



# **Bendigo Baseball Association**

**Governing Document #6**

**Complaints Procedure**

## 1.0 Glossary / Definitions

Term	Definition
Abuse towards umpire	The abuse can be verbal abuse(such as name calling), or physical abuse (such as punching). In the BBA physical contact with an umpire is a reportable offence. The use of minor indecent language or threatening behaviour are reportable offences in the BBA. Abuse in general terms would be acts akin to alleging the umpire is cheating, that he has accepted a bribe or anything that impinges upon the character of the umpire. The actual abuse does not necessarily need to be heard by the umpire but would require another person to refer the incident to the CAP at the BBA.
Bring the game of baseball into disrepute	A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use anyone, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
<i>Complaints Administration Panel (CAP)</i>	A panel of three(3) persons appointed by the BBA Committee to manage all complaints other than those which have been the subject of a report by a game umpire.

## 2.0 Complaints Procedure

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of BBA Code of Conduct, Bylaws or policies. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about whom the allegation is made may admit to the allegations or deny them.

Given all the variables that can arise, the Bendigo Baseball Association Inc. (BBA) provides a step-by-step complaint procedure that people may use/enter at any stage. BBA members to which this policy applies may also pursue their complaint externally under anti-discrimination, child-protection or other relevant legislation.

If at any point in the complaint process the Complaints Administration Panel (CAP) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred to the BBA Executive for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

### Step 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

### Step 2

If:

- 2.1 the first step is not possible/reasonable; or
- 2.2 you are not sure how to handle the problem by yourself; or
- 2.3 you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- 2.4 the problem continues after you tried to approach the person or people involved; then.
  - 2.5.1 either complete a BBA Report Sheet Form / Document #10 and forward to the BBA Secretary within 72 hours of becoming aware of the incident; or
  - 2.5.2 talk with a member of the BBA CAP who will assist you.

The CAP member will:

- 2.6 take notes about your complaint (which will keep in a secure and confidential place) and;
- 2.7 try to sort out the facts of the problem;
- 2.8 ask what outcome/how you want the problem resolved and if you need support;
- 2.9 provide possible options for you to resolve the problem;
- 2.10 explain how the complaints procedure works;

- 2.11 act as a support person if you so wish;
- 2.12 refer you to an appropriate person to help you resolve the problem, if necessary;
- 2.13 inform the relevant government authorities and/or police if required by law to do so; and maintain strict confidentiality.

### **Step 3**

After talking with the CAP member, you may decide:

- 3.1 there is no problem;
- 3.2 the problem is minor, and you do not wish to take the matter forward;
- 3.3 to try and work out your own resolution (with or without a support person such as a CAP member); or
- 3.4 to seek an informal mediated resolution with the help of a third person (such as a mediator). If you wish to remain anonymous, the BBA cannot assist you to resolve your complaint. We must follow the principles of natural justice and be fair to both sides. This means that the BBA or you may be required to provide the person/people you have complained about with full details of the complaint, so they have a fair chance to respond to all the allegations.

### **Step 4**

If your complaint is not resolved to your satisfaction, you may:

- 4.1 make a formal complaint in writing to the BBA CAP which will request that you complete a BBA Report Sheet (BBA Document #10) or;
- 4.2 approach a relevant external agency such as an equal opportunity commission, for advice.

### **Step 5**

If you decide to make a formal complaint in writing under Step 4, a CAP member will, on receiving the formal complaint and based on the material you have provided, decide whether:

- 5.1 they are the most appropriate person to receive and handle the complaint;
- 5.2 the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the BBA. In these cases, the CAP member may determine that the complaint does not warrant a formal resolution procedure;
- 5.3 to appoint, via the Executive of the BBA, a person to investigate the complaint;
- 5.4 to refer the complaint to an informal or formal mediation session;
- 5.5 decide if it is a Reportable Offence and refer the matter to the BBA Tribunal;
- 5.6 to refer the matter to the police or other appropriate authority; and/or

- 5.7 to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.  
In making the decision(s) outlined above, the CAP member will consider:
- 5.8 whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- 5.9 whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- 5.10 your wishes, and the wishes of the respondent, regarding the way the complaint should be handled;
- 5.11 whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- 5.12 the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- 5.13 whether the facts of the complaint are in dispute; and
- 5.14 the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted. If the CAO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:
- 5.15 get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 5.16 put the information they have received from you to the person/people you're complaining about and ask them to provide their side of the story;
- 5.17 decide whether they have enough information to determine whether the matter alleged in your complaint did or did not happen; and/or
- 5.18 determine what, if any, further action to take.

## **Step 6**

If:

- 6.1 a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to the full CAP which will determine what, if any, further action to take.
- 6.2 Any costs relating to the complaint process set out in this Document (e.g. investigation and/or mediation and/or hearings panel) are to be met by the BBA unless otherwise stated.

## **Step 7**

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request the BBA Complaints Administration Panel (CAP) to reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- 7.1 a decision was made by the CAP or its members not to take any action; or
- 7.2 a decision was made by the CAP or its members to refer the matter to the BBA Tribunal.
- 7.3 The grounds for appeal and the process for appeals under this are listed at BBA Bylaw #8 – Appeal Processes.
- 7.4 If the internal complaints processes set out in this Regulation do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within the BBA, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

## **Step 8**

The Complaint Administration Panel (CAP) member will document the complaint, the process followed and the outcome. This document will be stored in a confidential and secure place.