

# HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INC.

(A0002667H)

# COMPLAINT HANDLING RULES

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# HRC AV

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HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INC.

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## **Section 3 Complaint Handling Rules**

### **PREAMBLE**

The Committee may expel from the Association or otherwise punish or penalise any Club or registered member of an affiliated Club which, in the opinion of the Committee, has refused or neglected to comply with the rules and regulations of the Association, or whose conduct is discreditable or injurious to the character or interest of the Association.

### **HRCAV CODE OF CONDUCT**

Clubs and members are expected to:

- Respect and abide by the rules of the Association.
- Promote good fellowship – be encouraging and supportive of fellow members.
- Behave in an appropriate manner with respect to standards of personal behaviour, language and temper.
- Refrain from conduct which is prejudicial to the interests of the Association or has the potential to bring the Association into disrepute.
- Ensure that the welfare of the horse takes precedence over personal interests.
- Abide by the principles of the *Vic Sport Code of Conduct (as shown below)*
  - inclusion of every person regardless of their gender or sexual orientation
  - inclusion of every person regardless of their race, culture or religion
  - opportunities for people of all abilities to participate in the sport and develop to their full potential
  - that respect is shown towards others, the club and the broader community
  - a safe and inclusive environment for all
  - elimination of violent and abusive behaviour
  - protection of persons involved in the sport from sexual harassment or intimidation
  - protection of persons involved in the sport from other forms of harassment

The Code of Conduct and Association rules apply to all Club sanctioned events and activities and extends to cover unacceptable behaviour on the part of individual members which has the potential to be injurious to the reputation of the

REV: Jan 2005, Jan 2007, July 2010, Jan 2011, Oct 2012, Jan 2017, July 2018

Association and negatively affect the safety and enjoyment of the sport by other members

## **1. MEMBERSHIP REQUIREMENTS**

- 1.1. As a condition of membership of the Association, Clubs and bodies agree to acknowledge and abide by the HRCAV rules as covered in the Association Manual or advised from time to time in the Association newsletter.
- 1.2. Clubs must be registered as an Incorporated Association and comply with the requirements of the Associations Incorporation Act.
- 1.3. Members of affiliated Clubs are required to sign an HRCAV Annual Membership Disclaimer Statement, (General Rules – Appendix 20), as part of their Club's membership application / renewal procedure, to confirm that they acknowledge and agree to be bound by the HRCAV rules and Code of Conduct.

## **2. CLUB COMPLAINT & DISPUTE RESOLUTION**

- 2.1. Clubs are required to have in place, rules covering discipline, suspension and expulsion of members and the handling of disputes and grievances. It is recommended that the relevant procedures set out in Schedule 4 Regulation 18 of the Associations Incorporation Act – 'Model Rules'\* be adopted. Where there are no rules in place, the Model Rules\* shall apply. \*(applicable to State of Victoria. Clubs registered in other states to refer to relevant state legislation).
- 2.2. Clubs are responsible for handling complaints, disputes and grievances between members of the Club or a member of the Club and the Club.
- 2.3. If a complainant considers that extraordinary circumstances preclude them from referring the matter to their Club, the complaint may be submitted to the HRCAV under rule 4.

## **3. BREACHES OF THE RULES AT EVENTS**

- 3.1. Complaints and protests relating to infringements of the rules at an HRCAV event are heard on the day by the event Ground Jury as per Event Rule 29.
- 3.2. Complaints relating to horse abuse or cruelty should be reported to the Ground Jury for consideration and appropriate action on the day of the event as per Event rule 38. The host Club is also required to forward details of the complaint to the HRCAV within 30 days for consideration under the Complaint Handling Rules.

### **3.3. Yellow Warning Card System**

- 3.3.1. HRC AV appointed Representatives and Technical Delegates at Horse Trials, TTT events and other major events have the authority to address complaints relating to horse abuse, misconduct or dangerous riding at the event and may issue Recorded Verbal Warnings or Yellow Cards following the procedures specified in Event Rule 66.
- 3.3.2. The HRC AV Committee shall receive all reports issued under Event Rule 66 and has the option address any outstanding matters listed or further review offences of a serious nature under the Complaint Handling Rule 7.
- 3.3.3. The HRC AV shall maintain a record of Written Warnings, Recorded Verbal Warnings, Yellow Warning Cards issued.
- 3.3.4. A rider receiving two Yellow Warning Cards for the same offence within a 12 month period will incur disqualification from competition (any HRC AV discipline) for three months from the date of the second offence.
- 3.3.5. A rider may appeal the issue of a Yellow Warning Card at an event where it can be shown that
  - there was a breach of process or
  - upon presentation of new evidence

