



# **Complaint Handling, Appeals and Hearings**

**of**

**Little Athletics Association  
of Victoria Incorporated**

## **Regulation 16**

Registration Number: A0003260D

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**COMPLAINT HANDLING, APPEALS AND HEARINGS**  
**of**  
**LITTLE ATHLETICS ASSOCIATION OF VICTORIA INC**  
**Registration Number: A0003260D**

**SECTION 1 - COMPLAINT HANDLING**

**1.1 PURPOSE**

- (a) The purpose of this Regulation is to outline the process for Members who feel aggrieved by any decision, apart from matters of discipline (Refer Rule 10), by another Member or a constituent body of the Association.

**1.2 DEFINITION OF MEMBER**

- (a) The term "Member" under this Regulation shall be Affiliated Clubs, Affiliated Centres, Ordinary Members, Honorary Members, Competitive Members and Regions.

**1.3 PROCESS**

- (a) A Member may lodge a request for mediation in accordance with SECTION 3 - MEDIATION of this Regulation, and failing that process, may lodge an appeal.
- (b) Any party, being an Ordinary Member, Honorary Member, Competitive Member, Affiliated Club, Affiliated Centre or Region, aggrieved by any decision of a Member or of a constituent body of or the Association may choose:
- (i) to make an appeal to seek direct mediation or arbitration through an independent external party, or
  - (ii) after having expended all avenues of appeal as detailed in Clause 4.2 and still being dissatisfied, the aggrieved party may take a further course of action to seek mediation or arbitration through the National Sport Dispute Resolution Centre of a like Body/Association, the Act or otherwise at law.

**1.4 GRIEVANCE PANEL**

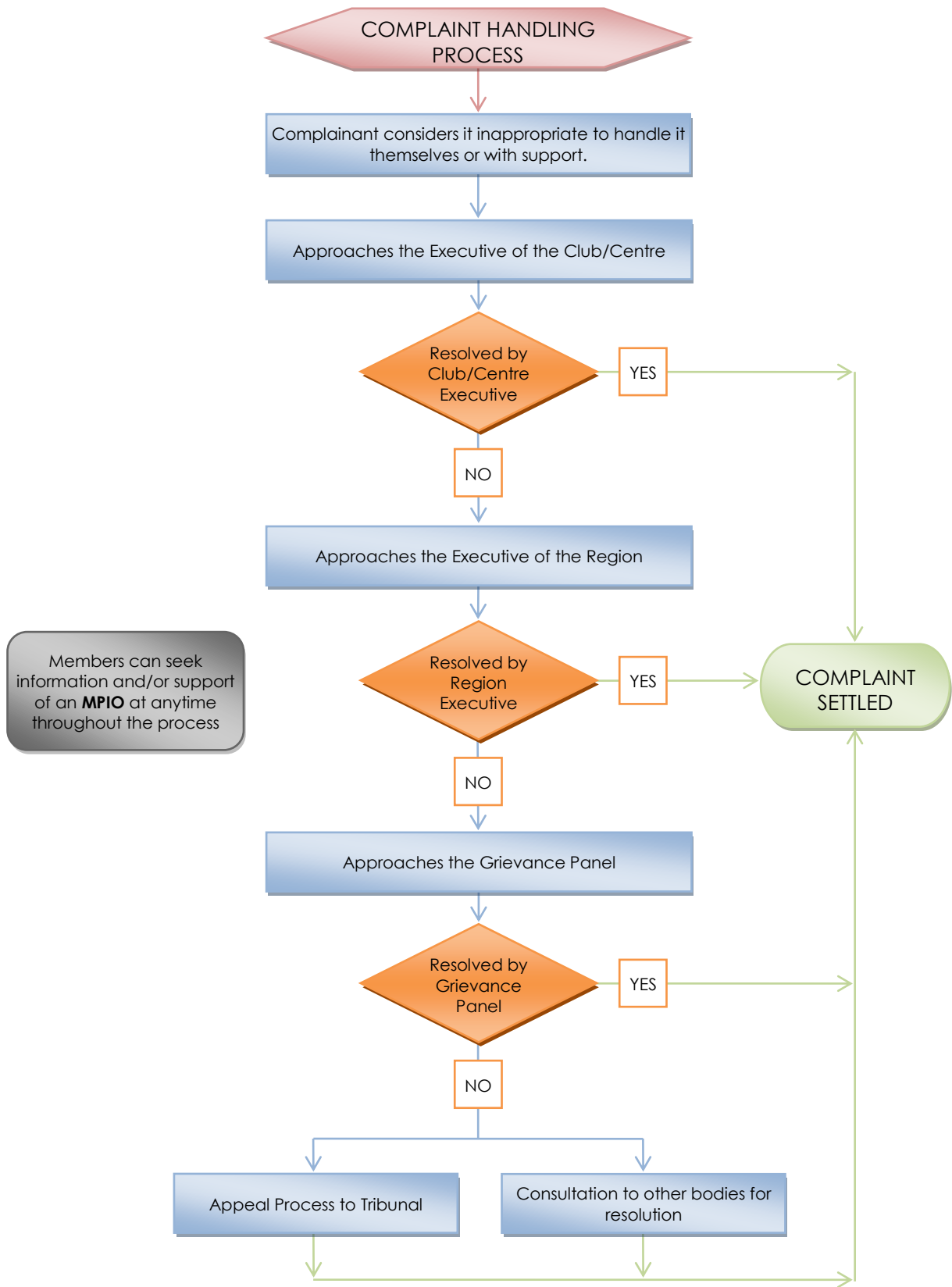
- (a) The Grievances Panel will be an independent panel consisting of up to twelve appointed LAVic Members and one Director who shall act as the Grievance Coordinator.
- (b) Any Grievance Panel convened under this regulation will consist of a minimum of three of these members.
- (c) The Grievance Coordinator will appoint Grievance Panel members to investigate formal grievances or appeals and present their decision on the dispute.
- (d) The decision of the Grievance Panel is Final, except when an appeal to the Tribunal is lodged. In this case, the decision of the Tribunal shall be final.

