

UTS KENDO CLUB COMPLAINTS RESOLUTION POLICY

DATE OF ASSENT: 25/10/2023

1 Introduction

1.1 Club Objectives

As stated in the UTS Kendo Constitution, the club's objectives are:

- To encourage, promote, advance and administer the martial art of Kendo within the University of Technology Sydney.
- To provide an environment in which club members can teach, learn, practice and play Kendo.
- To act, at all times, on behalf of and in the interest of the club's members and the martial art of Kendo.
- Affiliate and otherwise liaise with the Superior Governing Bodies recognised in section 3 of the constitution.

1.2 Purpose

While our goal is to provide a safe and inclusive environment for all of our members, sometimes situations and/or incidents arise that can create a negative impact. This policy is to ensure that any personal conflicts and disputes do not have any negative impacts against the wellbeing of the members of the club, the overall productivity of the leadership team, and the club's operations.

1.3 Scope

This policy applies to all UTS Kendo Club members, executive and technical committee members, stakeholders, those representing the club in any form, and those attending our events and initiatives.

2 ActivateUTS Code of Conduct

2.1 Expected Behaviour

Clubs and societies should operate according to democratic principles, with overall decision making power resting with the Club or Society's membership. In particular, decisions over the use of funds, the membership fee, the election of office bearers and the program of events should be made democratically by the members and in accordance with the Club Constitution, the ActivateUTS Constitution and the Handbook.

The communication of ideas, opinions and beliefs is a fundamental aim of ActivateUTS' support for affiliated clubs and societies. Clubs and societies should take all reasonable steps to communicate with their members regularly, preferably using a range of media. Respect for the right to freedom of speech of both Club members and those of other Clubs, is vital to achieving this aim and fostering an open community on campus. Freedom of speech should not be used to defame, vilify or incite violence against individuals or groups, or to bring UTS and/or ActivateUTS into disrepute.

ActivateUTS has a responsibility to ensure that its clubs operate accountably, safely, legally and ethically. To receive the benefits that affiliation affords, Clubs must adhere to this Code. Behaviour or conduct which is not consistent with the Code is unacceptable and will not be tolerated by ActivateUTS.

In particular, Clubs and their members are expected to:

- Comply with legal or other administrative requirements, and lawful and reasonable directions given by persons in authority
- Exercise their judgement in the interests of ActivateUTS and the University, as well as the Club
- Make decisions fairly and without bias using the best information available
- Maintain adequate documentation to support decisions made
- Respect the dignity of the public, students and other members by treating them with courtesy, honesty and sensitivity to their rights, including privacy and confidentiality
- Comply with any and all conditions of access to the University's communication facilities, including security of confidential or official information for which the Club or its members are responsible
- Act responsibly when becoming aware of any unethical behaviour or wrong doing; engage to the best of your ability to protect the health and wellbeing of your co-club member
- Treat others fairly and with respect, and not harass, victimise or discriminate against members, students or others in the course of the Clubs activities on the grounds of sex (including pregnancy), sexuality (including transgender status) gender, race, colour, ethnic or ethno-religious background,
- descent or national identity, marital status, disability, age, political conviction or religious belief, carers' responsibilities or other grounds covered by anti discrimination or other relevant legislation
- Follow processes which ensure that Clubs or their members do not and are not seen to have conflicts of interest, including engaging in activities which advance or inhibit personal interests at the expense of the Club, ActivateUTS or the University's interests or the interests of members of those institutions
- Understand and comply with the laws of consent. Additionally, all affiliated Clubs are subject to, and must adhere to, all relevant official University of Technology, Sydney policies, Rules and codes. These documents are available at:
<http://www.gsu.uts.edu.au/policies/index.html>

2.2 Unacceptable Behaviour

Reports or complaints of unacceptable behaviour will be taken seriously by ActivateUTS and handled in a confidential, impartial and fair manner, taking into account the principles of procedural fairness. ActivateUTS is obliged to take action when it becomes aware of unacceptable behaviour which may have an adverse effect on the wellbeing of Club members, ActivateUTS or the University.

Unacceptable behaviour is that which is inconsistent with the expected behaviour described above and the stated purposes of ActivateUTS' support of clubs. Differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as unacceptable or unreasonable to others.

