



MEMBER PROTECTION POLICY

**THIS POLICY MUST BE READ IN CONJUNCTION WITH
THE WBA CHILD SAFE POLICY**

REVIEW HISTORY TABLE

This Member Protection Policy will be reviewed on a regular basis. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Chief Executive Officer.

Waverley Basketball Association (WBA) retains records to document each review undertaken. Records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

Revised on	Version	Date Endorsed	Approved by
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PREFACE

Waverley Basketball Association (WBA) is committed to providing a sport and work environment free of Discrimination, Harassment (sexual or otherwise) and physical violence, where individuals are treated with respect and dignity. WBA will not tolerate acts of physical violence, discriminatory or harassing behaviour under any circumstances and may take disciplinary action against anyone who breaches this Member Protection Policy.

WBA's Member Protection Policy is part of the organisation's proactive and preventative approach to tackling inappropriate behaviour.

WBA is committed to ensuring that the safety, welfare and wellbeing of all members, but in particular Children, are maintained at all times during their participation in activities run by WBA and its member bodies. Accordingly, any person involved in Waverley Basketball organisation in a position of authority over any member under the age of 18 years will be asked to undergo screening procedures including Working with Children and other probity checks.

Child safety is embedded into WBA's governance and culture through its Child Safe Commitment Statement and is further defined in WBA's Child Safe Policy, which must be read in conjunction with this policy.

Should a person wish to make any enquiries in relation to this policy, please contact WBA's General Manager by calling 03 9807 9814

1. PART A – MEMBER PROTECTION POLICY

1.1 Introduction

The objectives, mission and values of WBA are as follows:

(a) Objectives

Encourage, promote, manage and control the sport of basketball in Victoria.

- Represent the interests of basketball and basketballers within Victoria at the national level.
- Encourage the development of socially desirable attitudes and values towards physical fitness and skill acquisition through play, training and competition.
- Provide access for individuals to participate in the sport of basketball in Victoria.

- Provide individuals with the opportunity to maximise their potential by competing in the highest level of basketball possible.

(b) Mission

Waverley Basketball Association will grow our sport, develop our people, and promote our brand through strong leadership and a safe and inclusive environment.

(c) Values

Respect our people

- Listen and act to enhance member experiences
- Strive to learn and understand our people
- Create environments where opinions are heard and valued

(d) Excellence in delivery:

- Inspire and implement innovative thinking and behaviour
- Keep things simple, safe and fun
- Anticipate change and use evidence to determine our future

(e) Act as one:

- Seek shared alignment around decisions and accountability
- Operate collectively with transparency
- Work together to proactively identify opportunities and solve our problems
- Build trust, strengthen relationships and communicate openly Lead with integrity:
 - Act in the best interest of basketball with commitment to our vision
 - Operate collectively with transparency

1.2 Purpose of this policy

This Member Protection Policy (policy) aims to maintain ethical and informed decision-making and responsible behaviours for Basketball members and participants part of Basketball Victoria. It outlines Waverley Basketball 's commitment to a person's right to be treated with respect and dignity and to be safe and protected from Abuse. This policy informs everyone involved in participants of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support Waverley Basketball's commitment to eliminating Discrimination, Harassment, physical violence and other forms of inappropriate behaviour.

Child protection is seen as such an important area to prioritise that WBA has a separate Child Safe Policy that should be read in conjunction with this policy.

As part of the commitment to ensuring a safe environment for all participants, WBA may take disciplinary action against any person or organisation bound by this policy if they breach it or the Child Safe Policy.

Both this policy and the Child Safe Policy have been endorsed by the WBA Board and have been adopted as WBA policies in accordance with the WBA Constitution. This policy is effective from the date it is adopted by the Board and will operate until replaced. This policy and/or its attachments may be amended from time to time by the Board in accordance with the WBA Constitution. Copies of this policy and its attachments can be obtained from the WBA office or the WBA website at www.waverleybasketball.com

1.3 Who is bound by this policy

(a) This policy applies to anyone involved in the sport of basketball as apart of Waverley Basketball (but not limited to):

- persons appointed or elected to boards, committees and sub-committees;
- employees, contractors and volunteers of WBA;
- support personnel appointed or selected to teams and squads (e.g. managers, chaperones, physiotherapists, psychologists, masseurs);
- coaches and assistant coaches;
- Participants;
- Referees and other officials involved in the regulation of the sport;
- Members, including Life Members;
- personnel participating in events and activities, including camps and training sessions, held or sanctioned by WBA; and
- any other person including spectators and parents/guardians.

(b) the following organisations:

- any Member and their members; and
- any other organisations affiliated with WBA or an Affiliated Club and its members

WBA is supported by a wide network of Affiliated Associations across Victoria. Affiliation with WBA is conditional on an Affiliated Club implementing, and complying with, this policy. WBA may end its affiliation with a club that fails to comply with its obligations under this policy.

This policy will continue to apply to a person, organisation or Member, even after they have stopped their association or employment with WBA, if allegations and/or disciplinary action against that person, organisation or Member commenced while they were still a Member.

1.4 Organisational responsibilities

WBA must:

- adopt, implement and comply with this policy;
- make such amendments to its Constitution, Rules or Policies necessary for this policy to be enforceable;
- publish, distribute and promote this policy and the consequences of breaches;
- promote and model appropriate standards of behaviour at all times;
- promptly deal with any breaches or Complaints made under this policy in a sensitive, fair, timely manner;
- apply this policy consistently;
- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- use appropriately trained people to receive and manage complaints and allegations (Member Protection Officers (MPOs)); and
- monitor and review this policy at least annually.

1.5 Individual Responsibilities

Individuals bound by this policy are responsible for:

- making themselves aware of the policy and complying with its standards of behaviour;
- complying with WBA's screening requirements and Victorian Working with Children Checks;
- placing the safety and welfare of children above other considerations and in line with the WBA Child Safe Policy;
- being accountable for their behaviour;
- not making false, misleading or vexatious claims against any other member or person;
- following the procedures outlined in this policy if they wish to make a Complaint or report a concern about possible Child Abuse, Discrimination, Harassment or other inappropriate behaviour;
- complying with any decisions and/or disciplinary measures imposed under this policy; and
- completing a Member Protection Declaration set out in Part C of this policy (where applicable).

1.6 POSITION STATEMENTS - General

Child Protection

WBA is committed to the safety, wellbeing, and empowerment of all Children accessing programs and services including indigenous children, those from culturally and linguistically diverse backgrounds and Children with disability.

WBA has a zero tolerance approach to any form of Child Abuse. WBA supports the rights of children and we will act immediately to ensure an environment is maintained where Children and all Participants feel safe, respected, valued and empowered at all times.

To show the organisation's commitment to ensuring WBA does everything it can to have a Child safe environment for all young participants, WBA has developed a Child Safe Policy that comprehensively addresses this prioritised focus.

Discrimination and Harassment

WBA is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of Discrimination and Harassment.

WBA recognises that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

Discrimination

Unlawful Discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-Discrimination laws.

The personal characteristics protected by anti-Discrimination laws include attributes such as race, age, disability, sexual orientation and gender. The full list of protected personal characteristics is in the

"Definitions" set out in the Glossary of Terms. Discrimination can be either direct or indirect.

Direct Discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect Discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purposes of determining Discrimination, the offender's awareness and motive are irrelevant.

Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and that happens because a person has a certain personal characteristic protected by State and Federal anti-Discrimination legislation.

The offensive behaviour does not have to take place a number of times; a single incident can constitute Harassment.

Sexual Harassment is one type of Harassment. Sexual Harassment is unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual Harassment is not limited to members of the opposite sex.

Prohibition against Discrimination and Harassment

WBA prohibits all forms of Harassment and Discrimination based on the personal characteristics listed in the Glossary of Terms.

