



**Table Tennis Tasmania (TTT) Draft Complaints Policy and Procedure as
adopted by TTT Council on 09.02.2020**

COMPLAINTS POLICY AND PROCEDURE

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COMPLAINTS POLICY

This document represents the TTT Complaints Policy and outlines the steps that will be taken by Table Tennis Tasmania in dealing with complaints.

This Policy is intended, where appropriate and practical to provide fairness, sensitivity, confidentiality and expedition to the process of handling complaints.

A complaint may be lodged irrespective of any court action or police investigation that may be occurring in regard to the subject of the complaint or in regard to matters related to the complaint. The TTT Complaints Officer must be cognizant of any such proceedings in the processing of the complaint.

COMPLAINTS PROCEDURE

A complaint about any individual member/s or representative/s of TTT may be made by any player, coach, official, sponsor, parent, spectator, representative of an affiliate or an Associated club or another sporting organisation, Table Tennis Australia or another State Body or any other member or representative of TTT regarding:

- 1) A selection process (not decision) for Tasmanian teams (either players or personnel)
- 2) Behaviour of members of TTT whilst participating in any State Championship, Pennant Competition or any other activities directly under the control of TTT;
- 3) Behaviour of members, coaches, managers and other personnel of TTT state teams whilst participating in, or preparing for, Australian Championships whilst directly under the control of TTT;
- 4) Behaviour of members of the Board or of TTT Committees whilst acting on behalf of TTT;
- 5) Decisions and behaviour of employees of TTT.
- 6) A decision of an Affiliated Association, Affiliated Club, or Affiliated Body (Affiliate) of TTT, where the complaint has been dealt with at the affiliate level and the affiliate has acted contrary to its Constitution.
- 7) An action or behaviour that in the consideration of the majority of the TTT Board, at either an ordinary or a special meeting, considered to be a breach of the TTT Code of Conduct

1. LODGEMENT OF COMPLAINT

All complaints shall be directed to the TTT Chairman who shall act as the Complaints Manager.

Should the Chairman be absent due to ill health and not be able to perform his responsibilities as Chairman then the Director of Administration shall temporarily act as the Complaints Officer. If the Director of Administration is unavailable or has a conflict of interest the TTT Board will appoint a Complaints Officer.

A complaint concerning the conduct of a TTT individual member or representative shall:

- ☐ Be made in writing;
- ☐ Identify the TTT affiliate body, individual member or representative against whom the complaint is made;
- ☐ Set out the details of the complaint;
- ☐ Identify the name and address of the Complainant;
- ☐ Be signed by the Complainant;
- ☐ Fall within the scope of the TTT Constitution, Code of Conduct, By-Laws or Policies;

If it is a complaint regarding an affiliated club, affiliated association, or affiliated body (affiliate), there is a need to demonstrate that the complaint has first been dealt with at the affiliate level and that the affiliate have acted contrary to their constitution.

A complaint can be made against a decision or action of an affiliate where the complainant perceives that an injustice has occurred.

Where a complaint is made against the Chairman of TTT, or where the Chairman may have a conflict of interest in respect to the complaint, the Director of Administration of TTT will act as the Complaints Officer.

Complaints Under the Member Protection Policy

Where a complainant wishes to complain about conduct of a person they believe to be in breach of TTT's Member Protection Policy they may first contact a Member Protection Information Officer (MPIO) who will provide support and relevant information to the complainant including about the Member Protection Policy and the complaints procedure set out in that Policy. Communication between the complainant and the Member Protection Officer shall be as far as possible confidential.

Member Protection Officer information may assist the complainant in preparing the complaint in cases where the complainant requires assistance.

All complaints under the Member Protection Policy will be dealt with in accordance with the complaints procedure outlined within that Policy.

Complaints in respect of events which have already been adjudicated

No complaint may be made in respect of an event which has already been dealt with by a Referee (or similar official of judicial panel).

2. INVESTIGATION

Investigation - Stage 1

The Chairman as Complaints Officer will first investigate the alleged complaint and obtain all available facts, details and circumstances relevant to the complaint from the complainant, the respondent, and any adult witnesses or any other relevant persons that the Complaints Officer considers to have information that will allow a fair and equitable decision to be reached.

Any person who is specified, or belongs to a category of persons specified within the complaint, must provide all necessary assistance to the Complaints Officer in his/her investigation and to any tribunal proceedings that result from it, including providing witness statements and other evidence in his/her power, possession and control relevant to the complaint.

If, in the opinion of the Complaints Officer, the complaint does not fall within the scope of the TTT By-laws, Policies or Constitution, the Complaints Officer shall inform the Complainant in writing.

Otherwise, the Complaints Officer shall, within 10 business days, provide a Notice of Complaint in writing that includes a summary of the allegations and notice of potential proceedings to the Respondent.