In determining whether behaviour is unacceptable or unreasonable, consideration will be given to what a "reasonable person" would judge to be unacceptable or unreasonable having regards to the circumstances. The information below provides further guidance on what is unacceptable behaviour within or from ActivateUTS clubs.

2.3 Examples of Unacceptable Behaviour

Behaviour which would be considered unacceptable within or from ActivateUTS Clubs includes (but is not limited to) the following:

- Acting in any manner that brings UTS and/or ActivateUTS into disrepute
- Aggressive or abusive behaviour such as verbal abuse, threatening gestures or actual violence or assault
- Bullying, harassment, intimidation or stalking
- Abusive or harassing notes, emails, telephone calls, text messages, etc
- Unwelcome physical contact including that of a sexual, intimate or threatening nature
- Teasing, name calling or ridicule or making someone the brunt of pranks or practical jokes, excluding or isolating individuals or malicious or mischievous gossip or compliant
- Withholding approval for or denial of requests maliciously, discriminatorily, unfairly or without basis
- Belittling opinions or unreasonable and unconstructive criticism
- Stealing or misuse of the resources of the Club, ActivateUTS or University, or failing to ensure that resources of the Club, University or ActivateUTS (i.e. materials, funds, personnel, equipment, plant, facilities, electronic communications, Club, ActivateUTS or University logo and letterhead etc)
- are used efficiently, carefully, lawfully and honestly
- Having (or being seen to have) a Conflict of Interest
- Involvement with any reprisal made against any person who has made any disclosures under the Protected Disclosures Act, 1994 or other complaint
- Making public comments (either verbal or written) in a private capacity which are attributed as official comment of the University, ActivateUTS or the Club, or using official Club, University or ActivateUTS stationery for private correspondence or for purposes not related to official duties

- Unless permission has been granted, using University, ActivateUTS or Club resources for private purposes
- Soliciting or giving gifts, benefits or additional monies where a gift could be seen by others as an inducement in situations which could place a Club member under an obligation. Gifts of more than a nominal value and benefits or other inducements offered or received by members should be recorded in
- a register and open for inspection to all Club members, the Board of ActivateUTS and the Registrar of the University
- Failing to comply with the Club's Constitution, the ActivateUTS Constitution or the Handbook
- Failing to comply with reasonable directions from ActivateUTS

3 Roles within the Complaints Resolution Process

3.1 Grievance Officers

Grievance Officers are the first point of contact when making a formal and/or informal complaint. They are to facilitate the complaint in accordance with the complaints resolution policy. If a Grievance Officer has a conflict of interest in the complaint, they may defer the matter, with consent of the person making the complaint, to another Grievance Officer. Grievance Officers can be anyone on the executive committee. The executive committee can appoint a member of the club as a grievance officer if deemed appropriate.

All Grievance Officers receive training from Sports Integrity Australia. If you would like to view and/or participate in the course, a link is provided below.

<https://www.playbytherules.net.au/online-courses/complaint-handling-course>

3.2 Member Protection Information Officers

Member Protection Information Officers (MPIO) provide information and guidance on complaints procedures. MPIOs are there for any enquiries, concerns, or complaints about harassment, abuse, or any other inappropriate behaviour. They provide any information on how to resolve the issue and to offer moral support to both the person who raises the concern and the person receiving the complaint. Since MPIOs are guides, they do not handle the complaint themselves and will treat all information as strictly confidential.

All MPIOs receive training from Sports Integrity Australia. If you are interested in participating in the free course to receive accreditation, a link is provided below.

<https://www.playbytherules.net.au/online-courses/mpio-online-course>

4 Policy

A member can use this policy to address an incident that has arisen within the club. A Member can use this Policy to resolve a problem, concern or grievance (collectively referred to as a 'Complaint').

A Complaint can be made about an act, omission, decision or behaviour that a Member considers is unfair, unlawful or in breach of either UTS Kendo Club's constitution, or Activate UTS's code of conduct, for example:

- conflicts between Members
- discrimination
- harassment and/or intimidation
- sexual harassment
- bullying
- vilification
- victimisation

This Policy will still apply to any complaints that a Member has in relation to work health and safety issues.

4.1 Addressing Directly with the Person Concerned

As a first step, if a complainant feels comfortable doing so, they should address the issue directly and courteously with the person concerned.

