



## Complaint and Grievance Policy

This policy has been created to aid as guidance in the process of a complaint or grievance.

If a report is laid by a game official (completed report form) this will be passed to our independent chairperson to hold a tribunal. The tribunal's job is to decide which offences are relevant and which are not. The reporting official should also consider if it is a minor matter and if they believe it is they should indicate it on the front of the report form. This will then be considered by the tribunal chair who may make an offer to the reported person of a lower penalty than may normally be given and if accepted will mean there is no need for a hearing.

This policy compliments the BV Tribunal By-Laws by providing a mechanism for incidents to be investigated and acted upon where they are not observed by game officials or do not occur in the direct context of a basketball game. It should also 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 policy in exceptional circumstances.

This policy defines the difference between a complaint and a grievance as follows:

- A complaint is a general expression of dissatisfaction with a situation or the behaviours of other person(s) within the association – generally a complaint will be able to be managed within an individual program
- A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within the Association or external to the Association – generally a grievance will be managed at Association level. The terms 'harassment', 'discrimination' and 'vilification' are defined in the Member Protection By-Law of Basketball Victoria.
- 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. A mediator can be appointed by mutual agreement between the parties, or failing such agreement, by the General Manager of the Association. The parties involved in the dispute determine the resolution themselves rather than have it imposed on them.

## PROCEDURES – COMPLAINTS

1. Any person who feels unhappy with a situation or the behaviours of other person(s) within the association should attempt to resolve the matter directly with the other party in a calm and orderly way
2. Should the person be unable to resolve the matter and wish to take further action, they should raise a complaint either verbally or in writing with their member club delegate to attempt to resolve the matter.
3. Should an incident occur in a manner or context that there is no related club delegate, the stakeholder should raise the complaint with the association's General Manager.
4. Any person who feels dissatisfied with an action or outcome from their member club should raise the matter in writing with the association's General Manager who will initiate a review by an appropriate official and decide if there is further action required.
5. If the officer, after discussions/meetings with the parties involved, decides there is a case, he/she will complete a report and advise the parties of the next steps to resolution.
6. The association must attempt to mediate the matter within two weeks of receiving the complaint – this may include meetings between affected parties and involve other relevant people.
7. At a mediation each party must be given the opportunity to be heard. At a mediation, the mediator must ensure that natural justice is accorded to the parties throughout the mediation process.
8. Should a mediation hearing between parties resolve a complaint, then no further action is required.
9. If the complaint is not resolved at mediation, the complainant may lodge a grievance with the association secretary which must be in writing.
10. Should either party be unhappy with the outcome of the complaints process, they may lodge a grievance with the association secretary, which must be in writing within seven (7) days of the finalised complaints process outcome.

## PROCEDURES – GRIEVANCES

1. The General Manager will only receive grievances in writing and will log all grievances in an appropriate register to record the date of receipt, name of the complainant and general nature of the grievance
2. The General Manager must initially assess a grievance on the basis of the written information within 7 days of receipt of the grievance. Following the initial assessment, the General Manager must adopt one of the following courses of action:
  1. determine that the grievance is vexatious or trivial. In these circumstances, the complainant should be notified in writing and the grievance closed;
  2. determine that a grievance is more appropriately handled as a complaint and refer the matter to be dealt with by the relevant person between the parties; or
  3. determine a grievance to be legitimate and in need to action. In these circumstances, the General Manager must consult with the Association President to convene a Grievance Panel – the Panel should consist of three people who are impartial to the event and may include but is not limited to; the Association General Manager, members of the Board, external parties. The recommended size of this panel is 3 but not restricted to.

The following will apply to Grievance Panel hearings:

1. The Panel must meet within one month of being formed;
2. The Panel will invite all parties in the matter to be heard;
3. All parties will be advised in writing of the outcome of the Panel hearing, once recommendations are ratified by the Board.
4. The Panel Chair has the discretion to determine if the Panel hearing should be conducted in the form of a mediation (refer definition), or as a tribunal (where parties present their views separately without the other present).
5. The Association 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.
6. All internal processes for hearing a grievance should be completed within three months of the initial grievance being lodged.
7. Once an outcome of the grievance is determined, the Board or its nominee should close the grievance in the register and record the outcomes of the matter. If a matter that has been dealt with as mediation and fails to deliver an acceptable resolution to both parties, then it will refer to the tribunal format and the panel can decide whether or not this held at a set time over a period to gather further facts and may or may not require the parties central to the dispute to provide further accounts.
8. Should the aggrieved party not be satisfied with the outcome, they should advise the General Manager in writing and the grievance should be escalated to Basketball Victoria under the provisions of the Member Protection By-Law

All participants at the association should be aware of the very clear definition of harassment, discrimination or vilification contained in the Member Protection By-Law of Basketball Victoria as under the By-Law, ignorance is not an excuse.

Any complaint of a member protection issue must be sent directly to Basketball Victoria the association will act as a conduit between the 2 parties.