Any person who believes they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy is encouraged to raise their concerns with WBA. A person may make an internal Complaint, and in some circumstances, they may also be able to make a Complaint to an external organisation.

Physical Violence

Physical violence is behaviour involving physical force intended to hurt, damage, or kill someone or something and includes (without limitation) physical assault.

WBA will not tolerate acts of physical violence in any circumstances and takes any complaints or concerns relating to actual or threatened physical violence very seriously.

WBA encourages any person who is, or believes that another person is, being, or has been, the subject of physical violence at the hands of another person bound by this policy to raise their concerns with WBA. A person may make an internal complaint, and in some circumstances, they may also be able to make a complaint to an external organisation.

Intimate Relationships

WBA understands that consensual intimate relationships (including, but not limited to sexual relationships) between coaches or officials and adult Participants may take place legally. However, this policy will help ensure that the expectations of coaches or officials are clear and, to ensure that if an intimate relationship does exist or develop between a coach or official and an adult Participant, that relationship will be managed in an appropriate manner.

Coaches and officials are required to conduct themselves in a professional and appropriate manner in all interactions with Participants. In particular, they must ensure that they treat Participants in a respectful and fair manner, and that they do not engage in sexual Harassment, bullying, favouritism or exploitation.

We take the position that even consensual intimate relationships between coaches or officials and the adult Participants they coach should be avoided as they may have harmful effects on the Participant involved, on other Participants and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach or official and the Participant.

We recommend that if a Participant attempts to initiate an intimate relationship with a coach or official, the coach or official should discourage the Participant's approach and explain to the Participant why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develops between an adult Participant and a coach or official, the coach or official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the coach or official has with the Participant and/or other Participants.

In assessing the appropriateness of an intimate relationship between a coach or official and an adult Participant, relevant factors include, but are not limited to:

- the relative age and social maturity of the Participant;
- any potential vulnerability of the Participant;

- any financial and/or emotional dependence of the Participant on the coach or official;
- the ability of the coach or official to influence the progress, outcomes or progression of the Participant's performance and/or career;
- the extent of power imbalance between the Participant and coach or official; and
- the likelihood of the relationship having an adverse impact on the Participant and/or other Participants.

It will often be difficult for a coach or official involved in an intimate relationship with an adult Participant to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from the MPO or any other WBA senior manager to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between a coach or official and an adult Participant is inappropriate or unprofessional WBA may take disciplinary action against the coach or official up to and including dismissal. Action may also be taken to stop the coaching relationship with the Participant. This could include a transfer, a request for resignation or dismissal from coaching duties.

If a coach, official or Participant believes they are being, or have been, harassed they are encouraged to seek information and support from the MPO, or another WBA official. The WBA complaints procedure is outlined in Part D1 of this policy.

Pregnancy

Everyone bound by this policy must treat pregnant women with dignity and respect and any unreasonable barriers to participation by them in basketball should be removed. WBA will not tolerate any Discrimination or Harassment against pregnant women.

While many sporting activities are safe for pregnant women, WBA will advise pregnant women that there may be risks involved with their continuing participation in the sport, and WBA will encourage them to obtain medical advice about those risks. Those risks will depend on the nature of the sporting activity and the pregnant woman's particular circumstances. WBA will take reasonable care to ensure the continuing safety, health and wellbeing of pregnant women. Pregnant women should be aware that their own health and wellbeing, and that of their unborn Children, should be of utmost importance in their decision making about the way they participate in basketball.

WBA recommends that pregnant women wanting to participate in basketball consult with their medical advisors, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation. WBA will only require pregnant women to sign a disclaimer if WBA requires other Participants to sign one in similar circumstances. WBA will not require women to undertake a pregnancy test.

Bullying

WBA is committed to providing an environment that is free from bullying. Bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and WBA therefore regards bullying in all forms as unacceptable in basketball.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or a group.

Whilst generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated, or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal Abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological Harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. WBA will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Frustration at a judge, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a Complaint – to the relevant controlling club, or state association.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a Complaint. Our Complaints procedure is outlined in Part D1 of this policy.

Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements. In some cases, bullying is regarded as a criminal offence punishable by imprisonment, amongst other things.

Gender Identity and Intersex Status

WBA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. Everyone bound by this policy must treat people who identify as Transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Descriptions of the types of behaviour which could be regarded as Transgender Discrimination or Harassment are provided in the Glossary of Terms and include trans, Transgender and gender diverse.

Gender identity Discrimination and Harassment

Federal, state and territory anti-Discrimination laws provide protection from Discrimination against people on the basis of their gender identity.

We will not tolerate any unlawful Discrimination or Harassment of a person because of their gender identity.

All persons, regardless of gender identity, are entitled to be treated fairly and with dignity and respect at all times. WBA will not tolerate any unlawful Discrimination or Harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or has an association with someone who has or is assumed to be Transgender or transsexual. WBA expects all people bound by this policy to act with sensitivity when a person is undergoing gender transition/affirmation.

If any person believes that they are being, or have been, harassed or discriminated against by another person or organisation bound by this policy because of their gender identity, they may make a Complaint.

The Complaints procedure is outlined in Part D1 of this policy.

Participation in sport

WBA recognises that excluding people from participating in sporting events and activities because of their gender identity may have significant implications for their health, wellbeing and involvement in community life. WBA is committed to supporting participation in our sport on the basis of the gender with which a person identifies.

If issues of performance advantage arise, WBA will consider whether the established Discrimination exceptions for participation in sport are relevant in the circumstances. Discrimination is unlawful unless an exception applies.

WBA is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a Transgender person intends competing at an elite level, WBA will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by WBA.

Drug testing procedures and prohibitions also apply to people who identify as Transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard

Therapeutic Use Exemption.

Intersex status

Federal anti-Discrimination law provide protection from Discrimination against a person on the basis of their Intersex status.

WBA is committed to providing a safe, fair and inclusive sporting environment where all people can contribute and participate. WBA will not tolerate any unlawful Discrimination or Harassment of a person because of their Intersex status

Responsible service and consumption of alcohol

WBA is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. WBA also recommend that Affiliated Clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, the policy is that:

- alcohol should not be available or consumed at sporting events involving Children;

- alcohol-free social events be provided for Children and families;
- food and low-alcohol and non-alcoholic drinks be available at events WBA hold or endorse where alcohol is served;
- a senior WBA personnel is present at events WBA holds or endorses where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed; and safe transport options be promoted as part of any event WBA holds or endorses where alcohol is served.

Guidance can be obtained from the “Alcohol Management Policy” available at <http://www.playbytherules.net.au/resources/club-toolkit>.

Smoke-free and vaping free environment

WBA is committed to providing a safe and healthy environment at all sporting and social events that WBA holds or endorses.

The following policies should be applied to WBA run or endorsed sporting and social events (and smoking refers to all smoking devices including e-cigarettes / vaping):

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18. This policy shall apply to coaches, players, trainers, officials, contractors and volunteers;
- Social functions shall be smoke free, with smoking permitted at designated outdoor smoking areas, in line with the relevant legislation;
- Coaches, officials, trainers, contractors, volunteers and players will refrain from smoking and remain smoke free while wearing official WBA uniform and/or while involved in an official capacity for any of WBA, Affiliated Club or representative team, during competition.

Illegal and Performance Enhancing Drugs

Unfortunately, illegal drugs are used by many people in the community, including young adults, so it is likely that some participants in basketball will have access to them. Currently there are two distinct but related illegal drug issues confronting sporting clubs:

- performance enhancing drugs; and
- illegal drugs used for social purposes.

These two categories are not mutually exclusive. Some illegal drugs used for social purposes (such as amphetamines, e.g., speed) may be used to enhance sporting performance.

