

<b>Policy Name:</b>	<b>Grievance Procedures Policy</b>
Approved by:	General Committee
Responsible:	Executive Committee Chair
Effective Date:	October 2023
Previous Review:	May 2020
Review Cycle:	Every 3 years
Next Review:	October 2026

**The following Grievance Procedure is as set out in Division 3 of the EWBC Statement of Rules (May 2020)**

### **1 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the General Committee;
  - (c) a member and any of the Sub-Committees established by the General Committee
  - (d) a member and the Club.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

### **2 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

If the grievance is not resolved, it should be referred to the Convenor or Committee with delegated authority in that area, who shall consider the matter and respond within three weeks, or earlier if the nature of the grievance requires. That Convenor or Committee may refer the matter to a nominated investigation committee for advice. In reaching a conclusion the Convenor or Committee shall ensure that all relevant parties have an opportunity to present their case, that due attention is paid to relevant evidence, and that no party with a vested interest in the grievance outcome has a vote concerning the grievance.

### **3 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the times required by rule 22, the parties must within 10 days—

- (a) notify the Executive Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Executive Committee; or
    - (ii) if the dispute is between a member and the Executive Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Executive Committee may be a member or former member of the Club but, in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.
- (4) Mediation is not considered an appropriate process for resolving outcomes relating to game results or selection outcomes, though mediation may be undertaken in regard to the processes leading to or subsequent to those results or outcomes.

#### **4 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

#### **5 Failure to resolve dispute by mediation**

- (1) If any participant is not prepared to accept the outcome of the grievance resolution process so far undertaken, then the aggrieved party may appeal to the Executive Committee, if a personal matter, or to the General Committee if a matter of policy or distribution of resources.
- (2) At any point of time, an appropriate official may make a formal report for the hearing of a tribunal under the rules of Basketball Victoria if it is considered a reportable offence may have occurred.
- (3) If a party to a grievance is still aggrieved, that party may appeal to Basketball Victoria, or otherwise seek settlement at law.