



**EVERY SEASON  
MY SEASON  
CODE OF CONDUCT**



## CODE OF CONDUCT



Every Season My Season (ESMS) Code of Conduct aims to promote and strengthen the reputation of football by establishing a standard of conduct expected from all Constituents. In addition, it seeks to deter conduct that could impair public and player confidence in the safe, fair, honest and ethical conduct during all ESMS programs.

Each person who is bound by this Code should be aware of the impact their conduct may have and perform in an ethical manner at all times.

This code forms part of ESMS statutes

o applies to a person who is not registered but who at the time of the conduct was required to be registered to participate in the relevant activity in which the conduct occurred.

o does not limit or restrict the application of:

a.(A) other by-laws, rules, regulations, policies and procedures within the ESMS Statutes

b.(B) AFC Statutes, including the AFC Disciplinary and Ethics Code; or may be amended by ESMS from time to time.. The latest version of the Code can be found on our website at

[www.everyseasonmyseason.com](http://www.everyseasonmyseason.com)



# CODE OF CONDUCT



## Misconduct

Any Constituent who engages in Misconduct may be sanctioned in accordance with this Code.

## General Behaviour

A Constituent must not engage in any of the following conduct:

(a) offensive behaviour, including offensive, obscene, abusive, provocative, indecent or insulting gestures, language or chanting;

(b) physically assaulting another person;

(c) provocation or incitement of hatred or violence;

(d) intimidating another person or creating a hostile or unsafe environment within the sport;

(e) damaging property;

(f) any offensive conduct including any involvement in spectator, supporter or crowd violence;

(g) any other conduct that brings, or may bring, ESMS, any of its sponsors, a Football Administrator or Football generally into disrepute or which is otherwise prejudicial to the interests of ESMS or Football generally.



# CODE OF CONDUCT



## **Discrimination**

A Constituent must not engage in any unlawful discriminatory behaviour towards a person on account of an Attribute.

Discrimination includes:

1. (a) publicly disparaging or vilifying.
2. (b) inciting hatred towards, or contempt for or ridicule of; or
3. (c) discriminating against (as provided by state, territory and Commonwealth laws), a person on account of an Attribute.

## **Bullying, Harassment and Victimisation**

(a) A Constituent must not engage in any conduct which amounts to bullying (including cyber-bullying), harassment (including sexual harassment) or any unwelcome physical, verbal or sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances.

1. (b) A Constituent must not victimise another person for reporting or indicating an intent to report a complaint.

## **Prohibited Publications and Disclosures**

1. (a) A Constituent must not make any comment, statement or representation to the public, including via any contribution to any form of Media that:
  1. (i) is disparaging or derogatory of any official ESMS employee, Player or spectator
  2. (ii) is disparaging or critical of a ESMS Administrator, including any decision or regulation made by the ESMS Director, Judicial Body, without reasonable basis or justification;



## CODE OF CONDUCT



### **Forgery and falsification**

A Constituent must not engage in forgery and falsification, including creation of a false document, forgery of a document or signature, the making of a false claim or providing inaccurate or false information where that Constituent knew or ought to have known that such document, information or claim was false.

### **Corrupt and Dishonest Practices**

(a) Constituents must act with honesty and integrity at all times. A Constituent must not:

- (i) engage in corruption, including offering a Benefit or an advantage to a Player or an Official in an attempt to incite them to violate ESMS Statutes, FA Statutes or any other rules or regulations of a Football Administrator;
- (ii) commit any act of bribery, including through the offer, promise, request, solicitation or acceptance of any Benefit in return for violating their duties;
- (iii) abuse their position in football (whether at a Football Administrator or any other body such as a standing committee, stakeholder group or representative body or association) in any way including to obtain personal benefit, whether directly or indirectly;



## CODE OF CONDUCT



### **Non-compliance with Disciplinary Process**

1. (a) A Constituent must follow the directions of the ESMS Director in connection with a disciplinary process (including any directions in relation to the conduct of proceedings) which they are subject to.
2. (b) A Constituent must respect and comply with any decision or determination of The ESMS Director or Judicial Body arising from a disciplinary process or proceeding which they are subject to.

### **Criminal Offence**

A Constituent will be taken to have engaged in Misconduct for purposes, if they commit or are charged with, a criminal offence.

#### LIABILITY

##### Attempt or complicity

- (a) A Constituent is deemed to have engaged in Misconduct:
  - o (i) if they attempt to engage in Misconduct; or
  - o (ii) if they are complicit in, encourage, sanction, cover up or authorise another person's Misconduct; or
  - o (iii) if they agree with any other person (whether or not also a Constituent) to engage in, or intentionally give the impression to any other person that the Constituent is attempting or agreeing to engage in Misconduct; and
  - o (iv) irrespective of whether they engaged in the conduct deliberately or negligently (other than where intent is a necessary element of the type of Misconduct).
- (b) Any attempt or agreement (or intentional appearance of the same) must be treated for purposes of this Code as if a breach of the relevant provision(s) had been
- (c) Any attempt by a Constituent or any agreement with any other person (whether or not a Constituent) to act in breach of any provision contained in this Code must be treated for the purposes of this Code as if a breach of the relevant provisions had been committed by the Constituent themselves.



