

USAFL Off-Field Disciplinary Policy

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Introduction:

This document describes the USAFL Disciplinary framework applicable for all USAFL activities off the field. It is applied in line with the existing processes described in the USAFL Constitution, USAFL Bylaws, and USAFL Tribunals process. Instatement of this policy is permitted under Article 7.e of the USAFL Constitution.

Purpose:

The USAFL has developed this policy to establish a practical off-field disciplinary framework to keep the game of Australian Football and associated activities safe, consistent and fair for USAFL member clubs, officials, players, non-player affiliates.

Requirements:

Present a clear framework and process for addressing all off field incidents that may contravene the USAFL standards of behavior in a fair, consistent and efficient manner across all USAFL operations and activities, and in accordance with the USAFL Constitution and Bylaws.

Scope:

This USAFL Disciplinary process applies to all incidents and complaints involving USAFL member clubs, officials, USAFL registered participants, and/or non-player affiliates that conflict with the USAFL Constitution, Bylaws, Code of Conduct, and/or League Policies or that could negatively impact the USAFL, its stakeholders or its constituents.

This process applies in conjunction with the **USAFL Tribunal process** for on-field incidents and **Article III** of the USAFL Constitution for off-field incidents and official complaints.

Due to the broad scope of USAFL activity applicable, additional resources may be required to administer the USAFL Disciplinary process in an effective and efficient manner.

An On-field incident is defined as involving any USAFL member club(s), official(s), USAFL registered participant(s), non-registered participant(s), and/or other affiliate(s) within the jurisdiction of the controlling umpire(s) during USAFL football games.

An Off-field incident is defined as an incident involving USAFL member club(s), official(s), USAFL registered participant(s), non-registered participant(s), and/or other affiliate(s) occurring at any time outside the field of play.

The USAFL disciplinary process is not a legal process and any matters that potentially infringe the law should be handed over to the appropriate authority.

In the case of an off-field incident the Executive Board is given wide latitude in the ordering and resolution of an incident or report. Failure to follow this policy is not adequate grounds for a dismissal nor does failure to follow this policy invalidate a final complaint resolution or incident resolution.

Adherence to this framework will help provide clarity and a sense of fairness to disciplinary actions.

Definitions:

Executive Board/Executive Committee: Refers to the current and active USAFL executive board of directors. If an incident occurs during a board change and the complaint process will be controlled by the new board. They may appoint a new disciplinary officer or retain the current disciplinary officer, or appoint a second to the current disciplinary officer. The new Executive Board may summarily dismiss the complaint or remand a complaint to the appropriate member club with a majority vote. The Executive Committee serves as the tribunal and has final say on disciplinary matters.

Regional Vice President/RVP: If an incident occurs with an individual outside of a regional jurisdiction, the Disciplinary Officer may appoint an RVP or other delegate to serve the investigation.

Party: Any USAFL member club(s), official(s), USAFL registered participant(s), non-registered participant, and/or non-player affiliate(s) involved in an incident or complaint, not acting on the disciplinary panel or in fulfilling their role as a tribunal member of the Executive Board. A Board Member involved in a complaint/incident should recuse themselves from the tribunal function, but would still be a party to the complaint.

Disciplinary Panel: The panel is composed of the Disciplinary Officer and relevant RVP and may also include one or more third parties.

Disciplinary Officer: Generally the USAFL President. The role of Disciplinary Officer may be delegated to a Regional Vice President or other individual available and willing to serve in that role. Responsible for overseeing the application of the USAFL Disciplinary Process, assessing whether an incident has contravened the USAFL Code of Conduct, a USAFL Policy, or requires further assessment for possible disciplinary action. The Disciplinary Officer is responsible for coordinating the implementation of the Disciplinary Process. The RVP or other designated individual would only serve as Disciplinary Officer if the USAFL President was involved, had a conflict of interest, or was unavailable for the tribunal process.

Secondary Officer: A secondary investigator, that may be appointed or delegated, that assists the Disciplinary Officer at interviews, may ask additional questions and provide guidance, input, or suggestions to improve the process or outcome of a disciplinary action. May or may not be a member of the tribunal responsible for resolving the incident.

Good Standing: Good standing refers to member clubs, affiliated institutions and committees, and/or individuals who are not on any probation, are not serving disciplinary action, and are not in arrears with any payment owing to the USAFL or its affiliates.

Reasonable Time: Accommodates the nature of volunteer work and individual's personal time constraints.

Disciplinary Framework:

This framework applies in conjunction with Article III of the USAFL Constitution, and provides additional detail to assist with consistent implementation of the USAFL disciplinary process. This is the process that should be followed for all off-field incidents supplementing corresponding sections of Article III of the USAFL Constitution. In the case of a material conflict with the USAFL Constitution or Bylaws, those documents will prevail.

