



Pickleball Australia Association

Complaints, Disputes and Discipline Policy

Related policies:	Member Protection Policy, Child Safeguarding Policy, Competition Manipulation and Sports Wagering Policy, Improper Use of Drugs and Medicine Policy
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1. Purpose

The purpose of this policy is to outline the process for making a complaint to Pickleball Australia Association Limited (Pickleball Australia) and how that complaint will be handled. This policy also details remedial options and disciplinary measures that may be imposed for breaches of any Pickleball Australia policy (unless otherwise specified in the policy).

2. Objective

Pickleball Australia aims to provide a simple, confidential, and trustworthy procedure for resolving complaints based on the principles of procedural fairness.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been discriminated against, harassed, bullied or there has been any other breach of Pickleball Australia policy.

In the first instance, complaints should be reported to the Board Secretary.

3. Scope

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance.
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body. The Pickleball Australia Board will be involved in matters that occurred at the national level or matters that particularly impact the reputation of Pickleball (the latter to be determined by the Pickleball Australia Board). The Pickleball Australia Board may offer support to state and club bodies on request.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the Board Secretary should consider whether that is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively, and confidentially. Our procedures for investigating complaints are outlined in Attachment B.

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

4. Policy

Pickleball Australia is committed to supporting people associated with pickleball and resolve any complaints they may have in a fair, timely and effective way.

Pickleball Australia will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person outside Pickleball Australia Board without the complainant's consent, except if the law requires us to disclose this information or it is necessary to properly deal with the complaint. To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously.

Pickleball Australia will provide informal and formal procedures to deal with complaints (refer Attachment D and E). Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.



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 Support Person

You may wish to talk with a Support Person, ideally someone involved in pickleball administration if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- the concern continues after you approached the other person.

The support person may:

- 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 Support Person, 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 Board Secretary (forms for recording the complaints are at Attachment D and E), or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the Board Secretary will decide whether:

- he or 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 Board Secretary will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should 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 Board Secretary is the appropriate person to handle the complaint, he or 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 did not occur; 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: Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Our investigations procedure is outlined in Attachment B.

Following the investigation, a written report will be provided to the Tribunal (where relevant).

- If the complaint is referred to mediation, we will follow the steps outlined in Attachment A 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 linked to in Attachment C.
- 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.

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 Board Secretary reconsider the complaint in accordance with Step 3.

In accordance with the Pickleball Australia rules you or the respondent(s) may also appeal a decision made at a tribunal hearing. The grounds and process for appeals are linked in Attachment C.

Step 7: Documenting the resolution

The Board Secretary 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 Pickleball Australia and a copy stored by the state association.

Advice to Complainants: Approaching external organisations

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 the commission, an appropriate person from our organisation will be available to support you during the process. You may also wish to have a legal representation, particularly if the complaint goes to a formal hearing.

Contact details for the state and territory anti-discrimination and equal opportunity commissions are available on the Play by the Rules website: <http://www.playbytherules.net.au/resources/quick-reference-guide>

Serious incidents, such as assault or sexual assault, should be reported to the police.

5. Improper complaints and victimisation

Pickleball Australia aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures may be undertaken in respect of a person who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Pickleball Australia Board Secretary considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or inappropriately intended to cause distress to the respondent, the matter may be referred in writing to the Tribunal for review and appropriate action, including possible disciplinary action against the complainant.

6. Remedies

Mediation

Pickleball Australia aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the Pickleball Australia Board Secretary will, in consultation with the complainant, arrange for an independent mediator where possible. We will allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Attachment A.

Tribunals

In accordance with the Pickleball Australia rules a Tribunal may be convened to hear a proceeding:

- referred by the Pickleball Australia Board Chair, the Secretary or the Board as a whole;
- referred to it or escalated by a state association (because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be)
- for an alleged breach of this policy.

Our Tribunal procedure is linked in Attachment C.

A respondent may lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved.



Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

7. Disciplinary measures

Pickleball Australia may impose disciplinary measures on an individual or organisation for a breach of this policy. Any disciplinary measure imposed will be:

- fair and reasonable;
- applied consistent with any contractual and employment rules and requirements.
- be based on the evidence and information presented and the seriousness of the breach.
- be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport.

Individual measures

Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this policy, one or more of the following forms of discipline may be imposed:

- a direction that the individual make a verbal and/or written apology;
- a written warning;
- a direction that the individual attend counselling to address their behaviour;
- a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Pickleball Australia;
- a demotion or transfer of the individual to another location, role or activity;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- termination of the individual's membership, appointment or engagement;
- a recommendation that Pickleball Australia terminate the individual's membership;
- appointment or engagement;
- in the case of a coach or official, a direction that the relevant organisation de- register the accreditation of the coach or official for a period of time or permanently;
- a fine;
- any other form of discipline that the Pickleball Australia tribunal considers appropriate.

Consideration Factors

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of the policy
- the person's level of contrition
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences.
- if there have been any relevant prior warnings or disciplinary action
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy)
- any other mitigating circumstances.



8. Contacts

For questions about this policy, contact the Chair or Secretary at director.3@pickleballaus.org and director.7@pickleballaus.org respectively.



Attachment A - MEDIATION

Mediation is a process that seeks to resolve complaints with the assistance of an impartial person – the mediator.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to discuss the issues and seeks to facilitate a mutually agreeable solution.