- All requirements of ASADA must be adhered to by all Members;
- The possession, use, distribution or selling of illegal drugs for any purposes on Affiliated Club premises, or at any function or activity organised by WBA or any Affiliated Club, is wholly prohibited.
- In the case of an incident involving an illegal drug, the initial actions and responses of WBA or any Affiliated Club will focus on the safety and welfare of those directly and indirectly involved. All responses and actions will reflect the sport's duty of care to participants.
- WBA will investigate all apparent or alleged breaches of this policy consistent with the principles of Natural Justice (where appropriate) and determine a course of action after all relevant facts and circumstances are known.
- WBA may refer a person who is involved in illegal drug use to a medical or health service for assistance or, wherever necessary, to the relevant authorities such as Police.
- If it is suspected or known that a person is involved in supplying illegal drugs, the relevant authorities will be notified immediately.
- In the interests of health and safety, WBA will contact the parents/guardian of a minor where apparent or suspected illegal drug use has occurred (unless by doing so it will place the safety of the individual at risk of greater harm).
- If the person is aged over 18 years, WBA will decide whether contacting parents or guardian is in the best interests of the individual. In this circumstance, WBA will determine each case on its merits.

Social Networking Websites

WBA acknowledges the enormous value of social networking to promote basketball and celebrate the achievements and successes of the people involved.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes but is not limited to social networking websites such as Facebook, Instagram, Snapchat and Twitter.

WBA requires that all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to Basketball.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane,

harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;

- must not contain material which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- must respect and maintain the privacy of others; and
- must promote the sport in a positive way.

Recruitment and Screening

WBA will ensure that the organisation takes all reasonable steps to ensure it engages the most suitable and appropriate people, especially for those who work with Children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with Children. See Section 13 of the Child Safe Policy for detailed information regarding WBA's screening and working with children check policy.

WBA actively encourages applications from indigenous people, people from culturally and/or linguistically diverse backgrounds and people with a disability.

1.7 Complaints Handling

Child Abuse and Misconduct with a Child Allegations

WBA has zero tolerance of Child Abuse, and WBA will treat all allegations of Child Abuse and/or misconduct with children seriously, consistently and with a high degree of sensitivity.

You must refer to the Child Safe Policy for detailed guidelines on handling these allegations.

Handling Complaints

WBA aims to provide a simple, fair and transparent procedure to make and handle Complaints based on the principles of procedural fairness (Natural Justice). Any person (a Complainant) may report a Complaint about a person/s or organisation bound by this policy (Respondent). All Complaints will be dealt with promptly, seriously, sensitively and confidentially.

A complaint should be dealt with at the relevant level. Therefore, if a Complaint relates to behaviour or an incident that occurred at the club level or involves people operating at the club level, then the Complaint should be reported to and handled by the relevant club in the first instance.

Matters that relate to or occur at the Victorian level, including any incidents that occur at a WBA organised event, and any case from Affiliated Club level that has been:

- referred to WBA; and
- specifically accepted by WBA in writing,

will be dealt with by WBA.

Further to the above, WBA may at its absolute discretion determine whether it will consider a Complaint referred to it or direct it back to the referring body (or some other organisation/person).

A Complaint may be dealt with informally or formally. Refer to Part D of this policy for the procedure to make informal and formal Complaints.

Individuals and organisations may also pursue their Complaint externally under anti-Discrimination, Child protection, criminal or other relevant legislation.

Vexatious Complaints and Victimisation

WBA takes Complaints under this policy seriously. Any Complaint not made on a proper basis, or in good faith, or motivated by malice or aimed at being “payback” or vindictive may lead to disciplinary action being taken against the person lodging the Complaint.

WBA aims for its Complaints procedure to have integrity and be free of unfair repercussions or victimisation against any person making a Complaint or against any Respondent.

WBA will take all necessary steps to make sure that people involved in a Complaint (either as a Complainant or Respondent) are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a Complaint or supporting another person’s Complaint.

WBA Tribunal Hearing

A WBA Tribunal Hearing may be convened to hear a formal Complaint referred to it by the WBA General Manager (or their delegated person responsible). The WBA General Manager (or their delegated person responsible) has the sole discretion to determine whether a Complaint is:

- referred to the WBA Tribunal under this policy; or
- not suitable for referral to the WBA Tribunal.

The WBA Discipline By-Law is outlined in Attachment D4 of this policy.

Appeals

A Respondent or Complainant may lodge an appeal to the WBA Appeals Officers only in accordance with the Appeals By-Law in Attachment D5 of this policy. The decision of the WBA Appeals Officers is final and binding.

The appeals process is outlined in Attachment D5 of this policy.

Every organisation bound by this policy will recognise, respect and enforce any decision of the Board, WBA General Manager, the WBA Tribunal Hearing and the WBA Appeals Officers under this policy.

1.8 What is a breach of this policy

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- breaching the Codes of Behaviour (Roles and Responsibilities) that can be found in Part B of this policy;
- bringing the sport and/or WBA into disrepute, or acting in a manner likely to bring the sport and/or WBA into disrepute;
- failing to follow WBA policies (including this policy) and procedures for the protection, safety and welfare of children (including the Child Safe Policy);
- discriminating against, harassing or bullying (including cyber bullying) any person;
- victimising another person for making a Complaint;
- engaging in a sexually inappropriate relationship with a person that they supervise, or have influence, authority or power over;
- verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- disclosing to any unauthorised person or organisation any WBA information that is of a private, confidential or privileged nature;
- making a Complaint they know to be untrue, vexatious, malicious or improper;
- failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy; or
- failing to comply with a direction given to the individual or organisation during the investigation and/or discipline process; or
- providing false or misleading information in a Member Protection Declaration, Working With Children Check, or in completing any other WBA document.

1.9 Disciplinary Measures

- If an individual or organisation to which this policy applies breaches this policy or the Child Safe Policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this policy must:
 - be applied consistent with any contractual and employment rules and requirements;
 - be fair and reasonable;
 - be based on the evidence and information presented and the seriousness of the breach; and
 - be determined in accordance with the WBA Constitution, By Laws, this policy and/or rules of the sport.

1.10 Individual Disciplinary Measures

Subject to contractual and employment requirements, if a finding is made by the Affiliated Club or WBA (i.e., the WBA General Manager, WBA Board or a WBA Tribunal) that an individual has breached this policy or the Child Safe Policy, one or more of the following forms of discipline may be imposed:

- a direction that the individual makes a verbal and/or written apology;
- a written warning;
- a direction that the individual attend counselling or undergo training to address their behaviour;
- a withdrawal of any Award, placing, record, achievement bestowed in any tournament, activity or event held or sanctioned by WBA and/or the Affiliated Club;
- a demotion or transfer of the individual to another location, role or activity;
- a suspension of the individual's membership or participation or engagement in a role or activity;
- a termination of the individual's membership, appointment or engagement;
- in the case of a Technical Member, a direction that their accreditation be suspended for a period of time or permanently;
- a fine; and/or
- any other form of discipline it considers appropriate.

A decision made by an Affiliated Club is rendered void if WBA (i.e., the WBA General Manager, WBA Board or a WBA Tribunal) makes a determination on the same particular matter.

For matters that relate to employment or contracts for services the matter will not be dealt with by WBA but must be dealt with by the relevant parties. WBA will determine whether the matter can be heard by WBA or is a matter that must be dealt with by the club.

1.11 Organisation Disciplinary Measures

If a finding is made that an Affiliated Club has breached its own or this policy or the Child Safe Policy, one or more of the following forms of discipline may be imposed by the WBA General Manager (or their delegated person responsible) or a WBA Tribunal:

- a written warning;
- a fine;
- suspension
- a direction that any rights, privileges and benefits provided to that organisation by WBA be suspended for a specified period or permanently;
- a direction that any funding granted or given to it by WBA cease from a specified date (or for a specified period);
- a direction that WBA cease to sanction events held by or under the auspices of that organisation;
- a recommendation its membership of WBA be suspended or terminated in accordance with the relevant constitution or rules; and
- any other form of discipline that the WBA General Manager (or their delegated person responsible) or WBA Tribunal considers to be reasonable and appropriate.

