



RAUMATI SWIMCLUB OVERVIEW OF THE COMPLAINTS PROCESS

Guiding Principles

1. This overview outlines our preferred process for dispute and complaint resolution. The Board may depart from this at any time it considers that a departure would be more in the interests of the club and its members generally. All complaints will be resolved in accordance with the Constitution.
2. In this protocol, disputes and complaints are referred to collectively as 'complaints' unless the context indicates otherwise. The guiding principles of the complaints process are:
 - a. To promote courtesy, prompt direct discussion and tolerance as the primary means of resolving differences of view and disputes with and among members, without depleting the club's resources, including its resources of goodwill;
 - b. Swiftly, fairly and conclusively to resolve remaining differences among members, parents and coaches that require the involvement of the club;
 - c. To maintain a justified good reputation for the club, including by sanctions on unwanted conduct by members or coaches or officers in cases where the Board considers that desirable or necessary to establish or to maintain proper behaviour
 - d. To reinforce good manners and sportsmanship and to discourage bad manners and poor sportsmanship
 - e. To sustain respectful working relationships among club members, parents and coaches;
 - f. To uphold the effectiveness and reasonable authority of coaches, selectors and other officers, recognising that they will sometimes be mistaken;
 - g. To allow the club to seek compensation for the costs of having to deal with the complaint from the person responsible for perpetuating the complaint;
 - h. To protect the operational interests of the club, which include:
 - i. effective and efficient operations;
 - ii. Securing for the club compensation for substantial costs of having to deal with a complaint from persons considered by the board to be mainly at fault and/or responsible for that cost.

Receiving complaints

3. The Board of Directors receives and decides complaints and resolves disputes within the club. All communication between the parties and the decision-makers should be directed to the Board Chair or their nominee.
4. Complaints will usually not be taken up by the Board unless made formally in writing using the Complaints Form. The Board may nevertheless take up and deal with a complaint in any manner it thinks fit.
5. Complainants and any persons who are the subjects of complaints should be warned of the possibility that the club may seek reimbursement of any costs of investigation if they are found to be at fault, including for avoidably prolonging the complaints process. This is acknowledged on the complaint form.
6. Complainants are expected to attempt to resolve issues on their own before involving the club and should detail the steps taken on the complaint form.
7. The Board may dispose of complaints it considers trivial, vexatious or meritless without reference to any person whose conduct is the subject of complaint.
8. The Board is expected to deal with the majority of complaints. Serious complaints may be referred to the Club Judicial Committee for investigation and determination.
9. Complaints about conduct that is criminal or that the Board considers serious and within the province of outside authorities (such as Swimming Wellington, Swimming New Zealand, NZSCTA, or the NZ Police) may be referred directly to such authorities, as the Board considers appropriate.

Club Judicial Committee

10. The Board must appoint a panel of people of at least three persons with experience in disciplinary matters as a nominated Club Judicial Committee in accordance with the Constitution.
 - a. The quorum for the Committee is three members. One member may lead the investigation and make recommendations, which must be signed off by the other two members.
 - b. The Committee may include or be entirely formed of Board members.
 - c. Committee members may not be disqualified by knowing persons involved. Only prior relations that would indicate likely bias or other clear indications of partiality need be treated as a disqualifying conflict of interests.
 - d. The Committee may decide to appoint a better qualified or more available person who is not on the Committee to perform some or all of its roles for a particular complaint.
 - e. Committee appointments (other than by sub-delegation under paragraph (d) above) should last for at least one year.

Resolution by the Board

11. It will usually be in the club's best interests for complaints to be resolved informally by the Board. Complaints between club members, coaches etc. are expected to be resolved by the parties on their own. A member of the Board may be delegated to facilitate conciliation or mediation if necessary. The main goal is to protect the best interests of the club throughout the process.
12. If a Board member must be involved, it will usually seek to restore respectful relations between the complainant and the subject member.
 - a. The Board member is not obliged to follow the general format for mediation. It may adopt its own process to fit the circumstances. As a general rule, the Board member should make sure both sides of the story are explained.
 - b. The club may, but is not obliged to seek legal or other advice.
 - c. Outcomes should be consistent with common sense, having regard to the need for prompt economical and conclusive dealing with complaints. If the parties cannot agree on a resolution the Board member will make a final decision.
 - d. In particular the Board member may take account of the risks that complaints can :
 - i. grow out of proportion to the real best interests of the parties;
 - ii. be difficult to resolve where some of the facts cannot be ascertained with reasonable certainty at reasonable cost;
 - iii. result in irreconcilable differences;
 - iv. result in situations that cannot be resolved without disproportionate risk of greater harm. In these circumstances, the parties will need to put the best interests of the club first and put matters behind them where necessary.
 - e. The Board member has the final say on proposed resolutions. They may override the parties' agreement if their proposed solution does not accord with the guiding principles. If a party is not satisfied with the resolution, they should be given the choice:
 - i. to meet any costs to the Board and or the panel for further dealing with the complaint,
 - ii. to withdraw the complaint, or
 - iii. to withdraw from the club.
 - f. The Board member may recommend any sanctions they see fit.
13. The Board may direct a complaint to the Club Judicial Committee at any time for formal investigation.

Investigation by the Club Judicial Committee

14. Formal investigation is intended to be the exception rather than the rule. It should be reserved for particularly serious or difficult complaints where the facts are unclear. Complaints which may result in serious disciplinary sanctions, such as suspension or removal from the club, should be automatically sent to the Board for formal investigation.
15. The Committee may decide as it thinks fit, in the best interests of the club and members generally, how to conduct a formal investigation. Usually, this will involve an investigation into the facts of the complaint, an assessment of fault and a decision on what to do next.
16. The Committee may recommend sanctions as a result of a formal investigation.
17. If the Board has referred a complaint for further investigation at the request of a party to a complaint, the Committee may record its time and charge that party costs for the investigation.

Disciplinary Sanctions

18. Sanctions may include anything the Board or the Committee thinks appropriate, from reprimand, recorded criticism, recommendations for future conduct or for apology and a report to members or any category of members, to suspension or removal from the club.
19. The subject must be given 14 days' written notice of the proposed sanction and invited to make submissions at a Board meeting conducted for the purpose of considering the proposed sanctions.
20. Board decisions on sanctions should be made by majority vote.
21. The Board's decision is final. There is no right of appeal.

Charging costs

22. The Board may require a person involved in a complaint to reimburse or compensate the club for costs of the complaint, especially a person whose conduct has been found to be at fault. This includes conduct which needlessly or recklessly prolonged or exacerbated the complaint, impeded investigation, or otherwise caused the club to expend resources that could have been readily avoided, whether or not the complaint has been upheld.
23. If a complaint is made out after a formal investigation, the Board will usually charge costs to the subject member found to be at fault.
24. The Board may consider charging reasonable costs to a complainant even if the complaint does not proceed to a finding, if after investigation, the complaint is determined by the Board to be trivial, mischievous, baseless or malicious, or should clearly have been resolved without the intervention of the club. Complainants should be warned of this possibility, and accept this liability as a condition of acceptance of their complaint.