# CODE OF CONDUCT



## REPORTING AND INVESTIGATIONS

### Ethical Misconduct

A Constituent who is aware of, or reasonably believes that there may be, any breach of this Code (Ethical Misconduct) must report such breach to the ESMS Director immediately after becoming aware of such breach.

#### Confidentiality

Any report or complaint made to ESMS (including the identity of a person making a report) will be kept confidential and only disclosed to those ESMS employees who have a need to know the information unless:

1. (i) otherwise required by law;
  2. (ii) otherwise permitted by this Code;
  3. (iii) the disclosure is required to fulfil the objectives of this Code;
- or
4. (iv) the information is already in the public domain.



# CODE OF CONDUCT



## DISCIPLINARY PROCEDURE AND SANCTIONS

### Factors to consider

In determining any sanction under this Code, the Football Administrator may consider:

- 1.(i) the nature and seriousness of the breach;
- 2.(ii) if the person(s) knew or should have known that their conduct was a breach;
- 3.(iii) the level of contrition;
- 4.(iv) the effect of the proposed sanction on the person(s) including any personal, professional or financial consequences;
- 5.(v) if there have been relevant prior warnings, education or disciplinary action;
- 6.(vi) whether the conduct was against the ESMS Director or any employee
- 7.(vii) whether the conduct was against a Child or Adult at Risk;
- 8.(viii) the need to deter such conduct;
- 9.(ix) the damage done to the reputation of Football or ESMS by the relevant conduct;
- 10.(x) the damage that might be done to the reputation of Football if a suitable sanction is not imposed;
- 11.(xi) the need to publicly denounce the conduct for the benefit of Football;
- 12.(xii) the need for punishment;
- 13.(xiii) the sanction which is required to give effect to the objects of the Code; and
- 14.(xiv) any other mitigating or aggravating circumstances or any other matter that the Director reasonably considers relevant to the sanction.

Sanctions are effective immediately

The imposition of a sanction is immediate or as otherwise notified by the party imposing the sanction.





## CODE OF CONDUCT



### **No waiver**

A decision by the ESMS Director to not enforce a provision of this Code in one case does not amount to a waiver or affect the absolute discretion that to enforce the provision of this Code in another case.

### **NO-FAULT INTERIM SUSPENSION**

ESMS may immediately suspend a Constituent for a period on an interim basis and without any finding of fault pending investigation or determination of a matter in the following circumstances:

- 1.(a) in order to protect the safety and wellbeing of any Child or Adult at Risk where the matter involves consideration of a potential breach of this Code and where the balance of convenience, in ESMS's reasonable opinion, warrants such interim suspension;
- 2.(b) where the Constituent has been charged with a serious criminal offence and the Constituent's continued participation in Football may, in ESMS's reasonable opinion, cause damage to the reputation of ESMS or Football generally; and/or
- (c) any other circumstance where, in the reasonable opinion of ESMS, the reputation of ESMS or Football generally would be damaged if the Constituent was not suspended on an interim basis.



# CODE OF CONDUCT



## DEFINITIONS AND INTERPRETATION

### Definitions

Code means this Code of Conduct.

Constituent Constituent includes any person who is unregistered, but ought to have been registered under the National Registration, parents of players, and any other spectator related to player's or related to parent's of player's

Regulations (such as a player who participated in any program).

Ethical Misconduct has the meaning given in clause

ESMS Statutes means any by-laws, rules, regulations, policies or procedures promulgated by ESMS from time to time.

Media means television, radio, print, online and/or social media (including posting, blogging, tweeting, re-tweeting, tagging or 'liking' on any social media platform).

Misconduct has the meaning given in clause 2.1 of this Code.

Player has the meaning of a Player who is a member of ESMS .

Representative Team has the meaning given in the National Registration Regulations.

Supporter means the supporter of a Club and includes, without limitation, Club members and a Club's active supporter groups.

Parent means any guardian, or person responsible for a child during any ESMS program.



# CODE OF CONDUCT



## Interpretation

1. Use of the words “such as”, “including”, “particularly” and similar expressions are not words of limitation.
2. Headings are for convenience only and do not affect the interpretation of this Code.
3. The singular includes the plural and vice versa.
4. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
5. In the event any provision of this Code is determined invalid or unenforceable, the remaining provisions will not be affected. This Code will not fail because any part of this Code is held invalid.
6. If there is any inconsistency between a term of this Code and a term of any State Body Member regulation, the term of this Code will govern to the extent of that inconsistency and the inconsistent term is void and of no effect.

## ENFORCEMENT

This Code comes into force on 30 January 2022 and any amendments made to this Code come into effect immediately upon publication of such amendments by ESMS.