1.12 Factors to Consider in Disciplinary Measures

The form of discipline to be imposed on an individual or organisation will depend on factors such as:

- nature and seriousness of the breach;
- if the person knew or should have known that the behaviour was a breach;
- level of contrition;
- the effect of the proposed disciplinary measures on the person including any personal professional or financial consequences;
- if there have been relevant prior warnings or disciplinary action;
- ability to enforce discipline if the person is a parent or spectator (even if they are bound by the policy); and

- any other mitigating circumstances.

1.13 Glossary of Terms

This Glossary of Terms sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words.

Abuse is any form of Harassment and includes harm, bullying, emotional or psychological abuse, neglect, physical abuse, family violence, sexual abuse, grooming, and/or sexual exploitation.

Affiliated Club has the meaning outlined in the provisions of the WBA Constitution for “Club Members”.

Affiliated Club Complaint Handler means any person who has been designated responsibility by the relevant affiliated club authority (e.g., Board/GM etc.) to handle a complaint

Award means a trophy, medal, or participation award that is conferred for merit, usually after a decision made by a committee of judges etc.

Board means the Board of WBA as constituted from time to time

Child (or Children) means a person(s) who is under the age of 18 years (which, for the avoidance of doubt, includes young people under the age of 18 years), unless otherwise stated under the law applicable to the child.

Child abuse involves conduct which puts children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms, including verbal and physical actions and by people failing to provide them with basic care. Child abuse may include harm, bullying, emotional or psychological abuse, neglect, physical abuse, family violence, sexual abuse, grooming, and/or sexual exploitation.

Refer to the Section 14 of the Child Safe Policy for details of the various forms of Child Abuse.

Codes of Behaviour means the Codes of Behaviour outlined in Attachments B2 to B8 of this policy and Attachment H of the Child Safe Policy.

Complaint means a Complaint made according to the Complaints Handling Procedure that can be found in Part D1 of this policy.

Complainant means a person making a Complaint.

Director means a person appointed or elected as a director on the Board in accordance with the WBA Constitution.

Discrimination occurs when someone is treated unfairly or less favourably than another person in the same or similar circumstances because of a particular personal characteristic

Under Federal law, it is against the law to discriminate against someone because of their:

- age;
- disability;
- family/carer responsibilities;
- gender identity/Transgender status;
- homosexuality and sexual orientation;
- marital status;
- irrelevant medical record;
- irrelevant criminal record;
- political belief/activity;
- pregnancy and breastfeeding;
- race;
- religious belief/activity;
- sex or gender;
- social origin; or
- trade union membership/activity.

In Victoria, it is also against the law to discriminate against someone because of their:

- employment activity;
- lawful sexual activity;
- physical features;
- expunged homosexual conviction; or

- personal association with someone who has, or is assumed to have, one of these personal characteristics.

Examples of Discrimination are available on the Play by the Rules website:

www.playbytherules.net.au/legal-stuff/discrimination

It is also a breach of Discrimination law to victimise a person who is involved in making a Complaint of Discrimination or Harassment.

Some exceptions to Victorian and Federal anti-Discrimination law apply.

WBA means Waverley Basketball Association

WBA Constitution means the Constitution adopted by WBA Members as amended from time to time.

WBA Discipline Committee means the committee constituted under Part D of this policy.

Harassment is any type of behaviour that the other person does not want and is likely to make the person feel intimidated, insulted or humiliated. Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or some other characteristic (see characteristic list under Discrimination above).

Harassment may be a single incident but is usually repeated. It may be explicit or implicit, verbal or non-verbal and includes electronic communication.

Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination or Harassment may also be against the law.

Public acts of racial hatred which are reasonably likely to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, Participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability – see vilification.

Intersex means a person with a variation in sex characteristics including chromosomes, gonads, or genitals that do not allow an individual to be distinctly identified as male or female.

Life Member has the meaning outlined in the provisions of the WBA Constitution.

Mediator means an impartial/neutral person appointed to talk through the issues and resolve the matter on mutually agreeable terms.

Member means a member of WBA as set out in clause 6 of the WBA Constitution.

Member Protection Officer or MPO means a person trained to be the first point of contact for a person reporting a Complaint under, or a breach of, this policy. He or she provides impartial and confidential support to the person making the Complaint.

Natural justice (also referred to as procedural fairness) incorporates the following principles:

- the Respondent must know the full details of what is being said against them and any alleged breach of any rules, regulations or policies and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may judge their own case;
- the decision maker/s must be unbiased, fair and just; and
- the penalties imposed must be fair.

Respondent means the person who is being complained about.

Participant means a person who participates in the Sport of basketball including, but not limited to, athletes.

Sexual Harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual Harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual Harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual Harassment.

Sexual harassment needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a Child through prostitution; and
- 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape;
- Indecent assault;
- Sexual assault;
- Assault with intent to have sexual intercourse;
- Incest;
- Sexual penetration of child under the age of 16;
- Indecent act with child under the age of 16;
- Sexual relationship with child under the age of 16;
- Sexual offences against people with impaired mental functioning;
- Abduction and detention;
- Procuring sexual penetration by threats or fraud;
- Procuring sexual penetration of child under the age of 16;
- Bestiality;
- Soliciting acts of sexual penetration or indecent acts;
- Promoting or engaging in acts of child prostitution;
- Obtaining benefits from child prostitution;
- Possession of child pornography; or
- Publishing child pornography and indecent articles.

Referee has the meaning outlined in the provisions of clause of the WBA Constitution.

This policy means this Member Protection Policy.

Transgender is a general term applied to individuals and behaviours that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a Complaint under Government legislation (e.g. anti-discrimination) or under this policy, or for supporting such as person.

2. PART B – CODE OF ETHICS AND CODES OF BEHAVIOUR

WBA strives to provide a safe, fair and inclusive environment for everyone involved in our organisation and in basketball.

This includes providing everyone involved in our organisation and in our sport including Children with a positive and enriching sporting environment that promotes their participation and development in the sport. WBA is committed to safeguarding everyone involved in our organisation and in our sport and ensuring that all Participants and Members feel and are safe.

WBA requires certain standards of behaviour by all persons involved in our organisation and in our sport. These codes of behaviour are underpinned by the following core values:

- To act within the rules and spirit of our sport;
- To display respect and courtesy towards everyone involved in our sport and prevent Discrimination and Harassment;
- To prioritise the safety and well-being of Children involved in our sport;
- To report any behaviour that is a breach of this code to help prevent the Abuse of Children in our sport;
- To encourage and support opportunities for participation in all aspects of our sport.

WBA has developed an over-arching Code of Ethics, (Attachment B1), that all Members and all persons bound by this policy are expected to adhere to.

WBA has also developed a series of Codes of Behaviours, (Attachments B2 – B8), detailing the roles and responsibilities of the various sections of our membership:

- Coaches
- Referees
- Participants
- Administrators and Volunteers

- Directors
- Parents/Guardian and
- Spectators.

WBA has taken additional steps to ensure that its personnel strive for the highest possible standards with respect to safeguarding Children from Abuse by developing further Codes of Behaviour to identify behaviours to ensure the safeguarding of Children. These Codes of Behaviour can be found at Attachment G of the Child Safe Policy and must be read in conjunction with this policy.

WBA considers a failure to observe any of these Codes as misconduct and may take appropriate disciplinary action under this policy. In addition to any internal disciplinary proceedings, WBA will report to the police all instances in which a breach of the law has or may have occurred.

