a bank account or online payment account.
Club Asset	<p>Any item purchased with funds from the Club Account which is usable more than once.</p> <p>Food and drinks are never Club Assets.</p>
Club Committee	A group of Club Members who are collectively responsible for the administration, good governance, management, finances and day-to-day operation of a Club, as well as handling most communication between the Club and SSAA. Club Committee Members are chosen in an Election. For more information, see SSAA Club Governance & Management Policy.
Club Member	A currently enrolled Swinburne Student who has registered to be a Member of a Club. May also include Associate Members, where this is specifically referred to.
Club Portal	An area of the Clubs & Sport Software for a specific Club, which Club Committee Members can administer; creating content pages, membership groups and events.
Committee Vote	A Simple Majority vote in which each Club Committee member is entitled to a single vote. The Club President has the casting vote in the event of a tie, except where a conflict of interest arises. Contact SSAA if this occurs or is expected to occur.
Dissolved	A Club which has been subject to Dissolution as per Section 6 of this Policy.
Event	Any organised gathering of Club Members.
Grant	A standalone injection of funds into the Club Account for a specific purpose laid out in a Grant Application.
Policy Breach/Breach	A Club's action/inaction that is in violation of SSAA Club Policy.

Prohibited Person	A student who is prohibited from acting as a Club Founder, Club Contractor or Club Committee Member.
Remedy	An action that must be taken by a Club or Club Committee in order to resolve a Policy Breach. For example: <ul style="list-style-type: none"> <li>• Resubmission of corrected paperwork.</li> <li>• Submission of a written explanation of conduct.</li> <li>• Return of misappropriated money to Club Account.</li> <li>• Mandatory attendance of Club Committee at specific training sessions.</li> <li>• Mandatory attendance of Club Committee at an appointment with an SSAA Staff Member.</li> <li>• Suspension or Removal of one or more specific Club Members.</li> <li>• Call a Special General Meeting, within a specified timeframe, to re-elect one or more Club Committee positions. An SSAA Staff Member may be required to be present and act as the Returning Officer. See the Club Governance &amp; Management Policy for more information.</li> <li>• Other Remedies as deemed appropriate by SSAA.</li> </ul>
Removal/Removed Club Member	A Removed Club Member who has had their Membership of a Club revoked. Removed Club Members are not permitted to re-join the Club they have been Removed from for a period of time, determined on a case-by-case basis. In some cases, SSAA may also decide to restrict the Removed Club Member's ability to join other Swinburne Clubs for a period of time.
Returning Officer	An individual directly responsible for counting votes and recording the results of Member Votes during a General Meeting.
Sanction	Disciplinary action taken against a Club or Club Member(s) in the case of severe or repeat Policy Breaches. For example: <ul style="list-style-type: none"> <li>• Temporary suspension of Grant approval.</li> <li>• Temporary suspension of access to the Club Account.</li> <li>• Temporary suspension of Events.</li> <li>• Making one or more Club Members Prohibited Persons.</li> <li>• Dissolving the Club, including permanent loss of access to the Club Account and mandatory return of Tracked Assets.</li> <li>• Referring one or more Club Members to the Swinburne General Misconduct Process.</li> <li>• Other Sanctions as deemed appropriate by SSAA.</li> </ul>
Special General Meeting	Any General Meeting held in addition to the Annual General Meeting. SSAA must be notified prior to a Special General Meeting taking place.
SSAA	Swinburne Student Amenities Association
Suspension/Suspended Club Member	A Suspended Club Member retains their Club Membership, but is ineligible to participate in Club Events, General Meetings or any other Club-related activity for a period of time, determined on a case-by-case basis.

Tracked Asset	<p>Any Club Asset with a purchase price of equal to or greater than \$30, or which forms part of a set with a combined cost of equal to or greater than \$30.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• A screwdriver that cost \$10 is not a Tracked Asset.</li> <li>• Three screwdrivers, purchased together or separately, which each cost \$10 would be considered a set, and count as a Tracked Asset as the total cost is \$30.</li> <li>• A screwdriver, a hammer and a spanner, each costing \$10, would be considered a set, and count as a Tracked Asset as the total cost is \$30.</li> <li>• A DVD of Season 1 of a TV show, which cost \$5, is not a Tracked Asset.</li> <li>• 6 DVDs of 6 Seasons of the same TV show, each costing \$5, would be considered a set and count as a Tracked Asset, as the total cost is \$30.</li> <li>• 6 DVDs of 6 different TV shows, each costing \$5, would be considered a set (the Club's "DVD Collection"), and count as a Tracked Asset, as the total cost is \$30.</li> </ul>
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### 3 Application & Scope - Exclusions or Special Conditions

- 3.1 This Policy applies to all current and future Swinburne Clubs, Club Members and Club Committee Members. This Policy will also guide SSAA Staff when making decisions regarding Club/Club Member discipline, dispute resolution and appeals, in consultation with the Team Leader, Clubs & Sport.
- 3.2 This Policy does not apply to PAVE Groups or Leadership Groups. See the relevant handbooks for more information on these groups.
- 3.3 SSAA Staff have the authority to clarify, interpret or propose amendments to this Policy as necessary.