The rider is required to lodge a Notice of Appeal with the HRC AV office within 2 working days of the issue of the Yellow Warning Card at an event, stating the grounds for the appeal. The notice of Appeal must be accompanied by a deposit of \$200 which is not refundable if the Appeal is lost. The outcome of the appeal shall be determined by the HRC AV Committee.

## **4. COMPLAINTS TO THE HRC AV**

- 4.1. The HRC AV will receive complaints from members alleging that another member or Club has breached the Code of Conduct of the HRC AV or breached a rule of the HRC AV, provided that such complaint could not be heard in accordance with rules 2.2, 3.1 or 3.3.



## **5. PROCEDURE FOR LODGING A COMPLAINT**

- 5.1. For a complaint to be considered by the HRCAV Committee, it must be in writing, signed and substantiated by the complainant. The complainant shall include evidence and a list of witnesses who were witness to the occurrence. If there is no substantiation, the complaint may not be considered.
- 5.2. Complaint must be received by the HRCAV Office within 30 days of the alleged offence. **Notwithstanding, the HRCAV Committee may waive the 30-day reporting period requirement for complaints relating to serious breaches of the Code of Conduct.**
- 5.3. Requests for confidentiality will be respected and reasonable steps shall be taken to protect the identity of complainants and witnesses unless the Association is legally obliged to disclose details of the matter.
- 5.4. Complaints fulfilling the requirements of rule 5.1 must be received by the HRCAV Office within 30 days of the alleged offence. Complaints received by the HRCAV office outside 30 days of the occurrence will not be considered.
- 5.5. If the HRCAV office receives a complaint that is not substantiated as per rule 5.1, the complaint will be considered to be unsubstantiated and will be destroyed after 30 days of receipt.

## **6. COMPLAINTS RELATING TO A CLUB**

- 6.1. Complaints relating to alleged conduct or actions of a Club or Organising Committee shall be actioned in accordance with rule 13.

## **7. COMPLAINTS RELATING TO INDIVIDUAL MEMBERS**

- 7.1. Upon receipt of a complaint submitted in accordance with rules 4 & 5 or to address matters referred for review under rule 3.3.2, the HRCAV Committee President or their representative may seek oral feedback from parties named prior to the matter being discussed at the next HRCAV committee meeting.
- 7.2. On consideration of the complaint, the HRCAV Committee will, by resolution, determine whether there is a case to answer and the grounds for the decision. The Committee may then, at its discretion,
  - a) Refer the complaint to the named member's Club for action in accordance with rule 8,
  - b) Call a Disciplinary Hearing,
  - c) Issue a Yellow Warning Card or written warning to the member or
  - d) Take any other appropriate action, not including fines or disqualifications

7.3. In all cases where the Committee has determined that there is a case to answer, the member named in the complaint must have been or be given the opportunity to be heard during the review process and any documents relating to the complaint will be a matter or record.

## **8. COMPLAINTS REFERRED TO MEMBER'S CLUB**

8.1. Upon receipt of a notification of complaint against a member, the Club may determine to:

- a) Handle the complaint under Club rules and submit a written report on the outcome to the HRC AV within 90 days or
- b) By resolution of the Club Committee, decline to address the matter at Club level and formally notify the HRC AV of the decision within 14 days of receipt of the notification. Clubs must provide reasonable justification for declining to handle the complaint under Club rules. The notification is to be signed by two members of the Club executive. In choosing this option, the Club acknowledges that the complaint will be addressed by the HRC AV Committee and that the Club may be required to impose penalties set by a Disciplinary Panel eg: suspension from HRC AV activities or suspension of membership.

8.2. Clubs are required to use discretion in the handling of complaints and details are to be treated as confidential.

8.3. Where the Club proceeds with a complaint under option 8.1 a) the subject of the complaint must be given the opportunity to respond to the allegations. The member concerned shall only be provided with pertinent details which are sufficient to permit them to reasonably respond to the allegations. The identity of the complainant and witnesses shall not be disclosed without their written consent.

