

INTEGRITY COMMISSION CHARTER

Policy Name:	Integrity Commission Charter
Effective Date:	2025-05-26
Responsible:	Head of Integrity
Review Cycle:	Annual
History:	Internal Review: 20 th April 2025 Reviewed: 30 April 2025 – Executive Committee by circulation Confirmed: 26 th May 2025 - General Committee

Purpose

This Charter establishes the Eltham Wildcats Basketball Club Integrity Commission.

The Commission exists to:

- Provide a communication channel for serious complaints and issues raised by Members and from external sources.
- Provide a process for resolving such serious complaints and issues in a timely, thorough, consistent, and fair manner.
- Allocate responsibility for the implementation and application of the process and for the governance of the Commission.

The Commission constitutes the “Disciplinary subcommittee” contemplated in the Club’s Statement of Rules for all Disciplinary actions.

Scope

This Charter covers all formal complaints provided to the Club in writing, no matter how received and whether from internal or external sources, and whether the complainant is identified or anonymous.

It is not intended to cover minor matters, nor for matters that can be resolved by respectful communication between participants. These will normally be referred to an appropriate Member for resolution and will be closed by the Commission.

The authority of the Commission to resolve matters in accordance with this Charter applies to all Members of the Club.

Definitions

Affiliation: The Club is an Member Association of Basketball Victoria and is subject to its Policies, Codes of Conduct and Disciplinary By-laws, which may change from time to time.

Club: The Eltham Wildcats Basketball Club Incorporated.

Integrity Commissioner: A member of the Executive Committee of the Club assigned responsibility for the governance and oversight of the Commission.

Legislation: The Club acknowledges that it is subject to the Associations Incorporation Reform Act 2012 and all subsequent or other legislation covering incorporated not-for-profit organisations in the State of Victoria and that everything in this Policy is subordinate to such legislation.

The Club acknowledges that it is obliged to comply with the Privacy Act 1988 (Cth) and the Privacy and Data Protection Act 2014 (Vic).

Member: A person identified as a Member of the Club in accordance with the Statement of Rules as applicable from time to time.

Conflicts of Interest

The Integrity Commission must avoid any actual Conflict of interest.

Situations which may lead to a Conflict of Interest include, without limitation:

- Personal relationship with a party to the Integrity Matter.
- Professional relationship with a party to the Integrity Matter.
- Sporting relationship with a party to the Integrity Matter, such as playing or coaching together.
- Prior involvement in or detailed knowledge of the Integrity Matter that could impact impartiality or judgement.
- Having been involved in a similar complaint that could impact impartiality or judgement.

If any of these situations apply the Commission will meet to discuss the facts and develop a strategy to mitigate the perception of a Conflict of Interest. This may or may not involve the impacted Commission Member recusing themselves.

Note that merely knowing an individual or having had a previous sporting relationship with an individual in the Club context is not in and of itself sufficient to constitute a conflict.

Philosophy

All actions of the Integrity Commission will comply with the expectation that decisions are made fairly and that individuals are treated with respect and dignity throughout the process:

- A person must be given full disclosure of any allegations or information tendered against them, but not necessarily the identity of informants (subject to confidentiality constraints assessed by the Head of Integrity as being reasonable).
- A person must be given a reasonable opportunity to present their case and respond to any allegations or information that could lead to a negative decision.
- Decision-makers must be impartial, free from bias, and without an unmanaged Conflict of Interest.

- The process used to make a decision must be fair and transparent (subject to reasonable confidentiality constraints), and the person affected should be given adequate notice of the decision and the reasons behind it, and their right of access to the Grievance Procedures Policy.

Details

The Commission will consist of:

- Integrity Commissioner, being a member of the Executive Committee appointed by the Executive Committee from time to time.
- Head of Integrity, being, by preference, an employee of the Club responsible for implementing this Charter in conformance with the accompanying Procedures. If it is not possible to appoint a suitable employee, then the General Committee may endorse another Member of the club to fulfil this role.
- Integrity Staff, being, by preference, one or more employees of the Club, responsible for assisting the Head of Integrity as directed.
- The Head of Integrity may utilise the resources of any office holder of the Club (such as coaches, referees, Staff) to assist in the investigation and resolution of Integrity Matters.

Grievances

Any Member feeling aggrieved at the resolution of any Integrity Matter is entitled to access the Grievance Procedures Policy of the Club as it applies from time to time.

The initial review of any grievance will be the responsibility of the Integrity Commissioner, who may utilise any resources of the Club, or external to the Club, to effectively resolve the grievance.

Goals

Implement an effective and transparent Integrity process accessible and understandable to all Members, by achieving conformance to:

- Providing a genuine initial response to all identified complainants within 2 business days
- Providing a formalised response at the conclusion of a standardised investigation, which will balance timeliness, thoroughness, and fairness.

Action Plan

- Create and maintain the register of Integrity Matters.
- Communicate the Integrity process to Members.
- Report to each meeting of the General Committee of the Club on the activities of this Commission.
- Report annually to Annual General Meeting of the Club on the activities of this Commission.

