

DONCASTER ALL ABILITIES BASKETBALL INC

Complaints and Grievances

PURPOSE

This policy provides guidelines under which complaints and grievances are to be managed in a reasonable and timely manner and for a positive outcome for the parties involved and Doncaster All Abilities Basketball Inc (DAAB) community as a whole.

Background

DAAB expects that all involved in the DAAB competition adhere to the DAAB Code of Conduct. The DAAB Code of conduct is based on the Basketball Victoria Codes of Conduct and by-laws in respect of behavioural expectations.

As a basketball association affiliated with Basketball Victoria, DAAB recognises the following Basketball Victoria Codes of Conduct and By-laws:

1. Codes of Conduct for all participants

<https://www.basketballvictoria.com.au/cdn/byuip6j02lssg4ok>

3. Member Protection By-Laws

<https://www.basketballvictoria.com.au/cdn/sdy7tabapyos4844>

4. Participant Protection By-Laws

<https://www.basketballvictoria.com.au/cdn/sdy7tabapyos4844#:~:text=It%20is%20mandatory%20for%20Basketball,By-laws%20to%20be%20screened>

5. Tribunal By-Laws

<https://www.basketballvictoria.com.au/cdn/bb0ka5nstr4kgksw#:~:text=Under%20the%20Tribunal%20By%20Laws%2C%20an%20association%20may%20appoint%20one,no%20official%20saw%20it%20happening.>

The Basketball Victoria Tribunal By-laws cover incidents that relate to basketball games or activities and empowers game officials only to make reports that relate to those incidents. The tribunal process set out in these by-laws remains the primary mechanism for dealing with charges that are formally reported by game officials.

Definitions

In this policy:

- A complaint is a general expression by an individual verbally or in writing of dissatisfaction with a situation or the behaviours of other person(s) involved in any way with the DAAB competition.
- A grievance is an expression in writing by an individual of wrong doing that relates to harassment, discrimination or vilification by any person(s) involved with the DAAB Inc competition.
- Person(s) involved in the DAAB competition means any official, player, spectator or person associated with such individuals directly or indirectly, for example, friends of players or spectators.
- Harassment is any behaviour by a person or organisation which is offensive, abusive, belittling or threatening and which is directed at a person or a group of people because of a particular characteristic of that person or group of people. The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the Harassment.
- Discrimination is treating or proposing to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have.
- Vilification involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by public act. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Policy

DAAB Inc adopts the Basketball Victoria Tribunal By-Laws.

The guidelines below complement the Basketball Victoria 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.

Guidelines – Complaints

1. If a person is dissatisfied with the behaviour of another person involved in the DAAB competition, that person should attempt to resolve the matter directly with the other party in a calm and orderly way.
2. If the person is unable to resolve the matter and wishes to take further action or does not feel comfortable attempting to resolve the matter with the individual concerned, that person can complain in writing to the Secretary of DAAB.
3. Any person who feels that the behaviour of another person involved in the DAAB competition may have breached the DAAB Code of Conduct, should complain in writing to the Secretary of DAAB.
4. Any person who is dissatisfied with an action or outcome within the DAAB competition should complain in writing to the Secretary of DAAB.
5. The DAAB Committee is to appoint the person(s) it considers most appropriate to investigate and use their best endeavours to resolve the complaint.
6. Where the DAAB Committee and the appointed person(s) considers it appropriate to have the matter mediated, such mediation should occur within two weeks of receiving the complaint – this may include meetings between affected parties and involve other relevant people, if appropriate.
7. Once the appointed person(s) have investigated the complaint, the appointed person(s) may refer their findings and any recommendations for resolving the complaint to the DAAB Committee for their consideration and decision as to what they consider is the best way forward. The DAAB Committee can take any action it considers is appropriate for resolving the complaint.
8. The initial investigation of any complaint may determine that the matter is more appropriately handled as a grievance using the guidelines specified in this policy.
9. Should the complainant be unhappy with the outcome of the complaints process, they may lodge a grievance in writing with the Secretary of DAAB within 14 days of receiving notification of the outcome.
10. Should the DAAB Committee determine that the nature of the complaint is such that it be managed as a grievance, they should notify the Secretary of DAAB and advise the complainant to lodge a formal grievance with the Secretary in writing.
11. If a mediation meeting between parties resolves a complaint, then no further action is required.

Guidelines - Grievances

12. The Secretary of DAAB will only accept 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.
13. The DAAB Committee will initially assess grievance(s) on the basis of the written information – if the Committee determine that a grievance is vexatious or trivial, then the Secretary will notify the complainant in writing and close the grievance.
14. If the DAAB Committee determines that a grievance is more appropriately handled as a complaint, the Committee is to refer the matter to the person(s) it appoints to deal with the matter.

15. Once the DAAB Committee has determined a grievance not to be vexatious or trivial, the President of DAAB is to convene a Grievance Panel – the Panel should consist of at least two people who are impartial to the event(s) and may include members of the Committee of Management or such person the Committee considers is appropriate – one person will be appointed the Panel Chair.
16. The following applies to Grievance Panel hearings:
 - a. The Panel should meet within one month of its formation;
 - b. The Panel may invite all parties in the matter to be heard;
 - c. The Panel can recommend actions to the DAAB Committee;
 - d. All parties will be advised in writing of the outcome(s) of the Panel hearing applicable to the particular party once recommendations are ratified by the DAAB Committee.
17. After a grievance is lodged, the DAAB Committee can take any action it considers is appropriate in dealing with the grievance(s). For example, the DAAB Committee may need to put arrangements in place prior to any Grievance Panel.
18. The Panel Chair has the discretion to determine if the Panel hearing should be conducted in the form of a mediation (where all parties are present and hear each other), or as a tribunal (where parties present their views separately with or without out the other present).
19. The Grievance Panel and the DAAB Committee should endeavour to complete the internal processes for hearing grievance(s) within three months of the initial grievance being lodged. However, any actions taken in dealing with a grievance are not invalidated by any non-compliance with any timeframe stated in this policy.
20. Once an outcome of the grievance is determined, the Secretary closes the grievance in the register and records the outcome(s) of the matter.
21. Should the aggrieved party or respondent not be satisfied with the outcome, they should advise the Secretary in writing. The Secretary of DAAB then escalates the grievance to the Member Protection Officer at Basketball Victoria.

EVALUATION:

The DAAB Committee will review and evaluate this policy as part of its policy review cycle.

ADOPTION:

First adopted by the DAAB Committee: 27 April 2015

Last reviewed, updated and adopted on 5 September 2022. This updated policy applies to any complaints or grievances unresolved as at 5 September 2022.