The complaint/incident resolution process is not a legal proceeding. Failure to respond within a reasonable time does not invalidate a complaint, the investigative process, or outcome and resolution. The complaint process is wholly owned and controlled by the USAFL and its designated representatives. The acknowledgment of the complaint, the complaint investigation, hearings and interviews, and any final resolution timelines are based on an inference of reasonableness. The timelines presented are best practices to ensure that all parties to the process are treated fairly and reasonably. The complaint/incident resolution process is run and executed by amateur sport enthusiasts, interviewing and delivering written judgements against and about unrepresented amateur sports enthusiasts.

USAFL Executive Board and/or its delegates shall act within their best abilities to respond and investigate incidents reported to them quickly without compromising thoroughness and care. This is an amateur league and members of the Executive Board serve as volunteers. The quality and scope of the investigation should be inferred as reasonable of a volunteer with limited time, attention, training, and education for administrative processes.

The USAFL Off-Field Disciplinary Framework has four Components applicable to all USAFL activities, on and off field;

1. **Complaint or Incident Reporting**
2. **Assessment/Investigation**
3. **Disciplinary Action**
4. **Appeal (applicable ONLY to on-field events)**

The first three steps are applicable to any incident or complaint relating to USAFL activities and operations involving USAFL member club(s), official(s), USAFL registered participant(s), unregistered participant(s), and/or other affiliate(s).

The appeal step is only applicable to on-field events as the Executive Committee serves as the tribunal for all off-field events and there is no appealable authority.

1. Off Field Incident Reporting:

An Incident or Complaint must be officially communicated to the USAFL for consideration. The reporting process defines the official USAFL channels available for raising a potential breach of the USAFL Constitution, Bylaws, Code of Conduct or Policy that could be potentially assessable for disciplinary action.

Official USAFL incident reporting channels include:

Off-field Reporting:

Incident reported by a USAFL member club, individual, or official:

At a USAFL Tournament: Off-field incidents that occur at a USAFL Tournament or event reported by a USAFL member club, individual, or official must be lodged in person or by e-mail to the USAFL President or RVP within a reasonable time of the observed behavior. Reasonableness will be determined by the acting Disciplinary Officer, or the Executive Committee. In the event of a conflict, the Executive Committee will prevail with a majority vote.

Outside a USAFL Tournament: Off-field incidents that occur outside a USAFL Tournament reported by a USAFL member club, individual, or official should be lodged via email to the USAFL President, the respective USAFL RVP, or their member club President within a reasonable time of the observed behavior. Reasonableness will be determined by the acting Disciplinary Officer, or the Executive Committee. In the event of a conflict, the Executive Committee will prevail with a majority vote.

Incident reported by Non-USAFL member:

Complaints or allegations may be lodged by a non-USAFL member for any situation involving a USAFL club, USAFL player participant, non-registered player participant or official. This may be received verbally, via email, phone, or social media. Such reports must be validated by the USAFL Executive Board before being referred to the USAFL Disciplinary process.

Other official USAFL Reporting channels:

- Individual > Club President > RVP > Executive Board
- Additional reporting channels may be identified as appropriate by the USAFL Executive Board. Such channels may be formalized after the incident, or recognized as appropriate at the resolution of the incident.

Minimum Incident/Complaint Reporting Requirements

An incident report must include as a minimum:

- A description of an observation of the alleged breach of USAFL behavior standards or policy by a member club, individual member or official of the USAFL (must include player/club/official's name)
- Names of members or individuals involved
- Information about the nature of the alleged breach including a description of the incident circumstances, date, location and any relevant information including evidence or witnesses.

Any verbal reports must be captured in the USAFL incident reporting template. A report that does not contain the minimum information may require further clarification by the USAFL before being considered for assessment.

Notice:

A complaint or notice should be acknowledged by the President or recipient of the complaint from an official channel within a reasonable time. Generally no later than two weeks from the time it was received by the President of the USAFL or recipient of the complaint from an official channel. The acknowledgement should be sent to both the filer of the complaint and sent to the parties accused in the complaint. Acknowledgement should be either an email, text message, or phone call but communication by any private means is acceptable. It should not be a social media post as complaints are held in confidence by the USAFL.

2. Incident Assessment:

The process by which reported incidents are assessed to determine the justification for disciplinary action. This process is conducted by the Disciplinary Officer.

