



MARLBOROUGH BASKETBALL ASSN

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Complaints, Appeals and Disciplinary Procedure

Table of contents

- (1) Complaints handling principles
- (2) Complaints, Appeals & Disciplinary (CAD) Panel
- (3) Conflict of Interest.
- (4) Process for dealing with a complaint.
- (5) Informal Processes
- (6) Formal Process
- (7) Mediation
- (8) Internal investigation
- (9) External Processes
- (10) Suggested Disciplinary Sanctions for Foul Play / Misconduct

(1) Complaints handling principles

As an organisation, MBA are committed to handling complaints, appeals and disciplinary matters in a fair, just and transparent way and will ensure we follow clear processes and procedures at all times. In particular, we are committed to adherence to the following principles and will:

- Treat complaints, appeals and disciplinary matters seriously
- Act promptly where possible
- Treat people fairly and listen to both sides of the story
- Stay neutral
- Keep parties to the complaint informed
- Try to maintain confidentiality if possible
- Protect against victimisation
- Keep accurate records
- Make decisions based only on information gathered not personal views
- Ensure disciplinary action is relative to the breach

(2) Complaints, Appeals & Disciplinary (CAD) Panel

The President of MBA has authority to oversee complaints, appeals & discipline process in consultation with members of the MBA committee. A CAD Panel shall be established and shall consist of the President and 2 others.

(3) Conflict of Interest.

Should there be a conflict of interest with the President of MBA, then another senior committee member will be delegated by the committee, the role to oversee the complaint.



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(4) Process for dealing with a complaint.

Complaints must be in writing to MBA. When a complaint is received, this will immediately be referred to the person overseeing the complaint, and who is responsible to ensure the correct procedures are followed and shall acknowledge receipt of the complaint within 48 hours of receiving the complaint. A CAD Panel will be established and meet with the complainant and:

(a) listen:

- Let the complainant have their say
- Check whether they are making a complaint or just letting off steam
- Ask appropriate questions to clearly understand the nature of the complaint
- Make it clear that the complaint has been heard and is welcomed
- Explain any limits to confidentiality (absolute confidentiality cannot be provided if there is a suspicion of harm against a child)
- Ask the complainant how they want the matter to be dealt with
- Provide a timeframe of up to five days within which there will be a response back to the complainant with progress towards resolution of the issue.

(b) Inform:

- Let the parties involved know about the complaint including advising any person/s being complained about of the complaint made and any likely investigation
- Make a decision on whether a copy of the complaint should be sent to the person being complained about (this is a judgement call – if a formal process will inevitably follow then it is wise to provide a copy of the complaint to the defendant at the earliest opportunity.
- Keep everyone informed of the timeframe for an investigation

(c) Gather Evidence:

- Identity what information is needed and who can best provide it to inform decision making
- Gather information and witness statements if these are appropriate to the situation
- Ensure witness statements are received in a timely manner of the request being made.

(d) Consider Options and Decide.

Having defined the seriousness of the issue, the CAD Panel will determine the most appropriate course of action to take. In doing this they will take into account the MOST appropriate statement from the following:

- the person complaining wants the issue sorted out informally
- the complaint appears to be about a lack of information or understanding of organisation policy
- the complaint concerns unfair or inappropriate behaviour
- previous attempts to resolve the issue informally have not been successful
- the complaint is about more than one person
- the complaint is a behavioural issue
- the complaint about the person has been made before or the behaviour is repeated
- the person with the complaint is looking to apportion blame and seek disciplinary action
- the complaint is about entrenched organisation culture (systemic)
- there is a risk of significant harm or harm has occurred
- the complaint has resulted in or is likely to result in significant detriment to the person(s)
- The complaint is an Employment issue

Having considered the above, the CAD Panel will then consider the options and make a decision on the most appropriate course of action as follows:



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(5) Informal Processes

The CAD Panel will choose an informal complaint process if:

- The issue is not unlawful
- The issue is of low risk of harm on other people
- The person complaining is not looking to lay blame or want disciplinary action
- The problem can be resolved by clarifying our organisations' policies or rules
- The behaviour being complained about has been observed by others
- The person complaining requests this option
- the panel considers this is the appropriate option

If an informal process option is chosen, the CAD Panel may decide to take the following action:

- Provide more information to the person complaining
- Suggest the person complaining talks directly with person complained about
- Facilitate an informal discussion with all those involved
- Find a time to talk privately with the person being complained about (e.g. not in front of the team or parents)
- Let them know that concerns have been expressed but try not to make the discussion personal
- Ask for their ideas on how to sort out the issue
- Check what further support might help them in their role (e.g. training)
- Get back to the person complaining with the outcome and monitor the situation.

