



# Complaints and Grievances

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## Introduction

The Wodonga Basketball Association, (WBA), committee regularly receives complaints and grievances about the behaviour and/or actions of a coach/player/parent/spectator, that may breach the code of conduct. Any formal report made by a game or WBA official is managed via the normal Basketball Victoria (BV) Tribunal process, and guided by the BV Tribunal by-laws.

Issues associated with domestic games should first be reported to the team coach, and attempted to be resolved in line with the WBA domestic games complaints procedure.

Issues associated with the representative program should first be reported to the team manager and / or coach, or the Junior Representative Coordinator. The Junior Representative Coordinator has the authority to discipline a coach/player/parent for minor issues, including minor breaches of the codes of conduct, and the receipt of a technical foul.

The following guideline outlines the recommended process when:

- (i) the domestic games complaints procedure has failed to resolve an issue, and/or
- (ii) no formal report has been made by a referee and/or official, and / or
- (iii) the nature of a complaint or grievance requires further investigation, and / or
- (iv) the Junior Representative Coordinator has referred an issue of a more serious nature to the Committee for review.

It should be noted that once any game based incident is acted on by game officials and the officials consider the matter dealt with, the Association would only take further action under this guideline in exceptional circumstances.

This guideline is not intended to replace or provide a substitute for the BV tribunal or member protection by-laws.

The WBA acknowledges its responsibility to provide a safe environment for its players, spectators, and coaches, and should take appropriate and proportionate action to ensure all members and non-members adhere to the codes of conduct, as set out by Basketball Victoria and the Member Protection Bylaws.

Under this guideline, the difference between a complaint and a grievance is as follows:

- A complaint is a general expression of dissatisfaction with a situation or the behaviours of other person(s) within the WBA
- A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within the WBA or external to the WBA
- A dispute relates to a disagreement, or implies argument about, for example, a situation, or interpretation of rules.
- Mediation is the attempt to effect a peaceful settlement between disputing parties via the facilitation of another independent third party, with all parties and the mediator present at the same time. The parties involved in the dispute determine the resolution themselves rather than have it imposed on them.

### **Reporting of an issue, complaint or grievance**

Any person who feels unhappy with the behaviour of another participant should attempt to resolve the matter directly with the other party in a calm and orderly way.

Where a person is unable to resolve an issue, a complaint or grievance may be communicated to any member of the WBA Committee directly, or through the Administrator. The WBA will investigate any complaint or grievance, whether or not the complaint is made in writing or verbally, by a person who provides their full name, address and contact details. Anonymous complaints will not be investigated.

Any complaints or grievances notified in relation to a member or person associated with another Association shall be forwarded to the relevant home Association

### **Disputes involving members**

Where a grievance or complaint relates to a dispute between

- (a) a member and another member; or
- (b) a member and the Association,

Section 11 of the Wodonga Basketball Association constitution will apply.

### **Investigation**

On receipt of a complaint or grievance, a nominated and independent member of the Executive Committee will be assigned to investigate further the nature and extent of the issue. This may include:

- Obtaining further information from the complainant
- Obtaining further information from any persons accused of wrongdoing
- Obtaining further information from witnesses
- Reviewing information and data related to the complaint or grievance

If after investigation it is determined that the issue is a complaint, it may be referred to the relevant program coordinator and the WBA committee for further consideration and resolution.

If after investigation it is determined that the issue constitutes an engagement in any form of harassment, discrimination or vilification or abuse against children, members, or anyone participating in BV activities, the BV Member Protection by-laws will apply.

The WBA notes that the Basketball Victoria Member Protection By-Law states that whether or not behaviours are Harassment or Bullying is determined from the point of view of the person receiving the harassment.

If after investigation it is determined that the issue is related to a Code of Conduct breach, a recommendation for further review and action by the Grievance Sub-committee may be made.

If after investigation it is determined that the issue relates to an offence against the BV Tribunal Bylaws, a recommendation to the WBA Committee to lodge a formal report may be made.

If after investigation it is determined that the issue is trivial or vexatious in nature, the complainant will be notified in writing and the issue closed.