**1.5 TRIBUNAL**

- (a) The Tribunal will consist of all Directors of the Board of Management.
- (b) The Tribunal's decision shall be final.

## SECTION 2 - COMPLAINT HANDLING FLOW CHART

### 2.1 FLOW CHART



## SECTION 3 - MEDIATION

### 3.1 OVERVIEW

- (a) Mediation is a process to help people who are in conflict to communicate with each other about what is important for them and how to make decisions about resolving their dispute.
- (b) Mediators provide a supportive atmosphere and method of talking to one another, to assist in sorting out the issues, coming up with acceptable solutions and making mutually satisfactory agreements.
- (c) The following process outlines the general procedure of mediation followed by LAVic.

### 3.2 MEDIATION PROCESS

- (a) The people involved in a formal complaint (Complainant and Respondent(s)) may work out their own resolution of the complaint or seek the assistance of a neutral third person or a mediator within fourteen days after the dispute comes to the attention of both parties.
- (i) If the parties are unable to resolve the dispute or one party fails to attend the meeting, then within ten days, a meeting with a mediator must be held.
- (b) Mediation will only be recommended:
  - (i) If the allegations do not warrant any form of disciplinary action. Serious allegations will not be mediated.
  - (ii) If mediation looks like it will work (i.e. the versions given by the Complainant and Respondent tally or almost tally and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
- (c) Mediation will **not** be recommended if:
  - (i) The Respondent has a completely different version of the events and they won't deviate from these;
  - (ii) The Complainant or Respondent is unwilling to attempt mediation.
- (d) If mediation is chosen to try and resolve the complaint, the Grievance Panel Coordinator or designated person will arrange for a mediator to mediate the complaint.
- (e) The mediator, in consultation with the Complainant and Respondent(s), will choose the procedures to be followed during the mediation.
- (f) The mediation will be conducted confidentially and without prejudice to the rights of the Complainant and the Respondent(s) to pursue an alternative process if the complaint is not resolved.
- (g) At the end of a successful mediation, the mediator will prepare a document that sets out the agreement reached between the Complainant and Respondent(s) and they will sign it as their agreement.
- (h) If the formal complaint is not resolved by mediation, the Complainant may:
  - (i) Write to the Grievance Panel to request a consideration of the complaint, or
  - (ii) Approach an external agency.

## SECTION 4 - APPEALS

### 4.1 OVERVIEW

- (a) The following process outlines the general procedure for Appeals followed by LAVic.

