



COMPLAINTS HEARING PROCEDURE

INFORMAL APPROACHES

Step 1: Talk with the other person (if safe, reasonable and appropriate) If you feel confident and comfortable to do so, you can approach the other person to discuss the issues and try and resolve the problem directly.

Step 2: Contact a Member Protection Information Officer We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person. The MPIO will:
 - ask how you would like your concern to be resolved and if you need support
 - seek to provide different options for you to address your concern
 - act as a support person, if you wish
- refer you to an appropriate person (e.g. a mediator) to help you address your concern, if appropriate
- inform the relevant government authorities and/or police, if required by law to do so
- where possible and appropriate, maintain confidentiality.

Step 3: Decide how to address your concern After talking with the MPIO, you may decide:

- there is no problem;
- the problem is minor and you do not wish to take the matter forward;
- to try and resolve the problem yourself, with or without a support person;
- to resolve the problem with the help of someone impartial, such as a mediator; or
- to resolve the matter through a formal process.

FORMAL APPROACHES

Step 4: Making a Formal complaint If it is not possible or appropriate to resolve your complaint through an informal process, you may

- make a formal complaint in writing to the CEO or President (or their nominee); or
- approach a relevant external agency such as an anti-discrimination commission, for advice. After receiving a formal complaint, and based on the material you provide, the CEO, President (or their nominee) or Complaints Handler will decide whether:
 - he/she is the most appropriate person to receive and handle the complaint;

- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person to investigate the complaint;
- to refer the complaint to a tribunal hearing;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with your formal complaint, the person making the decision(s) will take into account:

- whether he/she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the CEO or President (or their nominee) or a Complaints Handler is the appropriate person to handle the complaint, he/she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this Policy.

Step 5: Investigation of the complaint In some cases, an investigation may be required to determine the facts surrounding the complaint. Following the investigation, a written report will be provided to the CEO.

- If the complaint is referred to mediation, we will follow the steps outlined in Attachment D2 or as agreed by you, the respondent and the mediator.
- If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the steps outlined in Tribunal Procedures.
- If the complaint is referred to the police or another external agency, we will endeavour to provide all reasonable assistance required by the police or the agency. Any cost incurred by us relating to the complaint process are to be met by the relevant person/organisation, unless otherwise stated.

Step 6: Reconsidering a complaint or appealing a decision If the matter is referred to mediation and is not resolved at mediation, you may request that the CEO or President (or their nominee) or Complaints Handler reconsider the complaint in accordance with Step 3.

You or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in Tribunal Procedures.

Step 7: Documenting the resolution The person handling the complaint will record the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/district level, the information will be stored by the state association. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by Basketball Australia and a copy stored by the state association

EXTERNAL APPROACHES If you feel that you have been harassed or discriminated against, you can seek advice from your State or Territory anti-discrimination or equal opportunity commission. There is no obligation to make a formal complaint. However, if the commission advises you that the issues appear to be within its jurisdiction, you may choose to lodge a formal complaint with the commission. The commission may investigate your complaint. The commission may also attempt to conciliate the complaint on a confidential basis. If this fails, or if it is not appropriate, the complaint may go to a formal hearing. The tribunal will make a finding and decide what action, if any, will be taken. If you do lodge a complaint with a commission, an appropriate person from our organisation (e.g. an MPIO) will be available to support you during the process. You may also wish to have a legal representative, particularly if the complaint goes to a formal hearing. Serious incidents, such as assault or sexual assault, should be reported to the police.