



Grievance and Complaints Procedure

May 2020

Accountable: SBA CEO	Revision Date:	Procedure: 7.1
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1. Introduction

Southern Basketball Association (SBA) encourages open and real time communication to ensure questions and concerns are addressed and resolved quickly. Most routine complaints and grievances are best resolved informally, however, where the grievance cannot be resolved informally this Grievance and Complaints Procedure will be applied. It is not necessary for the informal route to be exhausted before the formal route is applied. Details of all options available to raise a grievance are set out below.

SBA adheres to Basketball Victoria's guidelines and policies regarding behavioural expectations. In particular, the Association recognises the following Basketball Victoria guidelines:

1. Codes of Conduct for all participants
2. Member Obligation By-Laws
3. Member Protection By-Laws
4. Participant Protection By-Laws
5. Tribunal By-Laws

It should be noted that this procedure does not replace or circumvent in any way the Basketball Victoria Tribunal By-Laws. The tribunal process covers incidents that relate to basketball games or activities and empowers game officials (only) to make reports that relate to those incidents. The tribunal process remains the primary mechanism for dealing with charges that are formally reported by game officials (Referees and Referee Supervisors).

This procedure compliments the 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 SBA would only take further action under this policy in exceptional circumstances.

2. Definition

Complaint - an expression of dissatisfaction with a situation or the behaviours of other person(s) within the Association.

Grievance - a formal complaint over something believed to be wrong or unfair, or a violation of any statutory or legislative acts, policies and procedures, or any nationally recognised standards at both state and federal levels.



Definitions of harassment, discrimination or vilification are contained in the Basketball Victoria Member Protection By-Laws.

Member Protection Officer (MPO) - a first point of contact for enquiries, concerns or complaints about harassment, discrimination, abuse or other inappropriate behaviour. They provide confidential, impartial and timely information and procedural support to the person with the concern. The MPO does not get involved in the official investigation process. Whilst the MPO is appointed by the SBA the role of MPO is governed by Basketball Victoria.

Investigation Officer - an independent and impartial (no conflict of interest) resource appointed to undertake investigations and prepare an investigation report, including an outcome and any relevant recommendations on behalf of the SBA. This report is submitted to the CEO and/or SBA Board for review and appropriate action, including disciplinary sanctions if required.

3. Responding to Complaints and Grievances

SBA takes all complaints and grievances involving behaviour seriously. SBA will handle complaints based on the principles of procedural fairness, and ensure:

- the complainant understands the process and options available to them;
- the person being complained about will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
- irrelevant matters will not be taken into account;
- decisions will be unbiased and based on facts; and
- any penalties imposed will be reasonable and guided by the SBA Constitution and Basketball Victoria policies and procedures.

3.1 Complaint Handling Process

It is encouraged that any person who feels unhappy with the behaviour of another party should attempt to resolve the matter directly with the other party in a calm and orderly way. If the behaviour does not stop, or you prefer not to address and speak to the person directly, you can choose to raise a complaint or formal grievance in writing.

Any staff member or office bearer at the SBA may be required to manage complaints in the normal course of their duties or direct the complainant to the appropriate channel. This includes President, other Board Members, CEO, Head Coaches, Coaches, Team Managers, Officials and Member Protection Officer.

3.1.1 Complaints Related to Domestic Competition

Complaints involving the domestic competition must be directed to the domestic club President or relevant contact in the first instance for investigation and resolution. If the domestic club is unable to manage or resolve the complaint it can be escalated to the SBA CEO for review and/or investigation, and findings issued including sanctions where appropriate.

3.1.2 Complaints Related to Sabres Competition

Complaints involving any Sabres competition must first be directed to the Team Manager. The Team Manager will discuss the complaint with the Coach and attempt to resolve. In the event the complaint cannot be resolved, the complaint must be escalated to the relevant Head Coach.