3. ATTACHMENT B1: CODE OF ETHICS

Members, Affiliated Clubs or a person required to comply with this policy must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA or an Affiliated Club and in any role, you hold within WBA or an Affiliated Club:

- Respect the rights, dignity and worth of others;
- Conduct themselves in line with WBA's values;
- Be fair, considerate and honest in all dealings with others;
- Be professional in, and accept responsibility for, their actions;
- Make a commitment to providing quality service;
- Maintain a duty of care (and follow any safety guidelines) to others involved in WBA and the Affiliated Clubs (where a duty of care applies);
- Be aware of, and maintain an uncompromising adherence to WBA's standards, rules, regulations and policies including this policy and the Child Safe Policy;
- Establish and maintain an environment that is safe for the conduct of activities for Children;
- Operate within the rules of the sport including national and international guidelines that govern WBA and the Affiliated Clubs;
- Show concern and caution towards others who may be sick or injured;
- Show concern for the health, safety and welfare of members and participants;
- Give all people equal opportunities to participate;

- Be a positive role model, demonstrating a high degree of individual responsibility (especially when dealing with children), understanding that their words and actions are an example;
- Wear their uniform, accreditation and identification card/pass/badge while involved in delivering basketball services or as required by an affiliated member (such as when representing WBA or any Affiliated Club at designated functions or to and from work);
- Understand the repercussions if they breach, or are aware of any breaches of, this Code of Ethics;
- Do not shame, humiliate, oppress, belittle, harass or degrade any person, particularly children;
- Do not unlawfully discriminate against any person, especially children, because of culture, race, ethnicity or disability;
- Do not engage in any activity with a Participant that is likely to harm them;
- Do not do anything that brings WBA, or an Affiliated Club of the sport of basketball into disrepute or engage in conduct that is unbecoming;
- Do not use your involvement with WBA or an Affiliated Club to promote your own beliefs, behaviours or practices where these are inconsistent with those of WBA or an Affiliated Club;
- Do not supply alcohol or drugs (including tobacco) to Children participating in basketball events, services or programs; and
- While on duty, do not:
 - use, possess or be under the influence of an illegal drug;
 - use or be under the influence of alcohol;
 - be incapacitated by any other legal drug such as prescription or over-the-counter drugs.

4. ATTACHMENT B2: CODE OF BEHAVIOUR - COACH ROLE AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for Coaches.

All Coaches must meet the following requirements in regard to your conduct during any activity held or sanctioned by WBA or an Affiliated Club and in your role as a Coach appointed by WBA or an Affiliated Club.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment G of the Child Safe Policy

All Coaches must:

Abide by the rules of WBA as set forth in its Constitution, Policies and By-Laws:

- accept any judgments made; and
- use the established procedures for challenging a competitive result, contesting a team selection decision, complaining about the conduct of another Member, or attempting to change policy of WBA.

Direct their observations and recommendations regarding all aspects of Basketball to the appropriate persons for the betterment of the sport:

- be constructive with criticisms and direct comments and observations to the relevant individuals and organisations, to avoid gossip, innuendo and malicious comment; and
- respect the efforts of appointed and elected representatives of WBA and the Affiliated Club.

Represent themselves and their coaching status in an honest and professional manner, without bringing the coaching profession, WBA or the Affiliated Club into disrepute:

- use their accreditation status and Referee Membership to represent their ability in an honest manner, not to gain unwarranted favours; and
- extend professional courtesy to other coaches, Participants and their parents by keeping them informed in matters relevant to Participant's training programs.

Exercise a standard of care consistent with their competence and obligations as a coach:

- coach within the limits of their competence as a coach;
- provide planned and sequential training programs based on the individual developmental needs of Participants;
- modify the training program for injured Participants based on appropriate medical advice when required; and ensure that rules, equipment, length of games and training schedules are modified to suit the age, ability and maturity level of Participants.

Provide a quality service to Participants and to the sport:

- maintain or improve their current National Coaching Accreditation scheme level;
- seek continual improvement through performance appraisal and ongoing coach education;
- honour the responsibilities given to a coach by keeping all relevant qualifications up to date; and
- work to ensure Participants' time spent with them is a positive experience;
- follow the high-performance direction of the WBA Director of Coaching or equivalent where required; and
- provide quality supervision and instruction for Child Participants.

Promote and assist in the development of the coaching profession

- assist others to develop good attitudes, skills and knowledge relating to the sport; and
- promote and assist in the education of other coaches

Put Participants' welfare first; making decisions based on the best interests of your Participants' sporting, education and vocational careers:

- acknowledge the individual talents and potential of Participants;
- ensure Participants and their parents/guardians are informed of their real level of ability and are not given a false impression of their level of current ability or potential;
- provide positive reinforcement and constructive comments rather than use of negative feedback;
- maintain a balanced emphasis of sporting involvement within educational and career objectives; and
- remember that people participate for their enjoyment and benefit. Do not overemphasise Awards.

Show leadership, and support efforts to remove the abuse of drugs in sport:

- abide by the regulations of the relevant national and international sporting and government bodies; and
- respect the health and dignity of Participants to compete on the basis of their abilities; within the rules of the sport of basketball.

5. ATTACHMENT B3: CODE OF BEHAVIOUR - PARTICIPANT ROLE AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for Participants.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment G of the Child Safe Policy.

All Participants must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA, or an Affiliated Club.

- do not initiate or tolerate acts of aggression;
- respect the talent, potential and development of fellow Participants and Participant;
- care for and respect the equipment provided to them as part of their program/activity;
- be frank and honest with their coach concerning illness and injury and your ability to train fully within the program requirements;
- conduct yourself in a professional manner relating to language, temper and punctuality;
- maintain high personal behaviour standards at all times;
- abide by the rules and respect the decisions of the official, making all appeals through the formal process and respecting the final decision;
- be honest in their attitude and preparation to training;
- work equally hard for themselves and their team; and
- cooperate with coaches and staff in the development of programs to adequately prepare you for competition at the highest level.

6. ATTACHMENT B4: CODE OF BEHAVIOUR – ADMINISTRATORS AND VOLUNTEERS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for paid administrators and volunteers.

All administrators and volunteers must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA or an Affiliated Club and in your role as a paid administrator or volunteer official of WBA or an Affiliated Club.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment H of the Child Safe Policy.

All paid administrators and volunteers must meet the following requirements:

- adopt a collaborative and consultative approach to planning, leadership, management, administration and decision making
- create accessible pathways for people to participate in sport, not just as an Participant but as a coach, referee, administrator or any other role;
- ensure that rules, equipment, length of activities and training schedules are modified to suit the age, ability and maturity level of participants;
- ensure an environment that provides quality supervision and instruction for Child Participants;
- remember that people participate for their enjoyment and benefit. Do not overemphasise Awards;
- help coaches and officials highlight appropriate behaviour and skill development and help improve the standards of coaching and judging;
- ensure that all involved in the sport emphasise fair play, not winning at all costs;
- support implementation of all policies and procedures of WBA and the Affiliated Club; and
- make it clear that any breach of this policy including Abuse, bullying or Harassment is unacceptable and may result in disciplinary action.

7. ATTACHMENT B5: CODE OF BEHAVIOUR – DIRECTORS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for Directors.

All Directors must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA or an Affiliated Club and in their role as a Director.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment H of the Child Safe Policy.

Directors will:

- at all times conduct themselves showing courtesy and respect for and of others;
- discharge their fiduciary duties in the best interests of the members of WBA as a whole;
- acknowledge that they represent only the Board and do not and cannot represent other or individual constituents including any with which they have previously been involved with and/or associated;
- conduct yourselves independently and free from undue influence at all times;
- act in good faith at all times;
- exercise due care and diligence in all matters;
- meet WBA's federal and Victorian statutory obligations;
- declare and manage appropriately any conflict of interest which may arise when:
 - a Director or his/her immediate family or business stand to gain financially from any business dealings, programs or services provided to WBA;
 - a Director offers a professional service to WBA;
 - a Director stands to gain professionally or personally from any knowledge derived from his or board position if that knowledge is used for personal or professional advantage; or
 - a Director holds a position in another basketball organisation which deals with WBA;
- disclose upon election and annually thereafter during their term of appointment all conflicts or potential conflict of interests in the WBA Register of Interests;
- not act independently of WBA without the consent of the Board; and
- participate fully and constructively in the deliberations and decisions of the Board and communicate openly to achieve WBA's goals.

