
COMPLAINTS AND GRIEVANCES POLICY AND PROCEDURES

1. PURPOSE

This policy will outline Diamond Valley Basketball Association's (DVBA) commitment to addressing complaints and grievances in a fair and equitable manner that respects the rights and obligations of all stakeholders.

Note: the *DVBA Child Safe Environment Policy* must be referred to if any complaint relates to the safety of a child.

2. POLICY STATEMENT

SUMMARY

It is recognised that individuals who are associated with the operations and activities of the DVBA will, from time to time, have cause to make complaints or lodge grievances relating to the Association. It is imperative that such complaints and grievances are addressed in a fair, transparent and equitable manner with a view to maintaining positive practices and relationships.

SCOPE

This policy applies to any member of the DVBA community: volunteers, staff, contractors, players, parents/guardians, spectators, referees and Directors of the DVBA Board etc

Complainants should adhere to the *Complaints and Grievances Procedures* detailed in this policy.

RATIONALE

All individuals have the right to make a complaint or lodge a grievance. All submissions will be given careful consideration through a rigorous process, enacted in a timely manner based on fairness and respect.

Ideally, resolutions to complaints will be reached via an informal and conciliatory process of explanation, discussion and/or mediation, where appropriate.

An issue that is deemed to be a grievance and, hence, more serious is to be lodged in writing (see *Appendix 1*). A person lodging a grievance will not be disadvantaged or discriminated against, in any way, as a result of the lodgement.

Where a complaint or grievance is received by the DVBA, it will be addressed in a timely and confidential manner, with all steps of the process documented.

DEFINITIONS

Complaint: is a general expression of dissatisfaction with a practice, situation or the behaviours of person(s) involved in the Association's activities or operations.

Employee: An employee refers to an individual who is engaged in a formal employment relationship with DVBA. They are remunerated for their services, work under the direction and control of DVBA, and have specific responsibilities and obligations outlined in their employment agreement.

Grievance: is more specific and serious than a complaint and may relate to an individual feeling harassed, discriminated against or vilified by person(s) involved with, or present, during the Association's activities or operations.

Referees and Hobbyists: Referees are officially referred to as Hobbyists. A hobbyist refers to an individual who participates in the activities of DVBA on a voluntary basis but receive remuneration to compensate for their time. Hobbyists do not have an official employment relationship with DVBA and engage in refereeing as a recreational activity and contribute their time and skills to support DVBA's basketball events and competitions. It is important to note that referees at DVBA are considered hobbyists and not employees, therefore, any disciplinary action taken against referees will be solely at the discretion of DVBA and may not follow traditional employee relations disciplinary formats or guidelines.

Mediation: is aimed at attaining settlement between disputing parties via the facilitation of independent third party. Mediation allows for the complainant and the respondent to put their positions to each other in a structured conversation managed by a mediator who is entirely independent of the parties, and the Association, in a confidential meeting.

The terms *harassment*, *discrimination* and *vilification* are defined in the *Basketball Victoria Member Protection By-Laws*

SOURCES AND RELATED POLICIES

Related policies and By-laws

- *DVBA Child Safe Environment Policy*
- *Basketball Victoria Member Protection By-laws*
- *The Constitution of the Diamond Valley Basketball Association*

3. COMPLAINTS AND GRIEVANCES PROCEDURE

The DVBA takes all complaints and grievances seriously. The DVBA will handle complaints and grievances based on the principles of procedural fairness, and ensure that:

- the complainant understands the process and options available to them;
- a complaint raised in relation to a practice undertaken by the DVBA will be responded to by the appropriate personnel or Board Director;
- irrelevant matters will not be taken into account;
- decisions will be unbiased and based on facts; and
- any disciplinary sanctions imposed will be reasonable and guided by the DVBA's *Constitution* and Basketball Victoria policies and procedures.

3.1 Complaints and Grievances Handling Process

It is encouraged that any person who feels that the behaviour of another party is inappropriate should, if they feel it is safe to do so, attempt to resolve the matter directly with the other party in a calm and respectful manner.

If discussion is not possible or does not cause the behaviour that is deemed to be negative to cease, an individual should escalate the matter within the DVBA.

In the first instance, an informal complaint can be made. For more serious matters, a formal grievance can be lodged in writing (see *Appendix 1: Grievance Form*)

Any DVBA staff member or Director of the DVBA Board may be required to manage informal complaints, in the normal course of their duties, or advise the complainant of the appropriate process to follow.

Formal grievances will be managed by the General Manager who will act as the Member Protection Information Officer (MPIO). The General Manager will liaise with Officer Bearer Directors of the Board or Basketball Victoria where necessary.

