



POLICY for DISCIPLINE of MEMBERS RESOLUTION OF DISPUTES and COMPLAINTS

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Policy on Discipline of Members, Resolution of Disputes and Complaints

Contents

| | | |
|-----|--|---|
| 1 | INTRODUCTION | 1 |
| 2 | DISCIPLINE OF MEMBERS | 1 |
| 2.1 | Discipline Procedure..... | 1 |
| 2.2 | Right of appeal of a disciplined member..... | 2 |
| 2.3 | The Tribunals Decision..... | 3 |
| 3 | DISPUTES | 3 |
| 4 | COMPLAINTS | 4 |



Policy on Discipline of Members, Resolution of Disputes and Complaints

1 INTRODUCTION

The Croquet NSW Constitution requires Croquet NSW (CNSW) to have policies that deal with the discipline of members, the resolution of disputes and the handling of complaints.

2 DISCIPLINE OF MEMBERS

2.1 Discipline Procedure

- a) In this section of the policy, where the Board has been advised by an association, club or individual, or where itself considers that a member, being an association, club or an individual, has, or allegedly has:
- i) breached, failed, refused or neglected to comply with a provision of the CNSW Constitution, a CNSW Policy, the Croquet Australia Constitution or a Croquet Australia Policy or any resolution or determination of the Board or any duly authorised Committee; or
 - ii) acted in a manner unbecoming of a member, or prejudicial to the purposes and interests of CNSW, Croquet Australia and/or the Sport; or
 - iii) brought CNSW, Croquet Australia, any member, or the Sport into disrepute.

the Board may commence or cause to be commenced, disciplinary proceedings against that Club or Individual Member.

- b) CNSW will apply the principle of natural justice to deal with these matters.
- c) The board may refuse to deal with the matter if it considers it to be trivial or vexatious in nature.
- d) If the board decides to commence or cause to be commenced, disciplinary proceedings, the board:
- i) may decide that the alleged misconduct is of such a serious nature that, for the protection of the sport and its members, the member is immediately suspended from the right to participate in the sport of croquet until the disciplinary proceedings have been determined;
 - ii) may form a Disciplinary Committee (the committee) to deal with the complaint;
 - iii) must cause notice to be served on the member concerned; and
 - iv) must give the member at least 14 days from the time the notice is served within which to make submissions to the board or committee in connection with the matter.
- e) The board or committee dealing with the matter must take into consideration any submissions made by the member in connection with the matter.
- f) If the matter is dealt with by the board and the board is satisfied after considering the matter, that the alleged facts have been proved, it must determine what disciplinary action is to be taken.
- g) If the matter has been dealt with by a committee, and the committee is satisfied that the facts alleged in the matter have been proved, it must determine what disciplinary action is to be taken. The committee must submit its report and recommendations to the board and the board must be satisfied that the committee has been diligent. If the board is satisfied, the board must receive the committee's report and recommendation.



Policy on Discipline of Members, Resolution of Disputes and Complaints

- h) The board is to apply any disciplinary action. Disciplinary action on a person may include:
 - i) the imposition of conditions for a person's continued participation in any aspect of the sport;
 - ii) imposition of a fine;
 - iii) the suspension of a Member's privileges of membership;
 - iv) the expulsion of a Member; and
 - v) such other measures as the Board thinks fit.
- i) If the board applies any disciplinary action, the CNSW secretary must, within 7 days, cause written notice to be given to the member stating the action to be taken, the reasons for having taken that action and of the member's right of appeal under this policy.
- j) Subject to any immediate suspension which may have been imposed by the board under **clause 2d)i)**, the disciplinary action determined by the board or the committee will not take effect:
 - i) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - ii) if within that period the member exercises the right of appeal, unless and until the association confirms the decision, whichever is the later.
- k) The written notice must state if the person is also to be suspended from participating in National or State competitions, or if conditions have been imposed on their participation in any capacity in National, State or International competitions.
- l) As a result of the determination of any proceedings there may be a variation or adjustment of the result of any tournament.