8. ATTACHMENT B6: CODE OF BEHAVIOUR – PARENTS AND GUARDIANS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for parents and guardians.

All parents and guardians must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA or an Affiliated Club and in their role as a parent or guardian of any Member or Participant.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment H of the Child Safe Policy.

As a parent or guardian of a Participant you must meet the following requirements in regard to their conduct during any activity or event:

- remember that their Child participates in sport for the Child's own enjoyment, not that of the parent or guardian;
- focus on their Child's efforts, participation and enjoyment rather than winning or losing;
- never ridicule or yell at their child or any other Children for making a mistake or losing a competition;
- show appreciation for good performance by all Participants (including opposing Participants);
- show appreciation and respect for volunteers, coaches, referees and administrators;
- respect officials' decisions and teach Children to do likewise;
- respect WBA administrators and abide by their decisions; and
- allow fellow parents the respect they deserve in their viewing of or involvement in their Child's participation.

9. ATTACHMENT B7: CODE OF BEHAVIOUR – SPECTATORS ROLES AND RESPONSIBILITIES

In addition to adhering to and following all procedures contained within WBA's Code of Ethics (Attachment B1) that is applicable to all people bound by this policy, this specific Code of Behaviour has been developed for spectators.

This Code of Behaviour should be read in conjunction with the Codes of Behaviour related to Children that can be found in Attachment H of the Child Safe Policy.

All Spectators must meet the following requirements in regard to their conduct during any activity held or sanctioned by WBA or an Affiliated Club:

- focus on the Participants' efforts and performance rather than winning or losing;
- never ridicule or yell at Participants for making a mistake or not winning a competition;

- show appreciation for good performance by all participants (including opposing Participants);
- respect officials' decisions and teach others to do likewise;
- show appreciation and respect for volunteers, coaches, referees and administrators;
- review the photographic policy for the appropriate event, Affiliated Club or WBA before taking photos or videos of participants; and
- allow fellow spectators the respect they deserve in their viewing of the game.

10. PART C: MEMBER PROTECTION DECLARATION

Waverley Basketball Association (**WBA**) has a duty of care to all those associated with the sport of basketball at the Victorian level and to the individuals and organisations to whom the Member Protection Policy (**Policy**) applies. As a requirement of the Policy, WBA must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with Children. All capitalised terms in this Member Protection Declaration have the same meaning as defined in the policy.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions whatsoever including findings of guilt for Sexual Offences, offences related to Children or acts of violence.
3. I:
 - have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or Harassment, other forms of harassment or acts of violence; or
 - had disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of Harassment or acts of violence and have **attached** to this declaration all information and documentation relating to the same (including without limitation correspondence from the relevant body imposing such disciplinary proceedings or measures) as applicable.
4. I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.

6. To my knowledge there is no other matter that WBA may consider to constitute a risk to its members, employees, volunteers, Participants or reputation by engaging me.

7. I will notify the GM of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in paragraphs 1 to 6 above has changed.

8. I acknowledge that WBA relies on my answers to the above questions being truthful and accurate. Any false or misleading answers I provide will constitute a breach of this Member Protection Policy.

Declared in the *State/Territory of*

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my Child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....Date:

11. PART D: COMPLAINT HANDLING PROCEDURES

To ensure due process and consistency and to ensure that the principles of Natural Justice are followed in all aspects of handling or conducting Complaints, allegations, investigations, appeals and disciplinary measures, WBA will follow the procedures as detailed below.

For allegations and Complaints regarding Child safety matters – the process outlined in the Child Safe Policy will be implemented

12. ATTACHMENT D1: COMPLAINTS PROCEDURE

WBA will deal with all Complaints in a fair, timely and transparent manner. All Complaints will be treated seriously.

WBA will provide individuals with either an informal (refer to Attachment D1A in this policy) or formal process (refer to Attachment D1B in this policy) to resolve the matter, along with access to an external Complaint handling and/or investigation body if required, based on the nature of the Complaint and WBA's rules and regulations.

Any costs incurred by a person involved in the Complaints procedure must be borne by that person.

All Complaints will be kept confidential and will not be disclosed to another person outside of WBA without the Complainant's consent except if the law requires disclosure or if disclosure is necessary to effectively deal with the Complaint.

WBA will take all reasonable steps to ensure that no one is victimised for making, supporting or providing information about a Complaint.

Individuals and organisations may also pursue their Complaint externally under anti-Discrimination, Child protection or other relevant legislation.

If a Complainant wants to remain anonymous, WBA may have difficulty assisting them to resolve their Complaint. Natural Justice means that WBA is required to provide a Respondent with full details of the Complaint, to provide them a fair and reasonable chance to respond.

13. ATTACHMENT D1A: INFORMAL APPROACH TO MAKING A COMPLAINT

13.1 Step 1: Talk with the other person (if safe, reasonable and appropriate)

In the first instance, the Complainant should try to speak about the problem and seek a resolution with the Respondent (if they feel able to do so). If the Complainant does not feel able to do so, they should move to Step 2:

13.2 Step 2: Contact a Member Protection Officer

Complainants must talk with one of either WBA's Member Protection Officers or the Affiliated Club's Member Protection Information Officer - depending on the issue (MPOs) if:

- Step 1 is not possible/reasonable;
- they are not sure how to handle the problem by yourself;
- they want to talk confidentially about the problem with someone and obtain more information about their options; or
- the problem continues after they attempt to approach the Respondent.

The MPO will:

- take confidential notes about the Complaint;
- try to find out the facts of the problem;
- ask what outcome/how the Complainant wants the problem resolved and if they need support;
- provide possible options for the Complainant to resolve the problem;
- act as a support person if requested;
- refer the Complainant to an appropriate person (e.g., Mediator) to help you resolve the problem, if necessary;
- inform the relevant government authorities and/or police if required by law to do so;
- if received by WBA and if appropriate direct the complaint to the Affiliated Club for it to deal with;
- pass on the Complaint to the relevant authority if requested to do so by the Complainant (and the Complaint will then become formal); and

- maintain confidentiality (except if the law requires disclosure or if disclosure is necessary to effectively deal with the Complaint).

13.3 Step 3: Decide how to address the concern(s)

After talking with the MPO, the Complainant may decide to withdraw your Complaint because:

- there is no problem;
- the problem is minor, and they do not wish to take the matter forward;
- the Complainant decides to try and work out their own resolution (with or without a support person such as an MPO) in which case, the MPO will close the informal Complaint in accordance with Step 4a below.

If the Complainant does not withdraw his/her Complaint in accordance with this Step 3, the MPIO may decide to progress the matter to a formal approach in accordance with Step 4b below.

13.4 Step 4a: Closing, review and record keeping

At the time of closing the informal approach, the MPO, will record the Complaint using Attachment E1. This will then be filed securely.

13.5 Step 4b: Progress to a formal approach

Refer to Attachment D1B of this policy which sets out the formal approach to making and dealing with a Complaint.

14. ATTACHMENT D1B: FORMAL APPROACH TO MAKING AND DEALING WITH A COMPLAINT

14.1 Step 1 Making a Formal Complaint

If a Complaint is not resolved by informal means or if informal approaches are not appropriate or possible, the Complainant may:

- make a formal Complaint in writing to either WBA by sending their formal Complaint direct to the WBA Competitions Manager with the words "FORMAL COMPLAINT" written clearly in the subject heading, or the relevant Affiliated Club Complaint Handler – if appropriate, and outlining:
 - the alleged breach as set out in this policy;

- if applicable, the particular section of the relevant Code of Ethics, Code of Behaviour and/or WBA policy which they believe have been breached; and
- the outcome(s) or resolution they are seeking; or
- make a formal Complaint through an MPO; or
- approach a relevant external agency such as an anti-Discrimination commission, for advice.