The executive member shall provide a report to the committee upon completion of an investigation.

### **Grievance Sub-committee**

Appointed by the executive, the sub-committee shall consist of at least one independent member of the executive (the Chair) and two other independent general committee members and/or experienced members of the WBA or a combination thereof. The recommended size of the sub-committee is 3, but is not restricted to.

### **Procedures of the sub-committee**

The sub-committee has the power to recommend a ban or suspension from activities run or sanctioned by the WBA, issue of a warning, or find an allegation unsubstantiated or find an accused person not guilty, or recommend that the WBA Committee lodge a formal report in accordance with the BV tribunal bylaws, or refer the matter to the member protection tribunal.

The person who the grievance was lodged against must be provided an opportunity to provide a written response to the sub-committee.

The sub-committee may seek any further information regarded as necessary from any parties involved or relevant to the issue.

Once all information has been obtained, the sub-committee should meet to determine:

- if the allegation is of a serious nature or not,
- whether a hearing is required or not
- whether a written warning should be recommended without the need for a formal tribunal style hearing
- whether mediation or some other pathway to resolution should be recommended
- whether a report in accordance with the BV tribunal bylaws should be recommended, or
- whether the matter should be referred to the member protection tribunal.

The sub-committee must provide a written or verbal report and recommendation to the WBA committee upon the above determination, or may seek further advice/direction from the WBA executive. The determination must be made within 1 month of receipt of the complaint / grievance.

### **Hearing process**

If a complaint is to be heard in the form of a hearing it must be held in accordance with the guidelines below: The hearing must occur within 1 month of the grievance sub-committee being formed

- All hearings conducted under this guideline will be closed, i.e. not open to parties other than those involved in the issue, and members of the Sub-committee
- The Sub-committee Chair has the discretion to determine if the hearing should be conducted in the form of a mediation, or as a tribunal (where parties present their views separately without the other present)
- The Sub-committee Chair will be responsible for maintaining a record of the hearing process
- All parties will be advised by a nominated member of the sub-committee of the hearing date, time, venue and other particulars, and will be provided with a copy of this guideline
- Where a party includes a junior member or non-member under the age of 18, a parent, guardian or other single appointed representative who is not a legal representative may be present as an advocate with that junior's consent
- All parties in the matter will be invited to be heard
- All parties will, with the consent of the Chair, be permitted to provide one witness on their behalf to be heard by the Sub-committee
- The Chair may refer to any other witness statements or submissions received during the investigation process associated with the issue

- All parties will be advised in writing of the outcome of the hearing, once recommendations are ratified by the WBA Committee
- All processes associated with the hearing should be completed within 3 months of the initial complaint / grievance being lodged

Any recommendation made by the sub-committee for application of a penalty, such as a ban or suspension, must not exceed the maximum penalties outlined in part 4 of the BV Tribunal Bylaws.

Where a mediation style hearing fails to deliver a resolution which is acceptable to both parties, then the sub-committee shall decide whether or not a further tribunal style hearing is warranted.

If a hearing is held, the Chair shall prepare and provide a written report to the WBA committee. The report shall include a recommendation and shall be acknowledged in the next committee meeting minutes however, the details of the report are not required to be made a matter of public record. The report is to be filed as inward correspondence and kept for minimum of 12 months.

## **Appeals**

Where a party to the issue is also a member of the Association and believes that these guidelines were not followed in determining a resolution, or they are not satisfied with the outcome of the process, they should advise the President of the WBA in writing, who will consider section 11 of the Wodonga Basketball Association Constitution and then decide:

- (a) Whether a further hearing is required, or
- (b) Whether the issue should be escalated to Basketball Victoria under the provisions of the Member Protection By-law

It is noted that, in line with the Wodonga Basketball Association Constitution, if mediation processes between two members or a member and the Association does not result in a dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Act 1981 or otherwise at law.

Where a party to the issue is not satisfied with the outcome of the process and is not a member of the Association, no appeal rights apply.

These guidelines should be reviewed annually.