2.2 Right of appeal of a disciplined member

- a) A member may appeal against a decision of the board under **clause 2.1h)**:
 - i) The member is to notify the CNSW Secretary in writing no later than 7 days after the written notice is served on the member, that they wish make an appeal;
 - ii) The notification may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal; and
 - iii) On receipt of a notification from a member under subclause (a)i), the secretary must notify the board. CNSW is to form an Appeals Tribunal within 28 days after the date on which the secretary received the notification.
- b) The Tribunal shall comprise the following three persons who are appointed by the CNSW Board:
 - i) A person who shall act as Chair of the Tribunal who has a suitable background. The person need not be a member of CNSW;
 - ii) A person who is a member of CNSW and who has a thorough knowledge of relevant ACA and CNSW Policies; and
 - iii) A person who has experience and skills suitable to the function of a Tribunal. The person need not be a member of CNSW.



Policy on Discipline of Members, Resolution of Disputes and Complaints

- c) A person is not eligible to be appointed to the Tribunal if that person is a member of the CNSW Board or by reason of their relationship with the appellant or any member of the CNSW Board, its Committees and Officers that may be seen as rendering that person as other than impartial in the consideration of the appeal.
- d) The Chair of the Tribunal, in consultation with the other members, shall determine the manner in which an appeal is to be determined which may include the use of telephone, video conferencing, e-mail or such other medium as agreed. The Tribunal will determine if oral submissions are required.
- e) The Tribunal is not bound by the rules of evidence but must observe the principles of procedural fairness. The Tribunal may obtain information from any other source that it needs to make its decision.
- f) No party to the appeal shall be legally represented except where the Tribunal believes that legal representation is warranted in the case of complex legal issues. However, written submissions may be made to the Tribunal by the legal representatives of the appellant or the Selection Committee.

2.3 The Tribunals Decision

- a) The Tribunal shall give its decision as soon as practicable after the hearing.
- b) The Tribunal may dismiss an appeal, uphold an appeal but vary the proposed disciplinary action, or uphold an appeal completely.
- c) The Tribunal shall provide CNSW and the appellant with a statement outlining the reasons for its decision.
- d) Should the appeal be dismissed, the member may seek a final right of appeal to an independent body outside of the control of CNSW.

3 DISPUTES

- a) In this policy a dispute is a disagreement or argument between a member and another member (in their capacity as members) of the association, or a disagreement or argument between a member or members and the association. It is also interpersonal conflict between members who have difficulty working together as part of a group/committee or in associating with each other at club venues.
- b) A dispute should be resolved between the parties involved.
- c) If the dispute cannot be resolved then the dispute is to be referred to an alternative dispute resolution pathway for example:
 - i) In NSW, a Community Justice Centre (<http://www.cjc.justice.nsw.gov.au>); or
 - ii) In the ACT and immediate regions, the Conflict Resolution Service (<http://www.crs.org.au>);
- d) The ACA Member Protection Policy (ACA MPP) is not a policy designed to resolve disputes and CNSW will not progress a dispute via the ACA MPP.



Policy on Discipline of Members, Resolution of Disputes and Complaints

4 COMPLAINTS

- a) In this section of the policy, complaints are those of an interpersonal nature where intimidation, discrimination, harassment, child abuse and other forms of inappropriate behaviour have occurred or where a code of conduct has been broken. CNSW, as a Member of the Australian Croquet Association (ACA) has committed to the adoption and implementation of the ACA Member Protection Policy (ACA MPP) and its principle of natural justice to deal with these matters.
- b) If a person wishes to make a complaint about another person's or organisation's behaviour or treatment of themselves, then the person should familiarise themselves with Attachment C1 of the ACA MPP which identifies the procedures and steps that are to be followed. The policy encourages the person to sort out the problem with the person or people involved, if this is possible. If this is not possible the person should contact a Member Protection Information Officer (MPIO) to discuss the problem. CNSW can supply a list of MPIOs from within the sport.
- c) If a complaint needs to be made formal, the complaint is to be directed in writing to an MPIO who will refer the matter to the CNSW Complaints Officer, or in their absence, the CNSW Secretary. The complaint will then progress using the procedures documented in the ACA MPP. The ACA MPP is designed to handle complaints as confidentially as possible and does not directly involve the Club, CNSW Board or ACA Board.

The CNSW Board will not become involved except where a tribunal requests it to take disciplinary action.

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