3.1.3 Escalation of Complaints to SBA

All complaints are required to be submitted in writing to the SBA. When a complaint is received, the person handling the complaint will as soon as possible, but no later than 5 working days after receiving the complaint, meet with the complainant and:

- listen carefully and ask questions to understand the nature and extent of the concern;
- ask the complainant how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve the complainant's concern;
- inform the relevant government authorities and/or police, if required by law to do so;
- where possible and appropriate, maintain confidentiality but not necessarily anonymity; and
- keep a record of the complaint and actions taken (refer to Record of Complaint Form attached to this procedure).

Once the complainant decides on their preferred option for resolution, the SBA will assist, where appropriate and necessary, with the resolution process. This may involve:

- supporting the complainant to talk to the person being complained about;
- bringing all the people involved in the complaint together to talk objectively through the problem (this could include external mediation);
- seeking advice from Basketball Victoria or from an external agency (e.g. State Department of Sport or anti-discrimination agency);
- referring the complaint to Basketball Victoria; and/or
- referring the complainant to an external agency such as the police or anti-discrimination agency.

The SBA reserves the right to offer mediation (normally by an external mediator) to you as a means of seeking resolution of the issues raised at any time during the grievance process. This is a voluntary and confidential process.

3.1.4 Complaints Regarding Harassment, Discrimination, Vilification and Abuse

Where a complaint involves serious allegations of harassment, discrimination or vilification, the SBA may refer the complaint to Basketball Victoria to be handled under the Member Protection By-Law and may invoke a hearing of the Member Protection Tribunal.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then the SBA will report the behaviour to the police and/or relevant government authority, as required by law.

3.2 Formal Complaint Resolution

If informal routes have failed to resolve your concerns and you wish to raise a formal grievance you must do so in writing. It is important to set out clearly the nature of the grievance with details of:

- the nature of the grievance;
- the dates and times of relevant events;
- the names of witnesses to any incidents;
- any action already taken; and
- proposed resolution.

The SBA CEO will review and, if necessary, investigate the complaint or grievance raised and issue findings. The SBA CEO may recommend to the Board an independent Investigation Officer be appointed if deemed necessary to avoid conflicts of interest.

The Investigation Officer will focus on the facts of your complaint and a record of all meetings and investigations will be kept. The Investigation Officer will provide a report of findings and recommendations to the CEO and/or SBA Board for review and consideration.

At any stage of the process, a person can seek advice from an anti-discrimination commission or other external agency and, if the matter is within their jurisdiction, may lodge a complaint with the anti-discrimination commission or other external agency.

3.3 Disciplinary Sanctions

SBA may take disciplinary action against anyone found to have breached our policies or made false and malicious allegations. Any disciplinary measure imposed under our policies must:

- be applied consistently with any contractual and employment rules and requirements;
- be fair and reasonable;
- be based on the evidence and information presented and the seriousness of the breach; and
- be determined by our Constitution (Section 10.1), By-Laws and the rules of the game.

Possible sanctions that may be taken include:

- a direction that the individual make verbal and/or written apology;
- counselling of the individual to address behaviour;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the SBA;

- suspension or termination of membership, participation or engagement in a role or activity;
- a fine not exceeding \$500 (as per SBA Constitution); and/or
- any other form of discipline that SBA considers reasonable and appropriate.

