

COMPLAINTS AND DISCIPLINARY POLICY

1 Complaints Procedures

1.1 Handling complaints

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

Any person or any Member (a complainant) may report a complaint about a person, people, Member or organisation bound by this policy (respondent) if they feel there has been any other breach of this policy.

In the first instance, complaints should be reported to the TTQ Executive Officer.

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 TTQ in the first instance*
- *Member 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.*

Where the complaint is made at club level, the club shall appoint a person to deal with the complaint.

The TTQ Executive Officer should consider what 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 (if possible) confidentially. Our procedures for handling and resolving complaints are outlined in Attachment [D1].

1.2 Improper complaints and victimisation

TTQ 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 reasonable steps to attempt to ensure 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 TTQ Executive Officer 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 TTQ Board for review and appropriate action, including possible disciplinary action against the complainant.

If at any point the TTQ EO considers that the complaint is trivial, vexatious or without merit, they may dismiss the complaint and take no further action.

1.3 Mediation

TTQ 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 TTQ Executive Officer will, in consultation with the complainant and the respondent, arrange for an independent mediator where possible. We will not allow lawyers to participate in the mediation process.

More information on the mediation process is outlined in Attachment [D2].

1.4 Tribunals

In accordance with TTQ's rules a Tribunal may be convened to hear a proceedings referred to it by TTQ EO or other designated official.

Our Tribunal procedure is outlined in Attachment [D4].

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. Our appeals process is outlined in Attachment [D4].

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

2 What is a breach of this policy?

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- 2.1 breaching the codes of behaviour (see Part B of this policy);
- 2.2 bringing the sport and/or TTQ into disrepute, or acting in a manner likely to bring the sport and/or TTQ into disrepute.

3 Disciplinary measures

TTQ 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; and
- be determined in accordance with our constituent documents, by-laws, this policy and/or the rules of the sport and the principles of natural justice.

3.1 Individual

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) a direction that the individual make a verbal and/or written apology;
- (b) a written warning;
- (c) a direction that the individual attend counselling to address their behaviour;
- (d) a withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by TTQ;
- (e) a demotion or transfer of the individual to another location, role or activity;
- (f) a suspension of the individual's membership or participation or engagement in a role or activity;
- (g) termination of the individual's membership, appointment or engagement;
- (h) a recommendation that TTQ terminate the individual's membership, appointment or engagement;
- (i) 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;
- (j) any other form of discipline that the Tribunal considers appropriate.

3.2 Organisation

If a finding is made that a Member Organisation or Member School has breached its own policies, one or more of the following forms of discipline may be imposed by the Tribunal.

- (a) a written warning;
- (b) a fine;
- (c) a direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- (d) a direction that any funding granted or given to it by TTQ cease from a specified date;
- (e) a direction that TTQ cease to sanction events held by or under the auspices of that organisation;
- (f) a recommendation to the TTQ Board that its membership be suspended or terminated in accordance with the relevant constitution or rules;

- (g) any other form of discipline that the Tribunal considers reasonable and appropriate.

3.3 Factors to consider

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.

4 Dictionary of terms

This Dictionary sets out the meaning of words used in this policy and its attachments, without limiting the ordinary and natural meaning of the words.

Affiliated club means a club and or association affiliated with TTQ.

Child means a person who is under the age of 18.

Complaint means a complaint made under clause 7 of this policy

Complainant means the person making a complaint.

Mediator means an impartial person appointed to help those people involved in a complaint to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member in accordance with the TTQ constitution.

Member Organisation and **Member School** are categories of membership of TTQ.

Natural justice requires that:

- both the complainant and the respondent must know the full details of what is being said against them and have the opportunity to respond
- all relevant submissions must be considered
- no person may judge their own case
- the decision-maker(s) must be unbiased, fair and just
- the penalties imposed must be fair.

Policy, policy and this policy means this Complaints and Disciplinary Policy.

Respondent means the person whose behaviour is the subject of the complaint.

TTQ means Table Tennis Queensland Incorporated

TTQ EO or TTQ Executive Officer means the Executive Officer of TTQ or such other person as is authorised by the Board of TTQ to act in that capacity for the purposes of this Policy.

PART D: COMPLAINT HANDLING PROCEDURES

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the complaint and our rules and regulations.

We also provide an appeals process for those matters.

We will maintain confidentiality where possible and as provided in this policy and seek to ensure that no one is victimised for making, supporting or providing information about a complaint.

ATTQCHMENTS

- Attachment D1: Complaints procedure
- Attachment D2. Mediation
- Attachment D3. Investigation procedure
- Attachment D4. Tribunal procedure

Attachment D1: COMPLAINTS PROCEDURE

TTQ is committed to supporting people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us 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 impossible for us to resolve complaints made anonymously.

We will provide informal and formal procedures to deal with complaints. Individuals and organisations can also make complaints to external organisations .