### 4 Policy Principles

- 4.1 Club Discipline shall be handled fairly, equitably and impartially.
- 4.2 Club Committees are responsible for ensuring that Breach Notices are fully complied with.

### 5 Club Disciplinary Action

- 5.1 Should a Club Member, Club Committee or a Club as a whole not act in accordance with SSAA Club Policy, SSAA may choose to issue a Breach Notice.
- 5.2 Breach Notices will be circulated to Club Committee Members and detail the following:
  - 5.2.1 Policy Breach/Breaches committed by the Club, Club Committee or Club Member(s). Some Breach Notices will only contain this information and not require any further action, only serving as a warning against future Breaches.
  - 5.2.2 Any Remedies required to correct the Policy Breach/Breaches, along with a timeframe under which these Remedies must be provided.
  - 5.2.3 In the case of serious or repeat Policy Breaches, Sanctions may also be included.
- 5.3 Should a Club fail to provide any required Remedies in the timeframe provided in a Breach Notice, without providing a reasonable explanation, a further Breach Notice may be issued. This may include additional Remedies and/or Sanctions.
- 5.4 In some cases, Remedies may require the Removal of one or more specific Club Members from the Club. In these cases, SSAA will communicate directly with the Club Members involved, along with the Club Committee, where appropriate.

- 5.4.1 Removed Club Members are not permitted to re-join the Club for a period of time which will be determined on a case-by-case basis. In some cases, SSAA may also decide to restrict the Removed Club Member's ability to join other Swinburne Clubs for a period of time.
- 5.4.2 It is the responsibility of the Club Committee to ensure that Removed Club Members are no longer invited to Club exclusive Events, meetings or activities. If a Removed Club Member continues to be present at Club exclusive Events, the Club Committee must report this to SSAA.
- 5.4.3 It is the responsibility of the Club Committee to ensure that Removed Club Members are, where possible, no longer permitted to participate in online Club Resources such as social networks, forums, wikis, mailing lists, or the Club's Portal on the Clubs & Sport Software.

## 6 Club Dissolution

- 6.1 A Breach Notice may include a Remedy or Sanction calling for a Club to be Dissolved.
- 6.2 Regardless of whether or not an appeal is intended to be lodged, once a Breach Notice calling for Dissolution has been issued:
  - 6.2.1 Club Events must be suspended.
  - 6.2.2 Access to the Club Account will be suspended.
  - 6.2.3 All outstanding Grant Applications will be voided.
  - 6.2.4 All Tracked Assets must be returned to SSAA within 14 days.
- 6.3 If an Appeal is not lodged, or the outcome of an Appeal does not result in the decision to Dissolve a club being overturned, the following will occur:
  - 6.3.1 The Club's Portal on the Clubs & Sport software will be deactivated.
  - 6.3.2 The Club will lose access to any lockers hired through SSAA.
  - 6.3.3 The Club's Tracked Assets will become the property of SSAA. These may be made available for hire to other Clubs in the future.
  - 6.3.4 Future Club Events will be cancelled.
  - 6.3.5 The Club will permanently lose access to its current Club Account balance.
  - 6.3.6 Payments from Club Members for any undelivered Club Merchandise, ticket sales for Events, or other products sold through the Clubs & Sport Software may be refunded. This will be determined on a case-by-case basis.

## 7 Club Internal Dispute Resolution

- 7.1 If a Club Member becomes aware of or suspects any Policy Breach, the Club Member must immediately report this to SSAA.
  - 7.1.1 SSAA will review any report of a policy breach and decide, within two weeks of receipt, whether or not to launch an investigation. The Club Member who submitted the report will be notified if an investigation is to go ahead.
- 7.2 Clubs are strongly encouraged to develop their own internal Dispute Resolution Policy to supplement this Policy.
- 7.3 It is the responsibility of the Club Committee to hear and address the concerns of Club Members fairly, impartially and without prejudice.
- 7.4 A Club's Committee may hold a Committee Vote to temporarily Suspend one of its Club Members or permanently Remove them from their Club. Before holding such a vote, the Club Committee must first:
  - 7.4.1 Inform the Club Member in writing that they may be subject to Suspension or Removal and provide a reason why this action is taking place.