It may be that the person was not aware of the impact of their decision or behaviour. This does not mean that it is acceptable. However, it does mean that, in some circumstances, the issue can be resolved by simply advising the other person of the concern. They then have the chance to stop or to change what they have done or are doing. This is not a compulsory step and may not be appropriate in every circumstance.

4.2 Informal Complaint Procedure

The informal complaint procedure is for less serious complaints. The purpose of an informal complaint is to not determine what did or did not occur, but rather to finalise an outcome that is acceptable to all parties involved. A Grievance Officer under the complaint procedure may address the issue by:

- Discussing the issue with the parties involved
- Facilitating a meeting between the parties to attempt to resolve the issue if agreed upon by all parties

A Grievance Officer must keep all information confidential and may only inform other parties involved of specific information and requests with the permission of the person who provided them.

If any of the parties are unsatisfied with the informal complaint at any given moment, they may escalate it to a formal complaint.

4.3 Formal Complaint Procedure

The formal complaint procedure involves an investigation of the Complaint. Where a Complaint involves a disputed allegation that, if substantiated (proven), may result in disciplinary action against a Member, it will usually be dealt with in accordance with the formal complaint procedure.

The investigation will be conducted by a Grievance Officer, as outlined in section 3.1, who may discuss the complaint with the complainant, and explain the relevant steps that can be taken to address the complaint. The Grievance Officer will generally need to meet with the member whom the complaint is about to discuss the complaint, and they may bring a support person to the meeting.

An investigation involves collecting information about the Complaint and then making a finding based on the available information as to whether it is more likely than not that the alleged behaviour occurred or did not occur.

An investigation within the club can include:

- An incident report written by the complainant
- An incident report written by the person who the complaint is against
- Witness statements
- Taking to the parties involved including:
 - the person lodging the complaint, the complainant
 - the defendant
 - Witnesses
- Screenshots provided by the parties involved where relevant

Witnesses can only be named and provided by the complainant, and the person whom the complaint is about. Those who are collecting information cannot seek additional information from individuals outside of the parties involved.

Once the investigation into the complaint has been finalised, the UTS Kendo Club Executive Committee and Technical Committee must meet within 7 days of the finalisation in a joint meeting as prescribed in section 11 of the constitution. The Joint Meeting shall be empowered to enact, by resolution, disciplinary action which will then be reported back to the complainant and the defendant.

If a joint meeting cannot be held within the 7 day period, the UTS Kendo Club Executive Committee and Technical Committee must both nominate one person each to act on their behalf. These two, along with the Grievance officer completing the investigation, shall meet within 7 days of the investigation being finalised to determine an outcome. These three shall be empowered to enact, by resolution, disciplinary action which will then be reported back to the complainant, the defendant, the executive committee, and the technical committee.

Potential outcomes may include:

- A formal warning that if the behaviour is to occur again, the Member's membership may be suspended or cancelled, or that the matter will be referred to the appropriate authorities;
- Suspension or cancellation of a Member's club membership;
- The matter being escalated to the appropriate authority, such as ActivateUTS, NSWKA, or the police, where appropriate;
- Any other action that the Grievance Officer considers appropriate

If the UTS Kendo Club Executive Committee considers it appropriate for the safe and efficient conduct of an investigation, Members may be excluded from training sessions and events during an investigation.

UTS Kendo Club seeks to handle Complaints in accordance with the principles of procedural fairness and impartiality, meaning that both parties will be given an opportunity to provide their account of disputed events.

4.4 Escalating the Complaint to UTS Kendo Club's Governing Bodies and/or Authorities

If a member is not satisfied with the formal action taken by the UTS Kendo Club, they may escalate the complaint to the Superior Governing Bodies as prescribed in section 3 of the constitution.

As stated in section 16 of the UTS Kendo Constitution, A member having been subjected to formal action by the Executive Committee, Technical Committee, Joint Meeting or General Meeting may not appeal the action within the club and are to be directed to the Superior Governing Bodies as prescribed in section 3 of the constitution for recourse.

5 Member Acknowledgement

Members are required to familiarise themselves with this Policy and keep up to date as to any changes that may be made to it from time to time. If a Member is unsure about any matter covered by this Policy, they should seek the assistance of the Member Protection Information Officer, Grievance Officer, or UTS Kendo Club Executive Committee.