3.1.1 Complaints Related to the Junior Domestic Competitions

If the complaint relates to a game day incident, the Junior Domestic Club President/Delegate with whom the complainant is affiliated with should inform the Competitions Manager. The Competitions Manager will then make contact with the Junior Domestic Club President/Delegate with whom the subject of the complaint is affiliated.

Complaints centred around the Junior Domestic Competition, but not specifically related to a game day incident should, in the first instance, be directed to the President/Delegate of the Club the complainant is affiliated with.

If the Junior Domestic Club is unable to manage or find a resolution to the complaint, it should be escalated in writing to the DVBA's General Manager for review and/or investigation. The President/Delegate should include as much detail as possible in relation to the complaint.

Record will be kept of all complaints made.

3.1.2 Complaints Related to the Senior Domestic Competitions

If the complaint relates to a game day incident, the Referee Supervisor/Referee should be informed so that they can file a report with the Competitions Manager.

Complaints not specifically related to a game day incident, but involving the Senior Domestic Competition: a team or player, should be directed to the Competitions Manager. The complainant should include as much detail as possible in relation to the complaint.

Record will be kept of all complaints made.

3.1.3 Complaints Related to the Eagles Junior Representative Program

Complaints involving anyone associated with the Junior Eagles Representative Program: players, Coaches, spectators etc must, in the first instance, be directed to the Team Manager (or the Head Coach if the complaint relates to the Team Manager).

The Team Manager will discuss the complaint with the Head Coach (or the Junior Representative Director of Coaching if the complaint relates to the Head Coach) and attempt to resolve the matter.

In the event that the complaint cannot be resolved, it must be escalated to the Junior Representative Director of Coaching who will, if necessary, liaise with the General Manager.

Record will be kept of all informal complaints made.

3.1.4 Complaints Related to the Eagles Senior Representative Program

Complaints involving anyone associated with the Senior Eagles Representative Program: players, Coaches, spectators etc must, in the first instance, be directed to the Team Manager (or the Head Coach if the complaint relates to the Team Manager).

The Team Manager will discuss the complaint with the Head Coach (or the General Manager if the complaint relates to the Head Coach) and attempt to resolve the matter.

In the event the complaint cannot be resolved, it must be escalated to the General Manager.

Record will be kept of all informal complaints made.

3.1.5 Complaints Related to Employees of DVBA.

A complaint that is received regarding an employee should be referred directly to the General Manager. If the complaint is regarding the General Manager, then it can be referred directly to the President of DVBA.

3.1.6 Complaints Related to Referees of DVBA.

A complaint that is received regarding a Referee should be referred to the Head of Referee Development and Education (HRDE), or the Referee Administrator (RA). If the RA or HRDE cannot resolve the matter through mediation or in the event the complaint cannot be resolved, it must be escalated to the General Manager.

4. Escalation of Complaints and Management of Grievances within the DVBA

Any complaint that cannot be resolved by the relevant personnel, as outlined in Sections 3.1.1 – 3.1.4 will be escalated, in writing, to be managed by the General Manager (or the Office Bearer Directors of the Board if the complaint involves the General Manager).

Any formal grievance lodged must be via *Appendix 1: Grievance Form* and submitted to the General Manager.

When the General Manager receives an escalated complaint or a formal grievance, they will, as soon as possible and not more than five working days after receiving the information, contact the complainant to:

- review the written information and ask questions to further understand the nature and extent of the concern;
- ask how they would like their concern to be resolved and if they need any support;
- explain the different options available to help resolve their concern;
- inform the relevant government authorities and/or police, if required by law to do so;
- provide assurance that, where possible and appropriate, confidentiality but not necessarily anonymity will be maintained; and
- explain that a record of the complaint and actions taken will be recorded.

Once the complainant decides on their preferred option for seeking a resolution, the DVBA 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 parties 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, Employsure);
- referring the complaint to Basketball Victoria; and/or
- referring the complainant to an external agency such as the police or anti-discrimination agency.

The General Manager will review and, if necessary, investigate the escalated complaint or grievance raised and issue findings.

If necessary, the General Manager may recommend to the Board that an independent Investigation Officer be appointed to avoid conflicts of interest.

The Investigation Officer will focus on the facts of the escalated complaint or grievance and keep records of all meetings and investigations.

The Investigation Officer will provide a report of findings and recommendations to the General Manager and/or the DVBA Board for review and consideration.

At any stage of the process, any persons who are party to the complaint or grievance 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.

4.1 Complaints and Grievances Regarding Harassment, Discrimination, Vilification and Abuse

The DVBA Child Safe Environment Policy must be adhered to in any case relating to the welfare of a child.