- 7.4.2 Give the affected Club Member a reasonable period of time to provide a written statement in their defence. The Club Committee must read and impartially consider any such statement.
- 7.5 Should a Committee Vote result in a decision to Suspend or Remove a Club Member, the affected Club Member must be informed of the decision as soon as possible.
  - 7.5.1 The Club Committee must submit a Club Member Discipline Request, signed by all Club Committee Members, to SSAA. This request must include the name of the Club Member subject to Suspension or Removal, the requested period of time for any Suspension, as well as the conduct that has resulted in the Club Member Discipline Request being made.
  - 7.5.2 A copy of the minutes from the Committee Meeting, where the vote to suspend/remove the Club Member took place, must accompany the Club Member Discipline Request Form.
- 7.6 The Club Member Discipline Request will be considered by SSAA. This may involve consultation with the Club Committee and/or the affected Club Member. SSAA will make one of the following determinations:
  - 7.6.1 Remove/Suspend the Club Member.
  - 7.6.2 Dismiss the request.
- 7.7 It is the responsibility of the Club Committee to ensure that Suspended and Removed Club Members are no longer invited to Club exclusive Events, meetings or activities. If a Removed or Suspended Club Member continues to be present at Club exclusive Events, the Club Committee must report this to SSAA.
- 7.8 It is the responsibility of the Club Committee to ensure that Suspended and Removed Club Members are, where possible, no longer permitted to participate in online Club resources such as social networks, forums, wikis, mailing lists, or the Club's specific areas of the Clubs & Sport Software..

## 8 Club Member Complaints

- 8.1 Club Members who feel that unacceptable conduct is occurring within their Club are strongly encouraged to raise their concerns with members of their Club Committee.
- 8.2 Club Committees must take seriously all issues raised by their Club Members.
- 8.3 Should a Club Member feel that their Club Committee is not adequately addressing a concern, they may contact SSAA directly by submitting a Complaint Form using the Clubs & Sport Software.
  - 8.3.1 SSAA will review the report and decide, within two weeks, whether to launch an investigation. The Club Member who submitted the report will be notified if an investigation is to go ahead.

## 9 Club Committee Appeal Process

- 9.1 A Club Committee may appeal any Breach Notice, decision or ruling made by SSAA within 7 days of receiving said Breach Notice, decision or ruling, by submitting a Club Committee Appeal Form using the Clubs & Sport Software. The Club Committee Appeal Form must include the following information:
  - 9.1.1 The background that led up to the decision, from the Club Committee's point of view.
  - 9.1.2 The reason the Club Committee feels that SSAA should have acted differently.
  - 9.1.3 What reasonable action the Club Committee feels the SSAA should have taken in the situation.
- 9.2 The Team Leader, Clubs & Sport will impartially review the Appeal and make a determination within 14 days. Club Committee Members will be notified of the result. The decision of the Team Leader, Clubs & Sport is final.
- 9.3 Regardless of the outcome of an appeal, the details may be used to assist with future revisions of SSAA Clubs Policy.

## 10 Club Member Appeal Process

- 10.1 Club Members may appeal any decision to Suspend or Remove their Club Membership, within 7 days of the decision being made, by submitting a Club Member Appeal Form using the Clubs & Sport Software. The Club Member Appeal Form must include the following information:
- 10.1.1 The background that led up to the decision, from the Club Member's point of view.
  - 10.1.2 The reason the Club Member feels that the decision to Suspend or Remove them should have been made differently.
  - 10.1.3 What reasonable action the Club Member feels should have been taken in the situation.
- 10.2 Team Leader, Clubs & Sport will take an impartial view and make a determination within 14 days. The Club Member who lodged the Club Member Appeal Form will be notified of the result. The decision of the Team Leader, Clubs & Sport is final.
- 10.3 Regardless of the outcome of an appeal, the details may be used to guide SSAA Clubs Policy going forward.

## 11 Roles & Responsibilities

- 11.1 Clubs & Sport Officers – handle discipline of Clubs fairly whilst in possession of as many of the salient facts as reasonably possible.
- 11.2 SSAA Staff – investigate suspected Policy Breaches with due regard to process, impartiality, and fairness.
- 11.3 Team Leader, Clubs & Sport – handle appeals fairly and impartially.
- 11.4 Club Committee Members – comply with conditions of a breach notice promptly, and file appeals in good faith.
- 11.5 Clubs & Sport Team – Exercise good management and oversight of Club Discipline & Dispute Resolution.
- 11.6 Club Members – Adhere to the rules and requirements laid out in this policy, file appeals, and make complaints in good faith.

## 12 Related Documents

- 12.1 SSAA Club Governance & Management Policy

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<b>First Approved by:</b>		Rodney Thomson – Director, SSAA	
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## 13 Version Control and Amendments

Version Control	Date Effective	Approved By	Amendment
1	13/02/2017	Rodney Thomson – Director, SSAA	First version.