Should the Complaints Officer due to extraordinary circumstances either not provide within 10 business days a Notice of Complaint, or should the Complaints Officer relay the Notice of Complaint verbally, then this action should not be seen as grounds for dismissal of the complaint.

Investigation – Stage 2

The Respondent shall have 10 business days from the date of receiving the Notice of Complaint to respond in writing to the allegations made to the Complaints Officer. In extraordinary circumstances the Complaints Officer may extend this deadline.

The Complaints Officer shall then convene a TTT Board meeting at which the Board will consider the nature of the complaint and the reply of the Respondent, and determine whether:

- ☐ The complaint is without merit or does not come under the jurisdiction of TTT, in which case the Complaints Officer shall inform the Complainant and the defendant of this decision in writing, which will be copied to the TTT Board, after which time the matter shall be considered closed or;
- ☐ Further investigation is required or;
- ☐ The alleged offence is of such seriousness as to warrant suspension of the member from TTT, or from their paid or volunteer role, pending the hearing and decision of the Judicial Panel.

Natural Justice Principles

When investigating the complaint or in considering disciplinary actions the following principals of natural justice must be considered:

- ☐ a person who is the subject of a complaint must be fully informed of the allegations against them
- ☐ a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- ☐ all parties need to be heard and all relevant submissions considered
- ☐ irrelevant matters should not be taken into account
- ☐ no person may judge their own case
- ☐ the decision maker/s must be unbiased, fair and just
- ☐ the penalties imposed must not outweigh the 'crime'

3. JUDICIAL PANEL

If further investigation is required, the TTT Board shall appoint a Judicial Panel of three, including an appointed Chairman, ensuring no conflict of interest, who will interview each of the parties and any witnesses who, in the opinion of the Judicial Panel may have relevant information concerning the complaint. The interviews may be conducted by teleconference but must at all times have two of the Judicial Panel present.

The Judicial Panel

The Judicial Panel may consist of Board members, or any other person the Board may consider appropriate.

At the conclusion of the investigation the Judicial Panel shall determine whether:

- ☐ The complaint does not fall within the scope of TTT's jurisdiction however mediation for the purposes of resolving the complaint is suggested or;
- ☐ The matter shall go to a formal hearing.

4. HEARING

If the Judicial Panel determines the matter shall go to a formal hearing, the Chairman of the Judicial Panel shall inform the Complainant and Respondent in writing within 10 business days of the Judicial Panel decision.

The Judicial Panel shall hold the hearing as soon as possible but not more than 25 business days after the decision to proceed to a hearing.

The Judicial Panel shall govern the hearing as it sees fit, provided that:

- 1) The Respondent shall be given 7 business days written notice of the date and time of the hearing;
- 2) The hearing shall be conducted either in person or by telephone conference;
- 3) The Respondent and the Complainant may participate in the hearing;
- 4) The hearing shall proceed in the absence of either the Respondent or the Complainant if no good reason for their absence is provided;
- 5) The Respondent shall receive a list of all materials to be considered by the Judicial Panel at the hearing and may request copies of any such materials;
- 6) The quorum for any decisions shall be all 3 Judicial Panel members;
- 7) Decisions shall be made by a majority vote, where all members of the Panel including the chair carry one vote only;
- 8) The Respondent may be accompanied by a representative, any costs of which shall be borne by the member unless the member subject to the complaint is under 18 in which case the parent or legal guardian of the member must be present at no cost to the Respondent;
- 9) The Respondent shall have the right to present evidence and argument;
- 10) The hearing shall be held in private; and
- 11) witnesses to the incident will be required to be present in person or by technology.

The Judicial Panel shall render its decision with reasons at the conclusion of the hearing.

The Judicial Panel shall then prepare a written report outlining the details of the investigation and hearing, the sanction and the reasons for such a sanction. A copy of this report shall be provided to the TTT Board via the Chairman of the Board or Director of Administration within 10 business days of the end of the hearing at which time the Chairman shall then implement the actions and provide

a written copy of the Judicial Panel report and decision to all parties to the hearing.

Once appointed, the Judicial Panel shall have the authority to abridge or extend timelines associated with all aspects of the hearing.

Where the Respondent acknowledges and accepts the facts of the complaint, he or she may waive the hearing, in which case the Judicial Panel shall determine the appropriate disciplinary sanction. The Judicial Panel may hold a hearing for the purposes of determining an appropriate sanction.