If the USAFL President cannot serve as Disciplinary Officer, then an RVP or other individual may be authorized as the Disciplinary Officer. The Disciplinary Officer, President, or Executive Board may appoint one or more persons to serve as a second to the investigation. Preference will be given to individuals with minimal conflicts to the individuals involved in the incident. When two or more individuals are conducting the investigation, those individuals comprise the Disciplinary Panel.

Incident assessment occurs in two steps;

1. ***Incident Validation:*** Is the incident valid and does it require investigation by a Disciplinary Panel? To determine this, a Disciplinary Officer or Panel must validate the reported complaint or allegation and establish that the accusation is an infringement against USAFL standards or policy.
2. ***Disciplinary Investigation:*** A Disciplinary Panel is formed to conduct an investigation surrounding the incident and report findings/recommendations regarding disciplinary action. In the case of an off-field incident, the appointed disciplinary officer may conduct the hearings or interviews solely or with one or more secondary investigators. **This step provides the opportunity for the reported individual/s to self advocate in terms of representing their version of events subject to investigation and their role in said events.**

If the Disciplinary Officer deems an investigation is required, the Disciplinary Officer or their delegate should begin an investigation. The investigation will include gathering evidence, data, statements, interviews and assessing the incident. Interviewing the parties alleged misconduct constitutes a hearing for those parties.

An estimated time for completing the Disciplinary Investigation and delivering an outcome should be established and communicated to the necessary parties once an investigation has been deemed as required.

If the Disciplinary Officer deems that an investigation is not required or warranted, then he should request a formal dismissal of the complaint/incident from the Executive Committee and upon majority vote, close the incident with notification to all necessary parties.

Disciplinary Investigation Process

The role of the Disciplinary Panel is to conduct a fair investigation of the incident presented as to how it conflicts with the USAFL Constitution, Code of Conduct and League Policies or negatively impacting the USAFL, its stakeholders or constituents. This will require consideration of data, statements, observations and consequences and can call upon any individual of the USAFL to provide such information as required to satisfy the investigation. At the Executive Board's discretion, if there is no activity within a six week time frame, then the Executive Board may choose to close the investigation and report outcomes, appoint a new Disciplinary Officer or Panel, or take other action as appropriate.

The Disciplinary Officer or Panel may request statements from any relevant witness associated with the incident(s). Other evidence, including email, phone communications, video/audio, and media (including social media posts and/or comment(s)) can be considered in the investigation. Evidence of "consequence" can also be included to validate that an incident occurred. This could include physical or emotional impact from affected individuals or statements detailing the negative impact to the USAFL or its constituents resulting from the incident.

Failure to cooperate may be taken into consideration and may also result in a more severe disciplinary outcome or alternatively, failure to cooperate by any party involved in the investigation may result in a new disciplinary action. This includes but is not limited to: lying, being overly argumentative, displaying a pattern of disregard for the process, delaying the interviews, hearings, or production of evidence, verbal abuse, any form of intimidation or threatening behavior, adversely impacting any party to the complaint resolution, the disciplinary officer, or designated personnel of the USAFL Executive Board.

3. Disciplinary Report

The outcome of an incident or complaint investigation by the Disciplinary Panel should provide a finding. It should include a recommendation for disciplinary action based on any initial plea, intent, severity, impact/potential impact to a team or the league, remorse, and previous history. Previous Disciplinary Actions may also be requested from the Executive Director as reference material, but each incident should be considered unique to itself with each Executive Committee having unique composition and experiences from year to year.

Disciplinary actions should consider each of these factors and serve the objective of altering future behavior to be inline with USAFL expectations while ensuring the overall safety and well-being of all involved in the league.

Resolution

Following the Disciplinary Investigation, a draft of the disciplinary report should be presented to the Executive Board and the actions and recommendations must be approved by a majority vote. If the investigation recommendation is not approved by a majority vote, the Executive Board should either request to continue the investigation, or the Disciplinary Panel will adjust the actions and recommendations, or the Executive Board may dismiss the complaint/incident. In the event of a tie, the Disciplinary Officer casts the deciding vote, irrespective of whether the Disciplinary Officer is the President, RVP, or other member of the Executive Board. In the event that the Disciplinary Officer is not a member of the Executive Committee, then the highest ranking member of the Executive Committee will cast the deciding vote. In the event that ranking members share the same rank, then by longevity of service on the USAFL board, and if

still tied by any means acceptable to the majority of the Executive Committee. (Rank Order: President, Regional Vice-Presidents, Treasurer, Secretary, Member-at-Large)

Other members of the investigative Disciplinary Panel may be invited to attend the session at the discretion of the Executive Board, with a majority vote.

Generally, the parties involved in the incident should not be included for brevity, and to avoid further conflict.