8.4. Should the Club fail to provide a written report to the HRC AV within the specified period, the matter shall be deemed to be unresolved and the Club shall be fined an amount not exceeding \$200.

8.5. Should the Club suspend or cancel membership of the member as a result of the complaint, the HRC AV reserves the right to impose a corresponding ban from competing in HRC AV events. Such ban shall come into effect upon written notification from the HRC AV to the member concerned. Notification of the ban may also be published in the Association newsletter.

## **9. THE DISCIPLINARY PANEL**

- 9.1. The Disciplinary Panel shall consist of a quorum of the HRCAV Committee, who will not be associated with any party engaged in the hearing.
- 9.2. The member who lodged the complaint, or who the complaint is about, has the right to ask the Disciplinary Panel for the removal of one, and only one, member from the disciplinary Panel who they can justifiably show as not to be impartial as per disciplinary rule 9.8..
- 9.3. The President of the HRCAV will chair the Disciplinary Panel unless disqualified from the Disciplinary Panel as per disciplinary Rule 9.1.
- 9.4. In the case where the President is not able to chair the Disciplinary Panel, the chair of the Disciplinary Panel will be decided by a show of hands from the remaining members of the Disciplinary Panel.
- 9.5. The Chair of the Disciplinary Panel shall only have the deciding vote if required to break a deadlock if it occurs.
- 9.6. If a quorum of Committee Members is unable to sit on the Disciplinary Panel due to not being impartial, the HRCAV Administration Officer will invite impartial Presidents of Member Clubs to sit on the Panel to fill the required numbers
- 9.7. At the option and expense of the member of which the complaint has been made, a suitably qualified independent mediator may be engaged to Chair the Disciplinary Hearing.
- 9.8. Reasons for not being considered impartial include: family or close friend of the complainant or the complainer, a member of the same club, or any other justifiable reason. The majority of the Disciplinary Panel will make the final decision on the impartiality of the members if said members do not excuse themselves.

## **10. DISCIPLINARY HEARING PROCEDURES**

- 10.1. Any Disciplinary Hearing must be held within 90 days of receipt of the complaint. When a decision to call a Disciplinary Hearing is made by the HRC AV Committee, the members by and against whom the complaint has been made, shall be given at least 14 days notice in writing of the date, time and place of the Hearing, the grounds of the complaint and the names of the members of the Panel.
- 10.2. The members who lodged the complaint may attend to give evidence, and members/s against whom the complaint has been made, are permitted to attend the Disciplinary Hearing, and be heard and call oral evidence, but will not be represented. If any such person/s does not attend, and does not offer a satisfactory reason for not attending, the hearing will proceed accordingly in his or her absence.
- 10.3. Written submissions from parties to the complaint for consideration by the Disciplinary Panel will be accepted prior to the date of the Hearing.
- 10.4. Provided that the majority of the Disciplinary Panel present when the matter is heard are of the opinion that the member has been guilty of the alleged conduct or actions, then the Disciplinary Panel may, by resolution, penalise or punish the member.
- 10.5. Potential penalties shall be one or more of the following:
  - 10.5.1. A Written Warning or Yellow Card
  - 10.5.2. Fines (not greater than \$500)
  - 10.5.3. Disqualification of member for a specified period of time from HRC AV events and/or Club activities.
- 10.6. The Committee may, at their discretion, publicise details of the finding of the Disciplinary panel in the HRC AV newsletter.
- 10.7. The member's Club shall be notified of the disciplinary Panel's determination and shall be required to impose penalties as directed by the Association.

**11. APPEALS**

- 11.1. The member concerned may appeal decisions made by the Disciplinary Panel on the grounds of breach of process, or upon presentation of new evidence, by lodging a Notice of Appeal with the HRCAV office within 14 days of the Disciplinary Hearing.
- 11.2. The Notice of Appeal must be accompanied by a deposit of \$200 which is not refundable if the Appeal is lost.
- 11.3. On receipt of a Notice of Appeal, the President of the HRCAV shall convene a meeting of 5 impartial Member Club Presidents who agree to sit on an Appeal Panel. The panel members shall elect the Chairperson. An independent mediator may attend the appeal at the expense of the member concerned, who shall only have the deciding vote to break a deadlock if it occurs. If the appeal is upheld, the cost of the independent mediator will be refunded by the HRCAV.
- 11.4. The Chair of the initial Disciplinary Panel shall appear at the Appeal Hearing to give evidence for the reason that the original decision was made.