### 4.2 APPEALS PROCESS

- (a) A Member wanting to appeal must lodge a Letter of Appeal stating their intention and the basis for their appeal with the CEO within fourteen days of the relevant decision.
- (b) If the CEO does not receive the letter within the relevant time, the right of appeal will lapse.
- (c) Upon receipt of the letter of Appeal, the Grievance Coordinator must convene, within fourteen days, a special meeting of the Grievance Panel to review the Letter of Appeal and decide whether there are sufficient grounds for the appeal to proceed. The Grievance Panel will be able to invite any witnesses to the meeting it believes are required to make an informed decision.
- (d) If the Letter of Appeal is considered to not have sufficient grounds for appeal, then the appeal will not proceed and the person will be notified of this decision and the reasons for the decision.
- (e) If the Letter of Appeal is considered to have sufficient grounds to proceed then the Tribunal will be convened within fourteen days to re-hear the complaint.
- (i) The Tribunal shall follow the Hearing process outlined in SECTION 5 - HEARINGS.
- (ii) The decision of the Tribunal will be final.



## SECTION 5 - HEARINGS

### 5.1 OVERVIEW

- (a) The following process will be followed for all Hearings established by LAVic.
- (b) A Panel in this process refers to a Panel of members of the Grievance Panel, the Tribunal or an independent external party.

### 5.2 PANEL MEMBERS

- (a) Except for a Hearing by the Tribunal, the number of Panel members required to be present throughout a Hearing process will be three.
- (b) Panel members will:
  - (i) Not include members who have any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
  - (ii) Comprise of at least one person who has the knowledge, and preferably experience, of any relevant laws relating to the complaint.
- (c) Board of Management members who meet any criteria in Clause 5.2(b)(i) may be present at a Hearing, but cannot vote on any decision.
- (d) If a member of the Panel cannot continue once the Hearing commences, and the minimum number of panel members is met, the discontinuing member will not be replaced.

### 5.3 HEARING PROCESS

- (a) A Panel will be constituted to hear a complaint that has been referred to it by the Grievance Receiving Officer.
- (b) The Grievance Coordinator will organise for a Panel to be convened by notifying Panel members that they are required to hear a complaint. The Panel will be provided with a copy of all relevant correspondence, reports or information received and sent relating to the complaint/allegations.
- (c) The Hearing will be scheduled as soon as practicable, but must allow adequate time (preferably within fourteen days) for the Respondent(s) to prepare a response to the complaint.
- (d) The Respondent will be provided with the following by the Grievance Coordinator:
  - (i) Written notification that a Hearing will take place, including the date, time and venue of the Hearing;
  - (ii) Copies of information and documents given to the Panel;
  - (iii) An opportunity to continue to participate in LAVic activities and events, pending the decision of the Panel, unless the Grievance Coordinator believes it is warranted to exclude the Respondent from all or some of the activities and events, after considering the nature of the complaint.
- (e) The Complainant will be provided with the following by the Grievance Coordinator:
  - (i) Written notification that a Hearing will take place, including the date, time, and venue of the Hearing;
  - (ii) Copies of information and documents given to the Panel;
  - (iii) The opportunity to reiterate their complaint if details appear to be incorrectly or insufficiently summarized for the appeal. This is to enable Panel members to be properly informed of the complaint. This needs to be done promptly.
  - (iv) Legal Representation for the Complainant and Respondent will not be allowed.

### 5.4 HEARING PROTOCOL

- (a) The following people are able to attend the Hearing:
  - (i) Panel members;
  - (ii) The Respondent;