(6) Formal Process

The CAD Panel may choose a formal complaint process if:

- The issue is not unlawful but cannot be resolved easily
- The issue is unlawful and there is a risk of harm to others
- There is a conflict of interest
- The complaint has not been resolved through informal processes
- The complainant requests it
- The panel considers this the appropriate option

Formal processes involve following more structured processes and may involve other (external) parties to resolve the issue. Examples of formal processes that the CAD Panel might choose to use are:

- Mediation
- Internal investigation
- Referral to an external agency.

(7) Mediation

This is a good option when:

- One person has laid a complaint about the behaviour of another person
- Both parties are agreeable to mediation taking place
- The organisation is looking for a win-win solution so that it doesn't lose valuable members

Steps to follow: The CAD Panel will:

- Seek agreement of both parties to participate in a mediation process
- If agreement is reached identify and appoint a mediator(s) that is satisfactory to both parties
- Coordinate arrangements for the mediated session on a date, time and place agreed by the parties
- Advise all parties they can bring a support person to mediation who may speak and participate in the process

Note: If there is no agreement reached between all parties to mediate then this option cannot proceed



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(8) Internal investigation.

This is a good option when:

- The person complaining requests this action
- Mediation is not possible
- There is a possible detriment to either party if the complaint is unresolved
- The parties have not been able to resolve the problem themselves
- A quick resolution is required (e.g. when a decision is needed near the end of the season so as not to impact on finals participation)

Outcomes could include:

- disciplinary sanctions (see *Disciplinary Sanctions for Foul Play / Misconduct* below) including suspension or termination of membership
- referral to an external authority.

Steps to follow:

The CAD Panel will:

- Gather evidence.
- Arrange interviews and speak with parties involved to record statements
- Advise all parties they can bring a support person to the interview who may speak and participate in the interview process
- Ensure both parties are given an opportunity to tell their side of the story before making decisions
- Appoint a representative of the CAD Panel to gather more information and report back to the panel with recommendations before decisions are made if required (e.g. more serious or sensitive complaints such as sexual or racial harassment)
- Ensure that decisions are made based on fact and evidence available to the panel at the time
- Ensure final decisions are clearly communicated to all internal parties involved and external parties if appropriate
- Record and store all findings and final decisions securely and confidentially.

(9) External Processes

All very serious allegations require urgent action and usually involve an investigation. Options for handling very serious complaints include:

- Referral to police
- Referral to a child protection authority
- Referral to an anti-discrimination agency.



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(10) *Suggested Disciplinary Sanctions for Foul Play / Misconduct*

The following are **suggested** sanctions for some Foul Play and Misconduct offences:

Foul Play / Misconduct towards Player	Suggested Minimum Suspension / Warning	Suggested Maximum Suspension
Deliberate striking opponent with the ball or other objects	Written Warning	4 Fixtures
Deliberately tripping an opponent	Written Warning	4 Fixtures
Biting a player	Written Warning	20 Fixtures
Deliberate Contact with Eyes or the Eye Area	Written Warning	20 Fixtures
Spitting at Players	Written Warning	20 Fixtures
Any other deliberate unnecessary physical contact with a player	Written Warning	20 Fixtures
Any threatening or intimidating behaviour towards a player	Written Warning	4 Fixtures
Verbal Abuse of Players based on religion, race, colour, national or ethnic origin, gender, sexual orientation or otherwise	Written Warning	4 Fixtures
Using abusive or offensive language or signs, threatening or obscene language	Written Warning	4 Fixtures
Any other acts not previously referred to which are contrary to good sportsmanship	Written Warning	4 Fixtures

Misconduct towards Officials	Suggested Minimum Suspension / Warning	Suggested Maximum Suspension
Verbal Abuse	Written Warning	10 Fixtures
Threatening or Offensive Actions or Words	Written Warning	15 Fixtures
Physical Abuse or Assault	10 Fixtures	Life

Misconduct off the court	Suggested Minimum Suspension / Warning	Suggested Maximum Suspension
Verbal Abuse	Written Warning	10 Fixtures
Threatening or Offensive Actions or Words	Written Warning	15 Fixtures
Physical Abuse or Assault	10 Fixtures	Life



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Other	Suggested Minimum Suspension	Suggested Maximum Suspension
Participating in a Game while suspended	Written Warning	10 Fixtures
Team allowing a suspended player to participate in a game while suspended	Written Warning	Loss of competition points / disqualification