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

Where a complaint involves serious allegations of harassment, discrimination or vilification, the DVBA 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.

4.2 Disciplinary Sanctions

DVBA may take disciplinary action against anyone found to have breached its policies, or those of Basketball Victoria, or made false and malicious allegations in the course of a complaint or grievance investigation.

Any disciplinary measure imposed under DVBA or Basketball Victoria 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 the DVBA *Constitution*, *DVBA* and *Basketball Victoria By-Laws* and the rules of the game.

Possible sanctions that may be imposed include:

- a direction that the accused individual make verbal and/or written apology;
- withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the DVBA;
- suspension or termination of membership, participation or engagement in a role or activity of the accused;
- any other form of discipline that DVBA and/or Basketball Victoria considers reasonable and appropriate.

5.0 Employees and Referees

On discretion of the General Manager or President, the following action may be taken, specifically when dealing with complaints regarding Referees and Employees.

- a. **Disciplinary Meeting Request:** If the investigation determines that a disciplinary meeting is required, the employee/referee will receive a meeting request at least 24 hours prior to the scheduled meeting. The request will outline the allegations made against them.
- b. **Support Person:** Employees and referees will be allowed to have a support person present during the disciplinary meeting.

5.1 Disciplinary Meeting Process

- a. **Response to Allegations:** The employee/referee will have an opportunity to respond to the allegations presented during the disciplinary meeting.
- b. **Determination of Disciplinary Action:** After the meeting, the General Manager will review the information gathered and seek advice from Employsure, the external HR provider. Based on this evaluation, the General Manager will determine whether any disciplinary action is warranted.

4.3 Appeal

If the complaints and grievances process does not result in the dispute being resolved, to the satisfaction of all parties, 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 according to law.

4.4 Disclaimer

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

4.4.2 Should any person, body or group of persons subject to DVBA's rules and policy framework commence any proceedings, suit or action against DVBA contrary to paragraph 3.6.1 above, that person, body or group may be (i) prevented from attending any DVBA venue or activity and/or suspended from membership whilst such proceedings, suit or action are being undertaken and concluded and will pay DVBA's reasonable costs (including legal costs) of defending such proceedings, suit or action.

5. APPENDICES

Appendix 1: *Grievance Report Form*

6. EVALUATION

To assess whether the values and purposes of the policy have been achieved, the Board and Staff of the DVBA will:

1. Aim to seek feedback from everyone affected by the policy regarding its effectiveness.
2. Monitor the implementation, compliance, complaints and incidents in relation to this policy.
3. Revise the policy and procedures as part of the Association's policy review cycle, or as required.
4. Notify relevant stakeholders at least 14 days before making any changes to this policy or its procedures.

Confidentiality and Fair Treatment

- a. Confidentiality: All grievances and investigations will be treated with the utmost confidentiality to ensure the privacy and protection of all parties involved.
- b. Fair Treatment: Throughout the grievance handling process, DVBA is committed to treating all individuals involved in a fair and unbiased manner, providing them with an opportunity to express their perspectives and respond to allegations.

Policy Review

This Grievance Handling Policy will be reviewed periodically by DVBA to ensure its effectiveness and compliance with applicable laws and regulations. Any necessary updates or revisions to the policy will be made accordingly.

This Grievance Handling Policy aims to create a transparent and supportive environment where grievances are addressed promptly, fairly, and in accordance with the principles of natural justice.

AUTHORISATION

This policy was adopted by the Board of the DVBA on 21 October 2021

REVIEW DATE- This policy will be reviewed in September 2023



Appendix 1



GRIEVANCE REPORT FORM

Name: _____ Team Name (if applicable): _____

Email: _____ Phone: _____

Address: _____

Please tick the type(s) of issue and/or behaviour that the grievance pertains to

- Verbal Abuse Physical Abuse Racial Discrimination
 Other, please explain

Date of the incident:

(include date range where relevant)

Persons involved in the incident, situation or practice to which the grievance pertains:

Details of the incident, situation or practice to which the grievance pertains (including time, place and witnesses):



Action that you would most prefer to be undertaken by the DVBA to resolve the matter outlined (please note that any action will be dependent on investigation of the facts):

If you attempted to informally resolve the matter, to which the grievance pertains, please provide details below:

Please provide any supporting documentation.

Declaration:

I declare that the information given on this form is true and correct.

.....
Signature

.....
Date:

Please send the completed form to:

General Manager
Patrick Di Lizio
patrick@dvbasketball.com.au

Or, if the grievance pertains to the General Manager

DVBA President
president@dvbasketball.com.au