



McKinnon Basketball Association

Complaint & Grievance Policy

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| Policy Title: Complaint & Grievance Policy | Policy Owner: MBA General Manager | Authorised: MBA President |
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Definitions

BV = Basketball Victoria

Club = any MBA member Club

General Manager = MBA General Manager

MBA = McKinnon Basketball Association

MBA officials include but are not limited to; Referees, BigV Scorers, BigV Statisticians.

The Association = MBA

The Tribunal = BV official tribunal

Note: the General Manager may nominate an appropriate representative to investigate on their behalf.

Purpose

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

The MBA By-laws are made for the protection of all participants in basketball. There is particular emphasis in the offences under the By-laws on protection of officials, with considerably heavier penalties for offences committed against officials. For such offences the MBA, because of its size and club familiarity, has decided to use external investigating Officers and Tribunals to ensure complete independence and impartiality.

The MBA in most cases will act as a conduit between involved parties.

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, complaints will be managed locally ie at the time, within the Club, between Clubs and/or between the Club and the Association.
- A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within the Club or external to the Association – generally a grievance will be managed at the Association level
- 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.

Reports made by MBA Officials

If a report is laid by a game official using the official Basketball Victoria report form, no later than 48 hours after the incident, this will be passed to our independent chairperson to hold a meeting of the Tribunal. The Tribunal's job is to decide which offences are relevant and which are not. The reporting



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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.

Reports made by Non-Officials

PROCEDURES – COMPLAINTS

1. 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. NOTE: walk away if you believe a discussion cannot occur in a calm manner.
2. Should the person be unable to resolve the matter and wish to take further action, they should raise a complaint in writing with their Club to attempt to resolve the matter.
3. Any person who feels dissatisfied with an action or outcome from their Club should raise the matter in writing with the Associations General Manager who will pass onto an investigating officer to decide of and what further action should take place.
4. If the investigating officer after discussions/meetings of the parties involved decides there is a case, they will complete a report and advise the parties of a tribunal hearing.
5. Should an incident occur in a manner or context that there is no related program/club, the stakeholder should raise the complaint with the Associations General Manager.
6. All written complains complaints should be acknowledged and investigated in a timely manner. Outcomes should be communicated within 48 hours of the finalisation of the investigation or as soon as reasonably practicable in the circumstances.
7. Should the complainant be unhappy with the outcome of the complaints process, they may lodge a grievance with General Manager, which must be in writing. Should the General Manager determine that the nature of the complaint is such that it is managed as a grievance, they should notify the Association President and advise the complainant to lodge a formal grievance with the Executive in writing if it has not already been done so.
8. Should a mediation meeting between parties resolve a complaint, then no further action is required.

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 will initially assess a grievance on the basis of the written information – should the General Manager determine that the grievance is vexatious or trivial then the complainant should be notified in writing and the grievance closed.



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3. The General Manager may determine that a grievance is more appropriately handled as a complaint and refer the matter to the relevant person.
4. Once the General Manager has determined a grievance to be legitimate and in need to action, they must consult with the Club President to convene a Grievance Panel – the Grievance 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 Executive, appropriate external parties. The recommended size of this panel is three but not restricted to three.
5. The following will apply to Grievance Panel hearings:
 - a. The Panel must meet within one month of being formed and may determine the most appropriate manner by which the grievance will be heard having regard to the nature and circumstances of the grievance. This may include but is not limited to determining whether subsequent meetings are required and/or submissions made from other relevant parties on relevant matters;
 - b. The Panel will invite all parties in the matter to be heard;
 - c. All parties will be advised in writing of the outcome of the Panel hearing, once recommendations are ratified by the General Committee.
6. 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).
7. 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.
8. All internal processes for hearing a grievance should be completed within three months of the initial grievance being lodged.
9. Once an outcome of the grievance is determined, the Grievance Panel 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.

Appealing the Complaint to Grievance Decision

1. 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 BV 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 BV as under the By-Law, ignorance is not an excuse.
2. Any such complaint of a member protection issue must be sent directly to BV. The Association will act as a conduit between the two parties however the complaint will be handled and administered in accordance with the relevant BV rules.



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Member Protection Policy

Basketball Victoria is committed to the health, safety and well-being of all its members and participants and is dedicated to providing a safe environment for participating in the sport of basketball throughout Victoria.

The positive virtues of involvement in the sport of basketball are well heralded and evidenced by the thousands of young Australians participating in basketball activities and competition across the country each week. The value of regular exercise gained through basketball to an individual's personal health and fitness should not be underestimated, nor the role that social interaction provided through the basketball association environment can play in developing a young person's self esteem and involvement in their local community.

However, harassment in sport can serve to drastically undermine these intrinsic benefits of involvement in basketball. The unfortunate reality is that basketball, as a sport, is not immune from acts of discrimination, harassment and abuse, rather to the contrary, sport may provide an environment which in many cases lends itself to conduct which is not only inappropriate, but also unlawful.

Depending on the nature of the case, instances of harassment or abuse in sport can have devastating effects for not only the individuals involved, but also the sporting organisation itself. Apart from exposing the club or association to potential legal liability, officials may be faced with low morale, an unpleasant environment, higher turnover of personnel and the prospect of long-term damage to the organisation's image and reputation. These are all unnecessary harms which Basketball Victoria is anxious to avoid.

The adoption of the Basketball Victoria Member Protection By-Law reflects Basketball Victoria's dedication to serving and protecting its members and participants throughout all levels of the sport. However, the adoption of the Member Protection By-Law itself is just the first step in affording our members and participants the protection they deserve. The successful implementation and enforcement of this Member Protection By-Law requires the cooperation and commitment of Basketball Victoria members and participants at all levels.

The following Member Protection By-Law conveys a strong message to all Basketball Victoria members and participants, and prospective members and participants, that as a sport, we are committed to ensuring the safety of our most valuable asset well into the future. A copy of the policy can be found [HERE](#)