

## **COMPLAINTS AND DISPUTE RESOLUTION**

### **(1) Complaints**

- (1.1) The Committee takes all complaints about behaviour on and off the piste, at training and competitions, seriously. The Committee will handle complaints based on the principles of procedural fairness (natural justice), that is –
- (a) all complaints will be taken seriously;
  - (b) both the person making the complaint (complainant) and the person the complaint is against (respondent) will be given full details of what is being said against them and have the opportunity to respond (give their side of the story);
  - (c) irrelevant matters will not be taken into account;
  - (d) decisions will be unbiased and fair; and
  - (e) any penalties imposed will be fair, reasonable and proportionate to the incident.
- (1.2) More serious complaints may be escalated to Fencing WA.
- (1.3) If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then the Committee will report the behaviour to the police and / or relevant government authority.

### **(2) Complaint Handling Process**

- (1.1) When a complaint is received by the Committee, the person receiving the complaint (e.g, President) will:
- (a) listen carefully and ask questions to understand the nature and extent of the problem;
  - (b) explain the different options available to help resolve the problem;
  - (c) take notes;
  - (d) maintain confidentiality but not necessarily anonymity; and
  - (e) such issues will be treated in full respect of natural justice to all concerned.
- (1.2) Once the complainant decides on their preferred option for resolution, the Committee will assist, where appropriate and necessary, with the resolution process. This may involve:
- (a) supporting the person complaining to talk to the person being complained about;
  - (b) bringing all the people involved in the complaint to talk objectively through the problem (this could include external mediation);
  - (c) gathering more information (eg, from people that may have seen the behaviour);

- (d) seeking advice from our district, regional, state, and / or national body or from an external agency (eg, State Department of Sport or anti-discrimination agency);
  - (e) referring the complaint to Fencing WA if it cannot be resolved internally within a period of 4 weeks despite all best efforts; and / or
  - (f) referring the complainant to an external agency such as a community mediation centre, police, or anti-discrimination agency, if the nature of the complaint is more fitting to that jurisdiction.
- (1.3) In situations where a complaint is referred to Fencing WA, or other external agency, and an investigation is conducted, the Association and the Committee will:
- (a) co-operate fully;
  - (b) ensure that the complainant and respondent are not victimised;
  - (c) where applicable, ensure the complainant is not placed in an unsupervised situation with the respondent(s); and
  - (d) act on Fencing WA's recommendations.
- (1.4) At any stage of the process, a person can seek advice from or lodge a complaint with an anti-discrimination commission or other external agency.

### **(3) Steps to be taken to resolve complaints**

- (1.1) The following steps will be taken to resolve complaints which are received by the Committee:
- (a) every effort will be made to resolve complaints informally between the parties; or
  - (b) complaints will be mediated internally; or
  - (c) complaints will be resolved by a decision by a Committee tribunal.
- (1.2) In resolving complaints, the Committee will observe the following principles:
- (a) treat all complaints seriously;
  - (b) assume that all parties mean well and listen to both sides of the argument;
  - (c) remain impartial and honest;
  - (d) seek a solution based on evidence and the information presented, not opinion;
  - (e) if disciplinary action is required it should be proportionate and relevant to the incident;
  - (f) respect the Association, the sport and the members.

### **(4) Disciplinary Measures**

- (1.1) The Committee will take disciplinary action against anyone found to have breached our policies or made false and malicious allegations. Any disciplinary measure imposed under this rule must:

- (a) be applied consistently with any contractual and employment rules and requirements;
  - (b) be fair and reasonable;
  - (c) be based on the evidence and information presented and the seriousness of the breach;
  - (d) be determined by our Constitution, By Laws and the rules of the sport.
- (1.2) Possible measures that may be taken include:
- (a) verbal and / or written apology;
  - (b) counselling to address behaviour;
  - (c) withdrawal of any awards, placings, records, or achievements bestowed in any tournaments, activities, or events held or sanctioned by the Association;
  - (d) suspension or termination of membership, participation, or engagement in a role or activity;
  - (e) de-registration of accreditation for a period of time or permanently;
  - (f) a fine; or
  - (g) any other form of discipline that the Committee considers reasonable and appropriate.

## **(5) Appeals**

- (1.1) The complainant or respondent can lodge one appeal against decisions of or disciplinary measures imposed by the Committee to Fencing WA.
- (1.2) Appeals must be based on either a denial of natural justice; because of unjust or unreasonable disciplinary measure(s) being imposed; or on the grounds that the decision was not supported by the information / evidence presented and available to the decision maker or Committee.