



Complaints Handling Procedure

Contents

| | |
|---|----------|
| 1. Introduction..... | 3 |
| 1.0 Reference Documents | 3 |
| 2. Lodging a Complaint | 3 |
| 3. Jurisdiction for Complaints | 4 |
| 4. VQ Judiciary Committee | 4 |
| 4.1 Composition of the VQ Judiciary Committee | 4 |
| 4.2 Preliminary Actions | 4 |
| 4.3 Process for Judiciary Hearings..... | 5 |
| 4.4 Procedure at Hearings | 5 |
| 4.5 Evidence admissible at hearings..... | 6 |
| 4.6 Variation to charge..... | 7 |
| 4.7 Proceedings not to be invalidated for technical reasons..... | 7 |
| 4.8 Notification of decision | 7 |
| 4.9 Appeals..... | 7 |
| 4.10 Schedule of recommended penalties | 8 |
| 5. Penalty Scale (endorsed by the VQ Board of Management 25/2/10)..... | 8 |

1. Introduction

This document is designed to provide a framework for dealing with complaints lodged against players, officials, coaches and/or spectators at any tournament sanctioned by Volleyball Queensland (VQ).

1.0 Reference Documents

VQ currently has five (5) documents, all of which can be found on our website (www.vq.org.au), that outline the respective obligations of participants in VQ events and activities:

1. **FIVB “Rules of the Game”**, noting that these rules are usually updated every four years and the current version is the **Official Volleyball Rules 2009-2012**.
2. **Tournament/Competition Rules**, which may or may not exist, for each respective volleyball competition, e.g. Queensland Schools Cup or Premier Volleyball League.
3. **VQ Membership Registration Form** – signed declaration agreeing to the terms and conditions. It is worth noting that the subject of the complaint may not be a current financial member of VQ and therefore outside the jurisdiction of the terms and conditions set out on this form.
4. VQ Representative Players in U/15, U/17, U/19 & U/21 teams each year individually sign an **“Athlete Code of Conduct – Representative Teams”** form to enable their participation in Queensland state teams.
5. VQ’s **“Code of Behaviour”**, which applies to all athletes, coaches, officials, administrators, parents and spectators. This document is based on the Australian Sports Commission’s *“Essence of Australian Sport”* and its four guiding principles of Fairness, Respect, Responsibility and Safety.

2. Lodging a Complaint

All complaints must be made in writing and identify the person lodging the complaint. Anonymous written complaints will only be investigated at the discretion of the General Manager in consultation with the VQ Board of Management. Verbal complaints will not be actioned or investigated.

All complaints should be submitted to:

General Manager
Volleyball Queensland
c/- Sports House, Suite 2.12
150 Caxton Street
Milton QLD 4064
Email: gm@vq.org.au
Fax: (07) 3367 2853

All written complaints will be formally acknowledged within two (2) working days, outlining the proposed process, forum and anticipated timeframe for responding to the complaint.

The complaint should specifically outline the alleged behaviour and/or misconduct in a VQ-sanctioned competition or activity. Complaints unrelated to competition but against another member of VQ should clarify the jurisdiction being sought for the complaint – Competition Rules or By-Laws, VQ Constitution or Member Protection Policy.

A copy of the written complaint and VQ's acknowledgement letter will be forwarded to the respondent within two (2) working days, as well as to each Club President or School team contact for both parties.

3. Jurisdiction for Complaints

All written complaints will be assessed by the VQ General Manager to determine the most appropriate jurisdiction, irrespective of any jurisdiction claimed in the complaint. This determination will be outlined in the acknowledgement letter to the complainant.

There are four (4) jurisdictions within VQ to investigate a complaint:

1. **Competition/Tournament Control Committee**, or equivalent, as defined under the respective competition rules or by-laws.
2. **VQ Judiciary Committee**, which can be empowered by the VQ Board of Management to conduct hearings into any written complaint lodged under any of the five (5) Reference Documents listed in Section 1.0.
3. **Member Protection Policy (MPP)**, which essentially provides two avenues to remedy a written complaint – Mediation or Judiciary. It is VQ's intention that the Judiciary process under the MPP should, wherever possible or practical, correspond with the VQ Judiciary Committee process. The full MPP framework document can be found on the VQ website.
4. **VQ Constitution**, whereby all written complaints are addressed by the VQ Board of Management. This should always be the last resort for all parties in any complaint or dispute. The VQ Constitution can be found on the VQ website.

Any Competition/Tournament Control Committee in a VQ-sanctioned event has the right to immediately refer or escalate a matter to the VQ Judiciary Committee. All such referrals must be in writing to the VQ General Manager.

4. VQ Judiciary Committee

4.1 Composition of the VQ Judiciary Committee

VQ will seek Expressions of Interest for people to be appointed as VQ's Judiciary Members.