Our approach to mediation follows the steps set out below.

1. The *Board Secretary* will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of Pickleball Australia and in consultation with the complainant and the respondent(s). The mediator will be an independent person in the context of the complaint, however this does not preclude a person with an association with Pickleball Australia acting as mediator.
2. The mediator will talk with the complainant and respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed.
3. All issues raised during mediation will be treated confidentially. We also respect the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
4. If the complaint is resolved by mediation, where appropriate the mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the complainant and the respondent(s). We expect the parties involved to respect and comply with the terms of the agreement.
5. If the complaint is not resolved by mediation, the complainant may:
 - write to the Board Secretary to request that the Board Secretary reconsider the complaint; and
 - approach any relevant external agency, such as an anti-discrimination or equal opportunity commission, to resolve the matter.

We recognise that there are some **situations where mediation may not be appropriate**, including:

- when the people involved have completely different versions of the incident;
- when one or both parties are unwilling to attempt mediation;
- when there is a real or perceived power imbalance between the people involved;
- matters that involve serious allegations.



Attachment B – INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered.

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation Pickleball Australia conduct will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If we decide that a complaint should be investigated, we will follow the steps outlined below.

1. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
2. The investigator may:
 - interview the complainant and record the interview in writing;
 - provide full details of the complaint to the respondent(s) so that they can respond
 - interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
 - obtain statements from witnesses and collect other relevant evidence;
 - make a finding as to whether the complaint is:
 - **substantiated** (there is sufficient evidence to support the complaint)
 - **inconclusive** (there is insufficient evidence either way);
 - **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
 - mischievous, vexatious or knowingly untrue.
 - provide a report to *the Tribunal* documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
3. We will provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.
4. The complainant and the respondent(s) will be entitled to support throughout this process from their chosen support person or adviser (if they have nominated one).

Attachment C – TRIBUNAL PROCEDURES

TRIBUNAL PROCEDURES

The Tribunal Policy and Appeals Policy is available to all members and can be found on the membership portal in Revolutionise.

**Attachment D - RECORD OF INFORMAL COMPLAINT**

Name of person receiving complaint		Date: / /
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Role/status	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant <input type="checkbox"/> Coach Employee (paid) </div> <div> <input type="checkbox"/> Official <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other </div> </div>	
When/where did the incident take place?		
What are the facts relating to the incident, as stated by complainant?		
What is the nature of the complaint? (category/basis/grounds) Tick more than one box if necessary	<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Harassment <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Sexuality <input type="checkbox"/> Bullying <input type="checkbox"/> Religion <input type="checkbox"/> Pregnancy Other </div> <div style="width: 33%;"> <input type="checkbox"/> Discrimination <input type="checkbox"/> Selection dispute <input type="checkbox"/> Personality clash <input type="checkbox"/> Physical abuse <input type="checkbox"/> Disability <input type="checkbox"/> Child Abuse </div> <div style="width: 33%;"> <input type="checkbox"/> Coaching methods <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Victimization <input type="checkbox"/> Unfair decision </div> </div>	
What does the complainant want to happen to resolve the issue?		
What other information has the complainant provided?		
What is the complainant going to do now?		

This record and any notes must be kept confidential and secure. If the issue becomes a formal complaint, this record is to be given to the Secretary.

**Attachment E - RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official </div> <div> <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other </div> </div>	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Administrator <input type="checkbox"/> Parent(volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant <input type="checkbox"/> PersonnelCoach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official </div> <div> <input type="checkbox"/> <input type="checkbox"/> Spectator <input type="checkbox"/> Support <input type="checkbox"/> Other </div> </div>	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/	Harassment or Discrimination Sexual/sexist Selection dispute Coaching methods	



grounds) Please circle the relevant category/ies	<table border="0"> <tr> <td>Sexuality</td> <td>Personality clash</td> <td>Verbal abuse</td> </tr> <tr> <td>Race</td> <td>Bullying</td> <td>Physical abuse</td> </tr> <tr> <td>Religion</td> <td>Disability</td> <td>Victimisation</td> </tr> <tr> <td>Pregnancy</td> <td>Child Abuse</td> <td>Unfair decision</td> </tr> <tr> <td colspan="3">Other</td> </tr> </table>	Sexuality	Personality clash	Verbal abuse	Race	Bullying	Physical abuse	Religion	Disability	Victimisation	Pregnancy	Child Abuse	Unfair decision	Other		
Sexuality	Personality clash	Verbal abuse														
Race	Bullying	Physical abuse														
Religion	Disability	Victimisation														
Pregnancy	Child Abuse	Unfair decision														
Other																
Methods (if any) of attempted informal resolution																
Formal resolution procedures followed (outline)																
If investigated:	Finding															
If heard by Tribunal:	Decision Action recommended															
If mediated:	Date of mediation: Agreement: Any other action taken:															



If decision was appealed	Decision: Action recommended:
Resolution	<ul style="list-style-type: none"> • Less than 3 months to resolve • Between 3 – 8 months to resolve • More than 8 months to resolve
Completed by	Name: Position: Signature: _____ Date / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept confidential and secure. If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Pickleball Australia and a copy kept with the organisation here the complaint was first made.