14.2 Step 2 Receiving a Formal Complaint

On receiving a formal Complaint, and based on the material the Complainant(s) has provided, (and where required legal advice sought) the WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler will decide:

- whether the matter should be referred to an Affiliated Club or WBA;
- whether the Complaint is false, misleading or vexatious;
- who is the most appropriate person to handle the Complaint; and
- how the Complaint will be dealt with. Based on the nature and seriousness of the Complaint one or more of the following decisions may be made:
 - refer the Complaint to the relevant Affiliated Club;
 - refer the Complaint to mediation (refer to Attachment D2 for procedure);
 - conduct an investigation internally (refer to Attachment D3 for procedure);
 - appoint an independent external person to investigate (and/or gather more information on) the Complaint (refer to Attachment D3 for procedure);
 - refer the Complaint to the WBA Tribunal for determination, and if the allegations are proven, for determination of disciplinary measures (refer to Attachment D4 for procedure);
 - refer the matter to the police or other appropriate authority. If the Complaint is referred to the police or another external agency, WBA will endeavour to provide all reasonable assistance required by the police or the agency;
 - refer the matter to be dealt with informally (refer to Attachment D1A for procedure);
 - take no further action and close the Complaint;
 - carry out a preliminary fact-finding exercise before making a decision; and/or
 - take any other steps or actions that are appropriate and reasonable in the circumstances.

- In making the decision(s) as to whether an internal or independent external investigation will be conducted, the WBA GM (or their delegated person) or Affiliated Club Complaint Handler - will take the following into account:
 - whether there is any personal involvement or relationships in the circumstances from internal personnel that means that an external investigator should handle the Complaint;
 - the Complainant's requests regarding the manner in which the Complaint should be handled;
 - the relationship between the investigating body and the Respondent (for example an actual or perceived power imbalance with the Respondent);
 - the urgency of the Complaint, including the possibility that the Complainant, may be subject to further unacceptable behaviour while the Complaint process is underway; and
 - the nature and seriousness of the Complaint.

The WBA GM (or their delegated person) or Affiliated Club Complaint Handler - may, at their discretion, implement any interim arrangements while the Complaint process is underway, having regard to applicable risks associated with the Complaint and those involved in the Complaint, in the context of WBA's (and where relevant, the Affiliated Club's) duty of care to its Members and personnel. Any interim arrangement will apply until the Complaint process set out in any of the above procedures is completed. The interim arrangements may include (without limitation):

- ask the person who the Complaint is about to self-suspend or restriction of duties as recommended by the WBA GM;
- suspension, restriction of duties or temporary re-deployment; and/or
- suspension or restriction of rights, privileges and benefits.

14.3 Step 3: Communicating with the Complainant and Respondent

The WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler- will actively communicate the Complaint's progress to the Complainant, and the Respondent, particularly where progress has been delayed

Following consideration of the Complaint, the WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler - will communicate the outcome of the

Complaint to the Complainant and Respondent using the most appropriate method as determined by the WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler.

WBA will include in communication/s to the Complainant, and the Respondent, at the relevant time/s:

- the actions taken by WBA (or Affiliated Club) in response to the Complaint;
- progress of the investigation and expected timelines;
- the outcome(s) / findings of the Complaint investigation; and
- any disciplinary measures imposed.

All communications to the Complainant, and the Respondent must respect the importance of confidentiality and the rights of confidentiality of parties involved as set out in this policy.

14.4 Step 4: Documenting the resolution

WBA (or where relevant, the Affiliated Club) will document the Complaint, the process and the outcome. This document will be stored in a confidential and secure location. If the Complaint was dealt with at an Affiliated Club level, the information will be stored with the Affiliated Club, but WBA can request a copy at any time.

15. ATTACHMENT D2: MEDIATION

Mediation is a process that seeks to resolve Complaints with the assistance of an impartial person – a Mediator.

The Mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, they help those involved discuss the issues and seek to facilitate a mutually agreeable solution.

WBA recognises that there are some situations where mediation may not be appropriate, including:

- when the people involved have completely different versions of the incident;
- when one or both parties are unwilling to attempt mediation;
- when there is a real or perceived power imbalance between the people involved;
- or
- that matter involves serious allegations,

In which case, it will consider an alternate method as set out in paragraph (d) of Step 2 in Attachment D1B to progress the Complaint.

If, however, WBA (or if the Affiliated Club is handling the complaint, the Affiliated Club) considers that mediation is appropriate, it will proceed with the following steps.

15.1 Step 1: Appointment of a Mediator

- The WBA GM (or delegated person responsible) or Affiliated Club Complaint Handler - will determine whether to refer the Complaint to mediation. If so the GM (or delegated person responsible) will appoint an appropriate Mediator to help resolve the Complaint. This will be done under the direction of WBA and in consultation with the Complainant(s) and the Respondent(s).
- The Mediator will be an independent person in the context of the Complaint; however this does not preclude a person with an association with WBA from acting as Mediator.
- An individual who is a Member of WBA or a Director may be appointed as a Mediator.
- The Mediator must be agreed to by all parties. In the absence of agreement on a Mediator:
 - in the case of a Complaint between an Affiliated Club and another Affiliated Club, a person will be appointed by the WBA GM (or their delegated person responsible), except if a Director is directly connected with or involved with either party; or
 - if a Director is directly connected with a party, a person who is not connected with either party may reasonably be considered to be impartial and shall be appointed by the WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler.

15.2 Step 2: Mediation process

- The parties to mediation must, in good faith, attempt to settle the Complaint by mediation.
- The Mediator will talk with the Complainant(s) and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the Mediator will prepare an agenda of issues to be discussed.

- In conducting the mediation, the Mediator must:
 - give all parties to the mediation process every opportunity to be heard; and
 - allow due consideration by all parties of any written statement/s submitted by any party.
- All issues raised during mediation will be treated confidentially. WBA also respects the rights of the Complainant(s) and the Respondent(s) to pursue an alternative process if the Complaint is not resolved through mediation.
- The parties to a mediation shall not be permitted to be legally represented but may have a support person with them, provided that person is not legally qualified unless WBA's (or the Affiliated Club's - depending on who is handling the complaint) express consent is given in its absolute discretion and on such conditions as it considers appropriate.

15.3 Step 3a: Resolution of Mediation

- If the Complaint is resolved by mediation, where appropriate the Mediator may seek to ensure the parties execute a document that sets out the agreement that has been reached. This agreement will be signed by the Complainant(s) and the Respondent(s). WBA expects the parties involved to respect and comply with the terms of the agreement.
- Following resolution of the Complaint by mediation, refer to sections 14.3 and 14.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

15.4 Step 3b: No Resolution through Mediation

- If the Complaint referred to mediation is not resolved at mediation, the WBA GM (or delegated person responsible) or Affiliated Club Complaint Handler - shall reconsider the Complaint in accordance with Step 2 of Attachment D1B.

16. ATTACHMENT D3: INVESTIGATION (INTERNAL AND EXTERNAL) PROCESS

There will be times when a Complaint will need to be investigated and information gathered. The procedure detailed here can be applied to either an internal or external investigation.

Any investigation WBA conducts will be fair to all people involved. The investigation process will be undertaken by an unbiased person as soon as practical.

Consideration will be given to the reliability and consistency of the information collected.