When a Judiciary Committee is required to conduct a hearing into a complaint, the General Manager will contact all Judiciary Members seeking their availability and identifying any conflicts of interest (subject to each party involved in each matter).

The Judiciary Chairperson will be required to have formal legal training. The VQ Board of Management will formally appoint the Judiciary Committee for each matter separately.

4.2 Preliminary Actions

1. Written complaints must be lodged in accordance with Section 2.0 of this procedure.
2. The Judiciary Committee will be formally appointed and conduct an initial discussion of the documentation and evidence to be sought.
3. The Judiciary Committee should seek a formal report from any match officials relevant to the complaint, e.g. referees, scorers, lines people, competition administrators, court supervisors.
4. The Judiciary Committee will review all relevant correspondence on the matter to see whether it should progress to a Judiciary hearing. Factors to be considered, may include:

- By-laws for relevant competition.
- Codes of Conduct/Behaviour specific to individual, and any contract under such code that may have been signed.
- By-laws of other competitions that could have relevance.
- VQ constitution.
- Member Protection Policy.

5. If a Judiciary Hearing is deemed necessary, the Judiciary Committee should inform all relevant parties and convene the Hearing.

4.3 Process for Judiciary Hearings

The Judiciary Committee will, within two working days of being formally appointed by the VQ Board of Management, nominate its earliest practicable Hearing Date and advise all parties in writing. Either party identified in the complaint may seek an adjournment in writing, but the Judiciary Committee has sole discretion to suspend any party until the matter is resolved.

The Judiciary Committee will hear the matter under the agreed jurisdiction.

The Hearing will use the “adversarial method” and may involve a VQ-appointed “Presenter” to submit the case to the Judiciary Committee.

All efforts will be made by the Judiciary Committee to ensure procedural fairness and natural justice, specifically:

- Respondents are advised what is alleged against them.
- Particulars of the offence.
- Right to be heard.
- Right to be represented.
- Right to an adjournment, subject to potential suspension until the matter is resolved.
- Independent Judiciary Committee.
- Lack of bias.
- Notification of outcome.
- Notification of right of appeal.

The Hearing will be conducted at a suitable venue. The default venue for Judiciary Committee Hearings will be:

Sports House
150 Caxton St
Milton QLD 4064

4.4 Procedure at Hearings

a) Power to regulate own procedure

The procedure of the Judiciary Committee in all such proceedings shall be as the Judiciary Committee shall determine in each case, but subject to this power to regulate its own procedure, it shall generally conform to the procedures stated in these rules.

b) The procedure prescribed should be directed at ensuring that there will be fair hearings, and should include elements that normally should be dealt with in the following sequence:

- i) The procedures to be followed at the hearing should be explained clearly by the Judiciary Chairman to all present.
- ii) All who are entitled to be present throughout the hearing should attend during the taking of evidence and when submissions are made.
- iii) The Judiciary Chairperson or the “Presenter” shall read the referee's report and any other match officials' report, if provided.
- iv) Evidence/submissions shall then be heard in the following sequence:

- Evidence from the Complainant, if he/she so chooses.
- Evidence from the Respondent, if he/she so chooses.
- Evidence from witnesses (if any).
- Submissions (if any) by a senior member of either party's respective volleyball club, school or association and/or their legal representative.

c) Those giving evidence shall be subject to questioning from any member of the committee. There shall be no right of the complainant or the respondent to cross-examine the referee or any other match official.

d) In addressing the factual conflicts, the referee is deemed to be the sole judge of fact as to the events which occur on the playing enclosure. Where there is a conflict in the evidence before the Judiciary Committee that it is unable to resolve, in its discretion it may adjourn the hearing for the purpose of obtaining further evidence that may assist in resolving the dispute. However, in the event of the referee's account of the incident remaining in conflict with the player's account, the referee's account must be accepted, unless the committee is comfortably satisfied on the evidence that the referee's reasons for his decision were wrong. The "Referee" is deemed to include all duly appointed match referees and duty team personnel.

e) A player/participant may choose to tender his/her evidence to the Judiciary Committee in writing. Similarly, witnesses' evidence may also be tendered in writing.

f) At the conclusion of the evidence and submissions, the Judiciary Committee shall deliberate in private.

4.5 Evidence admissible at hearings

a) Hearsay evidence

Hearsay evidence, i.e. second-hand accounts of what occurred, and evidence not given at the hearing, shall generally not be admitted and considered by the Judiciary Committee in reaching its decision.

b) Video tape evidence

- i) The Committee has the sole discretion to determine if it shall accept video evidence.
- ii) The Committee shall decide what weight should be attached to the video tape evidence produced.
- iii) If there is a dispute on the facts, the video may be shown again on as many occasions as are considered necessary by the Judiciary Committee, and at any speed, in an endeavour to clear up the factual conflict. The Judiciary Committee, in its discretion, shall determine if and when the video tape shall be replayed.
- iv) The audio sound shall be muted when the videotape is shown. Preferably, the video should be shown in total silence, but the Committee may, in its discretion, decide whether there shall be any comment by those present while it is being shown.
- v) The Committee may inform the player/participant of the nature of any observations it has made from the video evidence.

c) Character evidence

Character evidence shall be admissible only in relation to the penalty to be imposed by the Committee.

d) Previous incident evidence

In the case of a player having previously appeared before a Judiciary Committee within a period of five (5) years, the previous incident shall be relevant, but only in relation to the penalty to be imposed by the Judiciary Committee.