## 12. BREACHES OF CODE OF CONDUCT

The HRCVAV Committee may impose sanctions where they are satisfied that there is proof that a breach of the Code of Conduct has occurred. Breaches of the Code of Conduct include, but are not limited to, the following:

- Failure to comply with the Rules of the Association
- Disrespecting the Rules of the Association or those of the Organising Committee of an event in such a manner that is considered offensive.
- Disrespecting the decisions of Judges or Event Officials.
- Failure to follow the orders of Event Officials.
- Bribing or attempting to bribe Officials or Judges.
- Defamation of the Association.
- Conduct which may be injurious to the reputation of the Association.
- Behaviour or use of language in a manner which may be considered offensive.
- Willfully misleading the Association or the Organising Committee as to the eligibility of a Horse/Rider or the misrepresentation of the Horse/Rider's identity.
- Use of illegal substances or failure or refusal of a rider, owner or HRCVAV member to allow his/her horse to be swabbed.
- Harassment including offensive, abusive, belittling or threatening behavior directed at a person or people in the form of verbal, non verbal or written communication including harassment via electronic media.
- Violent or abusive behaviour towards another person.
- Vilification of any kind towards another person.
- Discrimination against another person based on their age, gender or sexual orientation.
- Discrimination against another person based on their race, culture, religion or any other irrelevant personal characteristic.
- Sexual harassment or intimidation of another person.
- Victimisation of another person for exercising their rights through the Code of Conduct.
- Repeating offences after being given a warning in writing by the HRCVAV Committee.
- Failure to maintain a safe environment
- Cruelty to a horse in the following manner:  
Refer to Disciplinary Rules Appendix 1 for clarification
  - To whip or beat a horse excessively
  - To subject a horse to any kind of electric shock
  - To use spurs, or to jab the horse in the mouth with the bit excessively or persistently
  - To mount, attempt to mount or ride an obviously exhausted, lame or injured horse
  - To 'rap' a horse anywhere in or outside the grounds of the Event
  - To hyper-sensitise any part of a horse
  - To leave a horse without adequate food, drink and exercise.

### **13. BREACH OF RULES BY A CLUB OR ORGANISING COMMITTEE**

- 13.1. Upon receipt by the HRCAV of a written complaint relating to an alleged breach of the HRCAV Rules by a Club or Organising Committee, the HRCAV President or their representative may seek a verbal response from the named Club prior to the matter being considered at the next HRCAV Committee meeting.
- 13.2. Upon consideration of the complaint, the Committee may offer a suitable course of action or response to the complainant and/or the relevant Club.
- 13.3. If the HRCAV Committee determines, by resolution, that the complaint requires formal investigation, then the Club concerned will be notified in writing. The HRCAV Committee will request a written report from the Club, stating their account of the alleged actions or incident. The Complainant will be notified that the complaint is being investigated.
- 13.4. Upon receipt of all relevant documentation, the complaint will be reviewed by the HRCAV Committee and appropriate action taken.
- 13.5. If the HRCAV Committee deems it necessary for clarification of the information received, they may invite a representative from the Club concerned, together with the complainant, to the HRCAV Committee meeting at which time the complaint will be further reviewed.
- 13.6. Upon a full investigation, if the complaint is found to be valid, the HRCAV Committee reserve the right to appoint an HRCAV Representative to review management of the Club. The Club shall be required to facilitate such review by providing the Representative with access to meetings, events and activities, and Club records.
- 13.7. The Complainant will be advised of the outcome of the investigation. If the complaint is found to be spurious, vexatious, trivial or misinformed, the Committee reserves the right to take action under the Disciplinary Rules of the Association.
- 13.8. A Club or Organising Committee of an event shall not be held responsible for a breach of the rules or Code of Conduct of the HRCAV, committed by an individual member. Any such breach of Rules or Code of Conduct shall be dealt with as if the complaint was made against the individual member
- 13.9. In accordance with the Constitution, the Committee may expel from the Association or otherwise punish or penalize any Club which, in the opinion of the Committee, has refused or neglected to comply with the requirements of the Constitution or rules of the Association, or refuses to support the purposes of the Association or which has engaged in activities or actions which are considered to be discreditable or injurious to the character or interest of the Association.

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