



Grievance protocol and appeal procedures at the Southern Tasmanian Netball Association (STNA)

Introduction

This document outlines the procedures for lodging and dealing with a Grievance for a perceived serious breach of any of the Netball Australia National Codes of Behaviour, under which STNA competitions operate. These Codes can be found on the Netball Australia website.

In the first instance, it is preferable that individuals make an attempt to resolve the matter through discussions between team captains, coaches or Club officials **prior** to lodging an official Grievance.

Grievance Protocol and timeframes

Note on timeframes: "within three days" means by midnight on the third day after the event being measured from.

In the event of a perceived breach, the following protocols will apply:

- Attempt to resolve the issue/complaint through captains, coaches or Club officials
- An Official Grievance Form is completed and lodged (*within three days of incident*)
- Acknowledgement – the complainant and their club President receive acknowledgment of the Grievance (*within two days of receipt of grievance*)
- Notification - the accused party is notified of the Grievance and provided with a redacted copy of the lodged Official Grievance Form (*within two days of receipt of Grievance*)
- Response – the accused party has the right to respond to the Grievance in writing (*within two days of notification*)
- Evidence – the Grievance Panel may confidentially gather additional information from relevant and available sources
- Decision – the Grievance Panel meets *within five days of receipt of the Grievance*, and after allowing for the accused party's response
- Hearing – if a disciplinary hearing is held, it is *within 10 days of the receipt of the Grievance*.
- Action – individuals and Clubs involved to be notified in writing of any decision *within one day of that decision*.
- Appeal – either party to the Grievance may appeal *within three days of notification of the decision*.



Grievance procedure

1. For serious breaches, the Official Grievance Form is to be filled out, signed by the complainant and countersigned by the coach if the complainant is a player. If the complainant is under 18, the form **MUST** be signed by an appropriate club member **OVER 18** (this can also be the coach, the President etc).
2. The Grievance Form should be completed and placed in an envelope, addressed to the NMC Chair and posted in the STNA Office door within **three days** of the incident.
3. If an online Official Grievance form is made available, this may be used, but will not be accepted until confirmation is received from a coach and/or adult club member as per point 1 above.
4. All Grievances will be treated as confidential by the NMC and STNA Office.
5. Office staff to notify NMC Chair upon receipt of a Grievance Form, providing a copy of the form, copied to the other two Convenors.
6. The NMC will appoint three of its members to form a Grievance Panel. If insufficient NMC members are available to form a Grievance Panel, the NMC may appoint one or more STNA members to complete the Panel. The Grievance Panel will have responsibility for carrying out all aspects of the Grievance process.
7. The Grievance Panel will send written acknowledgement of receipt of the Grievance to the complainant and the President of their club, within **two days** of receipt of the Grievance Form.
8. The Grievance Panel will notify the accused party and the President of their club that a Grievance has been received and provide the accused party with a copy of the Grievance Form, with contact details of the complainant and witnesses removed, within **two days** of receipt of the Grievance Form. The accused party will be asked to respond in writing within **two days** of this notification.
9. The Grievance Panel may confidentially gather additional information from relevant and available sources, including the complainant, the accused party, any witnesses named, or other relevant parties such as umpires.
10. The Grievance Panel will meet within **five days** of receipt of the Grievance, and after allowing for the accused party's response and either:
 - Dismiss the Grievance
 - Ask the complainant and accused party to attend a mediation meeting
 - Find the breach proven and decide an appropriate penalty
 - Call a disciplinary hearing to determine whether the breach is proven and if so, decide an appropriate penalty



11. If a disciplinary hearing is deemed necessary, it would be held by the Grievance Panel under the following conditions:
 - The complainant and the accused party to attend separately.
 - The complainant and accused party may each have a representative present. An underage party must be accompanied by an adult representative.
 - To be held at Hobart Netball & Sports Centre.
 - To be held at a time most appropriate to those involved.
 - To occur within **10 days** of the incident being reported.
12. Should either party to the Grievance be unwilling or unable to attend a meeting or hearing, it may take place without them, but with a nominated Club member representing them.
13. In the event of a disciplinary hearing being held, the Grievance Panel will make their decision within **one day** of the hearing.
14. Once the Grievance Panel has reached a decision, whether with or without a hearing, they will provide a written record of that decision and any course of action to the complainant, the accused party and the President of each of their clubs. This notification will take place within **one day** of the decision being made.
15. Any action taken will be recorded on file at STNA.



Penalties

Penalties that may be applied by the Grievance Panel (or Appeal Panel) for breaches of Codes of Conduct include:

- A written warning
- Requirement to read, sign and commit to a Code of Conduct
- Exclusion from one or more STNA matches
- Exclusion from STNA premises for a period of time
- A suspended exclusion on condition of no further breaches
- Any other penalty deemed appropriate by the Grievance Panel (or Appeal Panel)



Appeals

The complainant or the accused party may appeal any decision of the Grievance Panel by notifying the NMC Chair in writing within **three days** of being informed of the decision, stating the grounds for the appeal.

To be considered, the grounds for the appeal must be either:

- Significant new or additional evidence has become available
- The Grievance Panel failed to follow the Grievance Procedure
- A penalty imposed is manifestly excessive or lenient

On receipt of an appeal, an Appeal Panel will be formed consisting of:

- the President of STNA (or nominated proxy from the BOM)
- One member of the NMC
- One other STNA member who is not from the same club as the person who is making the appeal.

The Appeal Panel will in the first instance decide whether grounds for appeal have been established.

If they do so decide, a hearing in the same form as a disciplinary hearing but convened by the appeal panel, will be held within **one week** of the appeal being lodged.

The Appeal Panel will make a decision within **one day** of the hearing being held.

All parties to the appeal will be notified in writing of any decision made by the Appeal Panel (including a decision that grounds for appeal have not been established) within **one day** of that decision being made.

The decision of the Appeal Panel is final and may not be further appealed.