3.4 Appeal

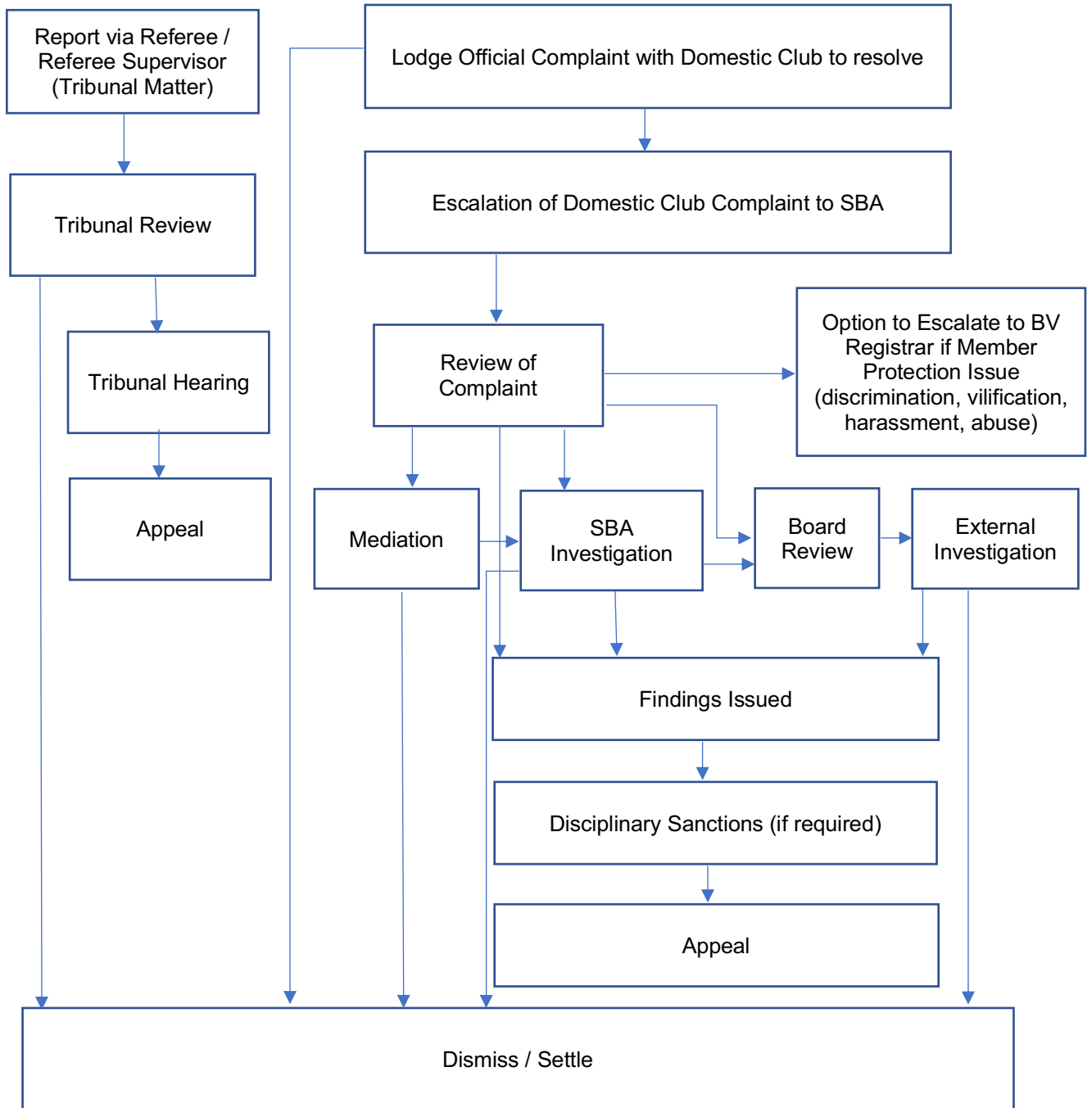
If the grievance process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Reform Act, Basketball Victoria Member Protection By-Law (if applicable) or otherwise at law.