4.6 Variation to charge

- a) If, during a Hearing, it becomes evident that the player/participant may have committed an offence, that player/participant not having been charged with any offence or having been charged with another offence, the Judiciary Chairman may adjourn the proceedings.
- b) The Judiciary Committee is empowered to alter or add to the initial charge or to substitute an entirely new charge based on facts reported in the initial charge.
- c) The player/participant should then be given the opportunity of answering that charge. An adjournment of the proceedings, if sought, may be granted if necessary.

4.7 Proceedings not to be invalidated for technical reasons

No proceedings heard by any Judiciary Committee or any subsequent Appeal to the VQ Board of Management shall be quashed or held invalid by any Judiciary Committee by reason only of any defect, irregularity, omission or other technicality, provided the Judiciary Committee is satisfied there has not been a miscarriage of justice.

4.8 Notification of decision

- a) The player/participant must be told immediately as part of the hearing's conclusion of the Judiciary Committee's decision. The decision initially may be given orally and brief reasons for reaching it should be given. The decision will be confirmed to the player/participant in writing within two (2) working days after the hearing.
- b) The Judiciary Committee shall provide a written report to VQ.
- c) In all cases where the VQ Judiciary Committee imposes a sanction against any party to the complaint in accordance with the "Penalty Scale" in Section 5.0 of this procedure, then that person must also be advised that they have a right of appeal to the VQ Board of Management (Board) within five (5) working days of the written notification of the Judiciary Committee's decision.
- d) A comprehensive record of the Hearing before the Judiciary Committee shall be kept and be made available to the VQ Board of Management.

4.9 Appeals

- a) In all cases where the VQ Judiciary Committee imposes a sanction against any party to the complaint in accordance with the "Penalty Scale" in Section 5.0 of this procedure, then that person must also be advised that they have a right of appeal to the VQ Board of Management (Board) within five (5) working days of the written notification of the Judiciary Committee's decision.
- b) Appeals must be lodged in writing and submitted to the VQ Board of Management through the VQ General Manager.
- c) The VQ Board of Management will, within ten (10) working days of the lodgement of the written appeal, review the Appeal submission along with the Hearing Record submitted by the VQ Judiciary Committee.
- d) The VQ Board of Management will respond in writing to the Appeal within a further five (5) working days, in accordance with this Complaints Handling Procedure and the VQ Constitution.
- e) The decision of the VQ Board of Management regarding any appeal is final.

4.10 Schedule of recommended penalties

- a) Each case must be treated on its merits and any penalty imposed must be seen to be fair and equitable and in accordance with the circumstances of the case and in accordance with natural justice.
- b) The recommended scale of sanctions / suspensions is outlined in Section 5.0 of this document. It outlines the seriousness of a person's conduct and also any mitigating or aggravating features which may decrease or increase the applicable 'entry point' for a suspension.
- c) Except in clear cases of mistaken identity or where a referee states he may have made a genuine mistake, the Judiciary Committee have no power to find "no case proven" and it can therefore decide upon only one or other of the following, namely:
- i) No further punishment additional to the appearance before the Committee.
 - ii) That the player be cautioned or severely cautioned as to his/her future conduct.
 - iii) That a period of suspension be imposed.
- d) The effect of any sanctions/suspensions may not be suspended by a Judiciary Committee.

5. Penalty Scale (endorsed by the VQ Board of Management 25/2/10)

The following table identifies only the maximum penalty for suspension/sanctions under the VQ Complaints Handling Procedure. These maximum penalties may be adjusted at any time in the future by formal resolution by the VQ Board of Management, but they will not be amended retrospectively.

| CHARGE/OFFENCE | MAXIMUM PENALTY |
|--|--|
| Threatening or abusive language | 4 rounds or weeks (whichever is greater) |
| Abuse or contempt shown towards an official | 8 rounds or weeks (whichever is greater) |
| Making threats to a Player, Official, Spectator and/or any property | 12 rounds or weeks (whichever is greater) |
| Physical intimidation towards a Player, Official or Spectator | 12 rounds or weeks (whichever is greater) |
| Damage to any physical property of a Player, Official or Spectator, including competition or venue equipment | 12 rounds or weeks (whichever is greater) |
| Physical contact of a threatening nature to a Player, Official or Spectator | 26 rounds or weeks (whichever is greater) |