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 the TTQ Executive Officer

We encourage you to talk with our Executive Officer if:

- step 1 (above) is not appropriate;
- you are not sure how to handle the problem by yourself;
- you want to talk confidentially with someone and find out what options are available to address your concern; or
- the concern continues after you approached the other person.

The names and contact details for our Executive Officer is available by contacting TTQ.

The Executive Officer will:

- 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 Executive Officer, 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 TTQ EO, 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 TTQ EO 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 TTQ EO 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 TTQ EO 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 D3]*.

Following the investigation, a written report will be provided to TTQ Board who will determine what further action to take.

- If the complaint is referred to **mediation**, we will follow the steps outlined in *[Attachment D2]* 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 outlined in *[Attachment D4]*.
- 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.

Any costs incurred by us relating to the complaint process set out in this policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by TTQ, unless otherwise stated.

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 TTQ EO reconsider the complaint in accordance with Step 3.

In accordance with TTQ rules the respondent(s) may appeal a decision made at a tribunal hearing. The grounds and process for appeals are set out in *[Attachment D4]*.

Step 7: Documenting the resolution

The TTQ EO 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 TTQ and a copy stored by the state association.

Attachment D2: 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 TTQ EO will appoint an appropriate mediator to help resolve the complaint. This will be done under the direction of TTQ 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 TTQ 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 TTQ EO to request that the TTQ EO 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 D3: 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 we 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 TTQ EO 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.

Attachment D4: TRIBUNAL PROCEDURES

The Tribunal will follow the steps set out below.

Preparing for a Tribunal hearing

- 1 A Tribunal panel will be established, according to the rules set out in our constituent documents, rules and by-laws, to hear a complaint that has been referred to it by the TTQ EO.
- 2 The number of Tribunal panel members required to be present throughout the hearing will be 3.
- 3 The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the TTQ EO relating to the complaint/allegations.
- 4 The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.
- 5 The TTQ EO will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
 - the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
 - the date, time and venue of the Tribunal hearing;
 - that verbal and/or written submissions can be presented at the Tribunal hearing;
 - that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
 - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
 - That legal representation will not be allowed. *[The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However a person cannot be a support person if he or she has been admitted to the practice as a lawyer or worked as a trainee lawyer.]* A copy of any investigation report findings will be provided to the respondent(s).
- 6 The TTQ EO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to support their complaint;
 - the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
 - the date, time and venue of the Tribunal hearing;
 - that verbal and/or written submissions can be presented at the Tribunal hearing;
 - that witnesses may attend the Tribunal hearing to support the complainant's position;
 - that legal representation will not be allowed. *[The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person*

cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.]

A copy of the investigation report findings will be provided to the complainant.

- 7 If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the TTQ EO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
- 8 If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

Tribunal hearing procedure

9 The following people will be allowed to attend the Tribunal hearing:

- Tribunal panel members;
 - the respondent(s);
 - the complainant;
 - any witnesses called by the respondent(s);
 - any witnesses called by the complainant;
 - any parent/guardian or support person required to support the respondent or the complainant.
- 10 If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
 - 11 If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
 - 12 If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the TTQ EO of the need to reschedule the hearing and the TTQ EO will arrange for the Tribunal to be reconvened.
 - 13 The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
 - 14 If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
 - 15 If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Reference may be made to brief notes.
 - The complainant may call witnesses.
 - The respondent may question the complainant and any witnesses.
 - 16 The respondent will then be asked to respond to the complaint.

- Reference may be made to brief notes.
 - The respondent may call witnesses.
 - The complainant may ask questions of the respondent and any witnesses.
- 17 The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
- 18 The Tribunal may:
- consider any evidence, and in any form, that it deems relevant;
 - ask questions of any person giving evidence;
 - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
 - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
 - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
- 19 Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
- 20 If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
- 21 After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
- 22 All Tribunal decisions will be by majority vote.
- 23 The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
- 24 The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
- 25 Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
- forward a notice of the Tribunal's decision to the TTQ EO, including details of any sanction imposed.
 - forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
- 26 The Tribunal does not need to provide written reasons for its decision.
- 27 The Tribunal shall comply with the principles of natural justice.

Appeals procedure

- 28 A respondent(s) may lodge with TTQ EO an appeal in relation to the decision of a Tribunal on one or more of the following grounds:

- 28.1 that a denial of procedural fairness has occurred;
 - 28.2 that the sanction imposed is unjust and/or unreasonable;
 - 28.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing;
- 29 A party wanting to appeal must lodge a letter setting out the basis for their appeal with the TTQ EO within 7 days of the decision being made. An appeal fee of \$150 shall be included with the letter of intention to appeal.
- 30 If the letter of appeal is not received by the TTQ EO within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
- 31 The letter of appeal and the notice of the Tribunal's decision will be forwarded to the Chairman of the Appeals Tribunal to review and to decide whether there are sufficient grounds for the appeal to proceed.
- 32 If the appellant has not shown sufficient grounds for an appeal, then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited.
- 33 The decision of the Appeal Tribunal will be final and binding.
- 34 The Appeal Tribunal shall comply with the principles of natural justice.