INTEGRITY PROCESS

1. Establish an email address for all Integrity Matters.
2. Establish and maintain a Register of Integrity Matters, specifying:
 - Date Opened
 - Type of Complaint
 - Complainant if known
 - Date of first response
 - Date and nature of investigation(s)
 - All submissions, recordings, documents and notes relevant to the Matter
 - Date of final response
 - Type of resolution

For each Matter:

1. Provide a genuine initial response within 2 Business Days, which will explain the procedure.
2. Apply a Standardised Investigation procedure:
 - i. Invite the complainant to a face-to-face meeting to discuss the Matter. Where a number of complaints relate to the same Matter, the Head of Integrity may decide whether to hold a group meeting, individual meetings, or meet a single representative as they see fit.
 - ii. Invite the subject(s) of the complaint to a meeting to discuss the Matter. Where a number of complaints relate to the same Matter, the Head of Integrity may decide whether to hold a group meeting, individual meetings, or meet a single representative as they see fit.
 - iii. Conduct such other meetings or research, including video or on-line research, as they see fit. The Head of Integrity may access any relevant documents, including, without limitation, emails, text messages, group chats, and social media posts.
 - iv. Draw such conclusion(s) as a reasonable person would draw based on the evidence, the best interests of the Club and of the Members involved in the Matter. Where the outcome may result in a sanction against a Member of the Club, the conclusions must be discussed with the CEO.
 - v. Communicate the conclusions to the subject person, and if appropriate inform them of their rights under the Grievance Procedures Policy.
 - vi. Advise the complainant(s) that the Matter has been resolved, but not necessarily the substance of that resolution, to protect confidentiality.

Even in the most serious cases the Club is mostly likely to describe a voluntary or involuntary withdrawal from the Club as being for “personal reasons”, if any comment is required.

Outcomes

The possible outcomes to an investigation will be one of:

- The complaint is Not Established due to insufficient compelling evidence. No further action will be taken.
- The Commission is Unable to Determine an outcome due to unresolvable conflicting evidence. No further action will be taken.
- The complaint is Dismissed.
A complaint may be Dismissed as being unsustainable by the evidence, frivolous, inconsequential, contrary to Club Policy or approved practice, or unjustifiably vexatious.
- The complaint is Established.

Where a complaint is Established, the resolution may, limited by the Statements of Rules of the Club, result in:

- Warning or Reprimand.
- Withdrawal from the services of the Club for a specific period, an indefinite term, subject to conditions, or permanently.
- Referral to a relevant Tribunal.
- Referral to the Basketball Victoria Member Protection panel.
- Referral to Victoria Police.

In all cases the resolution must be reasonable in relation to the severity of the conduct and any previous history of similar or equivalent behaviour.

Once the Head of Integrity has communicated a resolution to a Matter, the Matter is to be regarded as closed (subject to any Appeal rights and Grievance Procedures Policy) and the Head of Integrity will not enter into further communication with any person involved in the Matter.

Notes

The exact order of meetings may be changed by the Head of integrity for the convenience of Members, or to provide better clarity of information, provided that such does not impact negatively on the proper investigation of the Matter.

If deemed appropriate by the Head of Integrity, Meetings may be conducted by electronic means provided that all parties are visible for the duration of the meeting.

The Head of Integrity may stand-down a Member prior to the completion of the investigation, where the best interests of Club or the well-being of Members warrants such action. This will be advised in writing to the individual and will occur without judgement as to an eventual resolution.

All meetings will be held in confidence unless legislation or Basketball Victoria requires it to be disclosed. Such disclosure may occur, for example, if a Matter is referred to Basketball Victoria under its Tribunal or Member Protection procedures.

Meetings involving persons under 18 years of age MUST only be conducted when the person is accompanied by a parent, guardian or other authorised person. Such meetings must be conducted in accordance with the Victorian Child Safe Standards.

Similarly, meetings involving persons identifying as neuro-divergent should only be conducted when the person is accompanied by a parent, guardian or other appropriate person.

The Head of Integrity may permit persons to be accompanied by another person where this will assist in the conduct of the meeting.

No person may be accompanied by a person acting as a legal practitioner. Where a person demands to be accompanied by a legal practitioner, the Head of Integrity will assess the situation and most likely terminate the meeting and refer the Matter to an appropriate source for resolution, as contemplated under "Outcomes" above.

Meetings, whether held in person or by electronic means, may not be recorded without the express permission of, and under the control of, the Head of Integrity.

Anonymous complaints will be considered, but in the absence of substantiating information the Head of Integrity would have difficulty sustaining a complaint.

In the absence of the Head of Integrity the CEO will act in their stead.

Training and Dissemination

This policy shall be published on the Club's website.

Amendments and Exceptions to this Policy

This Charter is governed by the General Committee through the Executive Committee.

Exceptions to this Charter, on a case-by-case basis and only in urgent and extenuating circumstances, may be approved by the CEO and the Integrity Commissioner acting jointly. An example may be the immediate suspension of a Member, without hearing, to protect the safety of one or more other Members.

Material amendments or non-urgent exceptions require the approval of the General Committee, on the recommendation of the Executive Committee. If the exception is moderately urgent, it may be authorised by the Executive Committee by circulating resolution.

Minor non-material amendments, such as changes to titles or for improved clarity, may be authored by the Responsible Person.