3.5 Disclaimer

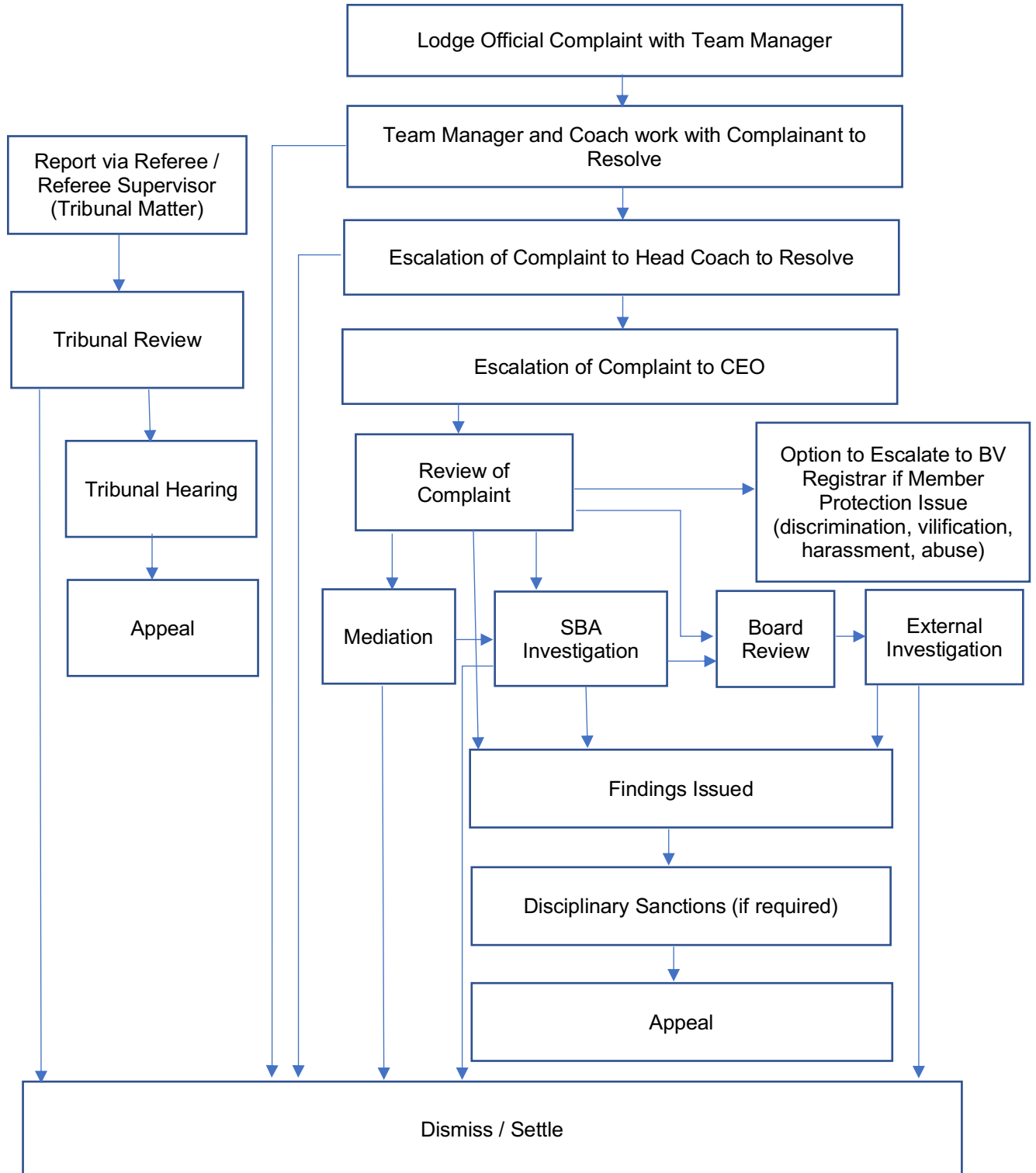
3.5.1. Every person, body or group of persons subject to SBA's rules and policy framework acknowledges and agrees that this clause may be pleaded as an absolute bar to proceedings, suit or action against SBA, and agrees that they will not become a party to any suit, at law or equity, against SBA, its officers, officials or any other person subject to the SBA Constitution, until all remedies allowed by the SBA Constitution, SBA Grievance and Complaints Procedure, and other relevant rules have been exhausted, save with the written consent of SBA.

3.5.2. Should any person, body or group of persons subject to SBA's rules and policy framework commence any proceedings, suit or action against SBA contrary to paragraph 3.5.1 above that person, body or group may be (i) prevented from attending any SBA venue or activity and/or (ii) suspended from membership whilst such proceedings, suit or action are being undertaken and concluded and will pay SBA's reasonable costs (including legal costs) of defending such proceedings, suit or action.

4. Domestic Complaint Resolution Process



5. Sabres Complaint Resolution Process





RECORD OF COMPLAINT

Name of person receiving complaint		Date:
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Person complained about role/status in Club	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Location/event of alleged issue		
Description of alleged issue		

<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment OR <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other</p>
<p>What they want to happen to fix issue</p>	
<p>Information provided to them</p>	
<p>Resolution and/or action taken</p>	
<p>Follow-up action</p>	