- (iii) The Complainant;
  - (iv) Any witnesses for the Respondent;
  - (v) Any witnesses for the Complainant;
  - (vi) Any support person for the Respondent and Complainant
- (b) If the Respondent is not present at the designated time, the Chairperson will consider:
  - (i) If no valid reason has been presented for their absence, the hearing will continue subject to the Chairperson being satisfied that all notification requirements have been carried out correctly.
  - (ii) If a valid reason for the non-attendance of the Respondent is presented or that notification requirements were not correctly carried out, then the Hearing will be rescheduled to a later date.
- (c) At the Hearing, the Chairperson will read out the complaint that is to be judged, and ask the Respondent if they understand the complaint being made against them. If the person:
  - (i) Agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Panel members when determining any disciplinary measures.
  - (ii) Disagrees with the complaint, the Complainant will be asked to describe the circumstances that lead to the complaint being made. The Respondent will then be asked to respond to the complaint. Witnesses may be called at this stage.
- (d) The Panel will be allowed to:
  - (i) consider the evidence, and in any form, that is deemed relevant;
  - (ii) question any person giving evidence;
  - (iii) limit the number of witnesses presented if it is agreed by all parties that they support the person who requested them, but will not provide any new evidence;
  - (iv) Stop any further involvement of any person allowed to be present in the Hearing if they display unreasonable or intimidating behaviour.
- (e) After all evidence has been presented, the Panel will make its decision in private. If the Panel believes the complaint has been substantiated on the balance of probabilities, the Respondent will then be given an opportunity to address the Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in SECTION 6 -DISCIPLINARY MEASURES shall be considered. Any disciplinary measures imposed must be reasonable in the circumstances.
- (f) All decisions made by the Panel will be based on a majority vote.
- (g) The Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
- (h) Within seven days the Chairperson will:
  - (i) forward to the Association CEO a copy of the decision including any disciplinary measures imposed;
  - (ii) Forward a letter to the Respondent reconfirming the decision and any disciplinary measures imposed. The letter should outline, if allowed, the process and grounds for an appeal to be made.

## SECTION 6 - DISCIPLINARY MEASURES

### 6.1 OVERVIEW

- (a) Any disciplinary measure recommended under this regulation must:
- (i) Observe any contractual and employment rules and requirements;
  - (ii) Conform to the principles of natural justice;
  - (iii) Be fair and reasonable;
  - (iv) Be based on the evidence and information presented;
  - (v) Be within the powers of the Grievance Panel, Tribunal or external independent party to impose the measure.

### 6.2 INDIVIDUALS

- (a) If a finding is made that an individual has breached a Rule or Policy of the Association, one or more of the following forms of discipline can be imposed:
- (i) A direction that the individual makes a verbal and/or written apology
  - (ii) A written warning;
  - (iii) A direction that the individual attend counselling to address the behaviour;
  - (iv) A withdrawal of any award, placing, records, achievements bestowed in any event or activities held or sanctioned by LAVic.
  - (v) A demotion or transfer of the individual to another location, role or activity;
  - (vi) A suspension of the individuals membership or participation or engagement;
  - (vii) Recommend the LAVic terminate the individual's membership, appointment or engagement;
  - (viii) In the case of a coach or official, a direction that the relevant Club/Centre/Region disallow that member from that role for a period of time or permanently.
  - (ix) Any other form of discipline that the relevant Panel considers appropriate.
- (b) When imposing any form of discipline, it will be accompanied by a warning that a similar breach by that individual in the future may result in the imposition of a more serious form of discipline.

### 6.3 CLUBS/CENTRES/REGIONS

- (a) If a finding is made that a Club/Centre/Region has breached a Rule or Policy of the Association, one or more of the following forms of discipline can be imposed:
- (i) A written warning;
  - (ii) A monetary fine;
  - (iii) A direction that any rights, privileges and benefits provided to the Club/Centre/Region by LAVic is suspended for a specified period;
  - (iv) A direction that any funding granted or given to it by LAVic ceases from a specified date;
  - (v) A direction that LAVic cease to sanction events held by or under the auspices of that Club/Centre/Region;
  - (vi) A recommendation to LAVic that its membership of the Association be suspended or terminated in accordance with the relevant constitution or rules;
- (b) When imposing any form of discipline, it will be accompanied by a warning that a similar breach by that Club/Centre/Region in the future may result in the imposition of a more serious form of discipline.

### 6.4 FACTORS TO CONSIDER WHEN IMPOSING DISCIPLINE

- (a) The form of discipline to be imposed on an individual or Club/Centre/Region will depend on factors such as:
- (i) Nature and seriousness of the behaviour or incidents;

- (ii)** in a case where action is taken concurrently with or in lieu of a resolution of a formal complaint, the wishes of the Complainant;
- (iii)** If the individual concerned knew or should have known that the behaviour was a breach of the Policy;
- (iv)** Level of contrition of the Respondent;
- (v)** The effect of the proposed disciplinary measures on the Respondent including any personal professional or financial consequences;
- (vi)** If there have been relevant prior warnings or disciplinary action;
- (vii)** If there are any mitigating circumstances such that the Respondent shouldn't be disciplined at all or not disciplined so serious.