5. SANCTIONS

The following disciplinary sanctions, singly or in combination, may be recommended by the Judicial Panel to the TTT Board:

- ☐ A written reprimand to be placed in the members file;
- ☐ A verbal and/or written apology to be provided by the member to those affected by his or her actions;
- ☐ Education, training, counselling or mediation;
- ☐ Suspension from TTT for a specified period of time where Clause 34 of TTT Constitution comes into effect;
- ☐ Termination of membership of TTT where Clause 34 of TTT Constitution comes into effect;
- ☐ Monetary fine;
- ☐ Payment of part or all costs of the hearing, investigation or both; and/or
- ☐ Any other sanctions deemed appropriate in the circumstances.
- ☐ Participants in the investigation or in the hearing shall not discuss or communicate information regarding the complaint and any ensuing actions by the parties involved until a final decision has been reached. Participants found to have communicated information regarding the investigation or complaint shall be subject to any of the sanctions above, in addition to the sanctions identified as appropriate for the matter being investigated.

In recommending or applying sanctions, the Judicial Panel or the TTT Board may have regard to the following aggravating or mitigating circumstances;

- ☐ The nature and severity of the offence;
- ☐ Whether the incident is the first offence or has occurred repeatedly;
- ☐ The member's acknowledgement of responsibility;
- ☐ The member's extent of remorse;
- ☐ The member's extent of cooperation with the procedures set out in this policy;
- ☐ The age, maturity or experience of the member;
- ☐ The member's prospects for rehabilitation;
- ☐ The extent to which others were harmed by the member's actions; and/or

- ☐ The member's position in the organisation, both within TTT and the affiliate with which they are registered.

6. PUBLICITY

All persons concerned with the handling and determination of a complaint are obligated to act with the strictest confidentiality and not comment publicly on or disseminate to any person information concerning:

The fact and details of any complaint;

- 1) All evidence obtained on behalf of the TTT or provided by any person in connection with the complaint;
- 2) The fact, details and outcome of any hearing into the complaint.
- 3) A public statement may only be made in the following circumstances:
 - a) With the Complainant and Respondent's consent, TTT may release a public statement in such form as is agreed by the parties.
 - b) TTT may release a public statement if the fact of, or details of, the complaint has become publicly known.

7. GUIDELINES FOR BREACHES OF TTT'S CODE OF CONDUCT

Examples of infractions that shall be considered a breach of TTT's Code of Conduct and Member Protection Policy are (but not limited to):

- ☐ Single or repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others including but not limited to coaches, athletes, officials, administrators, spectators and sponsors;
- ☐ Single or repeated incidents of unsportsmanlike conduct such as angry outbursts (against opponents, officials and spectators), offensive gestures or arguing;
- ☐ Minor or major breach of confidentiality;
- ☐ Single physically abusive incident;
- ☐ Activities or behaviours that interfere with the ability of others to train, play or compete in a comfortable environment;
- ☐ Pranks, jokes or other activities that may endanger the safety or comfort of others;
- ☐ Use of techniques or programs that may endanger the safety or comfort of others;
- ☐ Neglect of duty or offensive behaviour whilst under the influence of alcohol or other mood/mind altering substances;
- ☐ Use of illicit drugs or narcotics; and/or use or promotion of banned performance enhancing drugs or methods.

8. APPEALS

Upon notification of the decision of the final decision advised by the Board, the Respondent may appeal within 15 business days of receiving written advice of the outcome of the complaint.

The Appeals Committee shall be determined as per the relevant clauses of the TTT Constitution and should have a majority of members different to those members who constituted the Judicial Panel.

The Appeals Committee shall meet and decide on the evidence received if the decision and / or penalties are just. Their decision shall be final with no further grounds for appeal. The Committee may meet by telephone or in person.

9. QUICK GUIDE

1. A complaint is made in writing to TTT
2. Complaint is directed to the TTT President who acts as the Complaints Officer
3. The Complaints Officer investigates the complaint
4. If irrefutably proven then the matter need not be referred to a Judicial Committee
5. If complaint not within scope of the TTT constitution, policies or by-laws then the complaint is dismissed. However, depending upon the nature of the complaint the matter may be referred to the police or other authorities.
6. If the complaint is proven, then the Complaints Officer provides within 10 days a written Notice of Complaint with a summary of allegations to the respondent.
7. Respondent then has 10 days to provide a written response.
8. The Chairman may then convene a Board Meeting to consider the complaint and the response.
9. In this process the principles of natural justice must be applied
10. If further investigation is considered necessary then a Judicial Committee of 3 members is appointed.
11. The Judicial Committee then arranges a meeting or meetings within 25 days to interview the respondent and witnesses or other persons who may assist in deciding the matter. The respondent must be given 7 days notice of the requirement to attend any hearing called. The outcome of the meeting must be provided to the Chairman and the respondent within 10 days of the meeting held.
12. The Judicial Committee makes a recommendation to the Board.
13. The Board considers the recommendation and where appropriate makes sanctions
14. Upon notification of the final decision advised by the Board, the Respondent may appeal under the relevant section of the TTT Constitution within 15 business days of receiving written advice of the outcome of the complaint.