The meeting should debate the merits and outcome of the Disciplinary Report and make amendments by vote. Amendments to the report should be implemented by the Disciplinary Officer. Final report details should be voted on so that the entire board does not have to reconvene. A majority vote by the Executive Board minus members recused is all that is required to approve and implement a Disciplinary Report. It is also recommended that the distribution list of the Disciplinary Report be agreed upon at this meeting.

The final version of the Disciplinary Report should be given a 24 hour review period by the Executive Board members to ensure accuracy and general correctness.

After the review period, it should be distributed as agreed upon in the Executive Board meeting, but at a minimum should typically include the impacted member club presidents, parties to the complaint, all Executive Board members, including recused members, and the USAFL Executive Director.

Implementation, Enforcement, and Follow Up

The Disciplinary Officer and relevant Regional Vice President are responsible for implementing the disciplinary action. If a third party is required as part of the outcome, then the Disciplinary Officer and RVP are responsible for informing the third party.

Executive Board end-of-year action should include summarizing (internally) all off-field disciplinary actions. A summary of disciplinary reports and outcomes should be presented annually to the Executive Board. It is at the USAFL President and relevant RVP's discretion to withhold sensitive information about individuals involved in an investigation in consideration of an individual's safety or privacy. The name of anyone found guilty of an offense must be available to future Executive Boards and Disciplinary Committees.

Failure of a member club to enforce a disciplinary action against a player/participant may result in disciplinary action against the member club itself, or individual board members or officers of the member club.

Appeals

Off-field incidents are heard and resolved by the entirety of the Executive Board minus any members recused, therefore there is no appeal process for off-field incidents.

On-field incidents that have gone through tribunal may be appealed as outlined in the published on-field disciplinary procedure.

Record of Disciplinary Action(s)

A digital or physical record of the Disciplinary action(s) must be maintained. These records should be considered private to the USAFL and the current Executive Board.

Unauthorized sharing of disciplinary actions is a breach of conduct and may result in disciplinary action.

The Executive Director will maintain the disciplinary records. The Executive Director may not withhold records from the active USAFL President, Executive Board, or individual Executive Committee members.

Club Discipline vs USAFL Discipline

Individuals belonging to a member club are expected to follow league communication pathways and resolve issues at the club level whenever possible. The USAFL may direct complaints back to the appropriate club for resolution as appropriate.

Conflicts of Interest

When an incident arises, the individuals on the Disciplinary Panel and Executive Board should announce their conflicts of interest and recuse themselves if necessary. Recusal is at the option of the individual, or may be employed by unanimous vote of the Executive Board, should the issue be raised for a vote by an executive board member. To recuse an executive board member that does not self-recuse, a unanimous vote from all other Executive Committee members is required for the recusal to take effect.

USAFL Disciplinary Action Outcomes

This list is not exhaustive or comprehensive, but sets out general provisions of disciplinary actions. The scope, severity, and type of disciplinary action lies within the exclusive control of the Executive Committee, acting as the tribunal for off-field incidents.

1. Reprimand / Warning: Official documented warning, verbal or written, to a member club or individual, advising details of breach of standards or policy. The offending member club or individual remains in good standing, but the reprimand/warning should be taken into consideration should the member club or individual be involved in future incidents or complaints.

2. Probation: A period of time during which the member club, or individual is under scrutiny for prior misconduct. The member club/player is permitted to play and conduct themselves as a USAFL participant, but should do so without serious incident.

The participant will be considered back in good standing once the probationary period is completed. No announcement or official notice needs to be provided by the USAFL.

If there are no intervening events, such as a yellow or red card, the nature of which may, but not necessarily, trigger additional disciplinary action or violate probation, then the probation “falls off” and the participant may resume ordinary course.

3. Censure / Restriction: Limiting a member/individual to a specific set of activities or involvement in any USAFL activities/platforms for a period of time (i.e restricting a member or

club from participating on USAFL social media channels). This can include restrictions on holding office in the USAFL and exclusion from eligibility (or removal) of awards associated with the USAFL or its activities. A permanent barring from holding office in the USAFL should only be reserved for the most severe of restriction punishment.

4. Corrective Action: A member/individual is required to complete a form of duty or educational program in benefit of the USAFL or its community (such as umpiring accreditation/duties or corrective courses).

5. Suspension: Suspension of the member/player or club from participation in the USAFL entirely or specific USAFL activities for a period of time or specified number or type of games.

6. Removal: Permanent removal from and no longer recognized as a member club of the USAFL; or alternatively removal of eligibility as an officer of any member club, eligibility as player participant, or association of any type with the USAFL.