If WBA (or if the Affiliated Club is handling the complaint, the Affiliated Club) decides that a Complaint should be investigated the steps outlined below will be followed:

16.1 Step 1: Appointment of Investigator

- The WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler - will appoint either an internal or an external independent investigator. The investigator should not have a conflict of interest and should have appropriate qualifications, training or experience to investigate the allegation. The WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler - may choose to conduct the investigation themselves or appoint another person.
- The WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler - will provide a written brief to the investigator clarifying the terms of engagement, the investigator's role and responsibilities, scope of the investigation and expected outcomes (e.g. findings and/or recommendations).

16.2 Step 2: Investigation

The investigator should:

- interview the Complainant(s) and record the interview in writing;
- convey full details of the Complaint to the Respondent(s) so that they can respond;
- interview the Respondent to allow them to answer the Complaint and record the interview either by audio recording and/or in writing;
- if required based on conflicting evidence, obtain statements from witnesses and any other relevant evidence and/or re-interview the Complainant(s);

- make a finding as to whether:
 - the Complaint is substantiated (there is sufficient evidence to support the Complaint);
 - there is insufficient evidence either way;
 - the Complaint is unsubstantiated (there is sufficient evidence to show that the Complaint is unfounded); and/or
 - the Complaint is mischievous, vexatious or knowingly untrue.
 - only if requested in the scope of works of the investigation, make recommendations as to suggested next steps that may or may not involve disciplinary action and/or recommend disciplinary action; and
 - provide a report to the WBA GM or Affiliated Club Complaint Handler - documenting the Complaint, investigation process, evidence, finding and, if requested, recommendations and/or disciplinary action.
- The Complainant(s) and the Respondent(s) will be entitled to support throughout the investigation process from their chosen support person/adviser (e.g., MPO or other person) however legal representation will not be allowed.

16.3 Step 3: Outcome of Investigation

On receiving the report from the investigator, the WBA GM (or their delegated person responsible) or Affiliated Club Complaint Handler - may determine what (if any) further action will be taken including (but not limited to):

- imposing any disciplinary measures as they consider appropriate on the Respondent, Complainant or any other person;
- referring the matter to the WBA Tribunal (Refer to Attachment D4 of this policy); or
- taking no further action and closing the Complaint in accordance with this policy.

16.4 Step 4: Report and resolution of the investigation

- WBA (or if the Affiliated Club is handling the complaint, the Affiliated Club) will provide a report to the Complainant(s) and the Respondent(s) documenting:
 - the Complaint, the investigation process and summarising key points in relation to any findings; and
 - a statement of:
 - what, if any, disciplinary measures have been imposed; or
 - whether the Complaint will be referred to the WBA Tribunal to determine what, if any, disciplinary measures should be

imposed (Refer to Attachment D4 of this policy for the WBA Tribunal procedure); or

- whether it has been decided that no further action will be taken.
- Subject to, and in accordance with, the Appeals By-Law in Attachment D5, the Complainant(s) and the Respondent(s) have the right to appeal against:
 - any decision determined by the WBA Tribunal; and
- any decision determined by the WBA GM (or their delegated person responsible).
- In appropriate circumstances, where it has been determined that the Complaint is knowingly false, misleading and/or vexatious the WBA GM (at his/her sole discretion), may determine the Complainant shall be liable for any costs or disbursements related to any process conducted under this policy.
- If the Complaint is resolved following an investigation, refer to sections 15.3 and 15.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

16.5 Step 5: Follow up

After it has provided the report to the Respondent and the Complainant, WBA (or if the Affiliated Club is handling the complaint, the Affiliated Club) may, at the GM's (or their delegated person responsible's) discretion (either in writing or such other means as considered appropriate), follow up to:

- discuss if it is appropriate to refer them to further support following the conclusion of the Complaint process (see Part F);
- monitor compliance with any disciplinary measures imposed; and/or
- communicate any other matters it considers appropriate having regard to all the circumstances of the Complaint and the Complaint process.

17. ATTACHMENT D4: DISCIPLINE BY-LAW

A WBA Tribunal hearing may be convened by the WBA GM (or their delegated person responsible) for the purposes of hearing and determining the matter.

17.1 Matters for referral

The following matters may be referred for determination by the WBA Tribunal:

- any matter as determined by the WBA GM (or their delegated person responsible) in accordance with this policy; or
- any matter where a person or organisation:
 - breached, failed, refused or neglected to comply with a provision of the applicable constitution, the By-laws, this policy or any other resolution or determination of the relevant directors or duly authorised committee;
 - acted in a manner unbecoming of a Member or prejudicial to the objects and interests of WBA, an Affiliated Club or basketball; or
 - brought WBA, or the sport of Basketball into disrepute.

17.2 Step 1: Appoint WBA Tribunal

The WBA GM (or their delegated person responsible) is the only person who can convene a WBA Tribunal

- The WBA Tribunal shall be comprised of 3 persons, being:
 - a person with experience in dispute resolution or suitable experience in the process of determining disciplinary matters within a sport who will act as Chair of the WBA Tribunal;
 - a person with experience and understanding of basketball or another sport which is governed by a Sport Australia recognised National Sporting Organisation; and
 - currently BV Accredited Referee or a former elite player or:
 - a person with legal training
- A person who is connected with any of the parties in a manner the WBA GM considers may affect his/her impartiality shall not participate in the determination of the proceedings in any way.
- The WBA GM (or their delegated person responsible) in their sole discretion will determine appropriate members of the WBA Tribunal and will approach them for their availability.

17.3 Step 2: Referral to WBA Tribunal

- Any referral by the WBA GM (or their delegated person responsible) to the WBA Tribunal shall be in writing and shall be accompanied by any documentary or other evidence that is available to the WBA GM (or their delegated person responsible) at the time of the referral.
- The referral shall be clear and unambiguous, stating precisely the matter to be determined. The WBA Tribunal will be provided with this policy and their attention drawn to this Discipline By-Law (in this attachment D4).
- On receipt of the referral, the Chair of the WBA Tribunal shall, in consultation with WBA Tribunal Hearing Officer and the other members of the WBA Tribunal, determine an appropriate date, time and place for a hearing by the WBA Tribunal or request that WBA does the same.

17.4 Step 3a: Hearing of the WBA Tribunal from direct referral

If the Complaint is referred direct to the WBA Tribunal in accordance with Step 2 in section 14.2(d)(v) of Attachment D1B of this policy, the following procedures shall apply:

- The hearing shall be held as soon as practicable after receipt of the referral, having regard to the opportunity for the Respondent to prepare for the hearing, among other things.
- The chair of the WBA Tribunal shall direct WBA Tribunal Hearing Officer to notify the Respondent in writing of the details of the allegations made against them (including an outline of the Complaint and any rules, regulations or policies alleged to have been breached) and notify all parties of the date, time and place of the hearing and, in addition, advise that each party to the proceedings has the right:
 - to make written submissions not less than 5 days prior to the date of the hearing;
 - to appear at the hearing and be represented by a person who is not legally qualified; and
 - to be represented by a person who is legally qualified solely at the discretion of the WBA Tribunal upon submissions. If legal representation is allowed, this shall be at the full cost of the party requesting the representation.
- The parties must be advised of the hearing procedure determined by the WBA Tribunal at or before the commencement of the proceedings and such hearing may be conducted in person, by teleconference or by video conference or as the parties agree with the WBA Tribunal.

- In the case of a minor it is a requirement that the minor attend the WBA Tribunal hearing with parent, guardian or prior nominated other adult.
- The WBA Tribunal shall conduct the hearing as it sees fit, and in particular shall not be bound by rules of evidence, or unnecessary formality but must observe the principles of Natural Justice at all times.
- The WBA Tribunal may hear such evidence as it thinks fit, and all parties may seek to provide evidence to the WBA Tribunal for consideration.
- The WBA Tribunal may adjourn the hearing for a reasonable time if it considers it appropriate.

17.5 Step 3b: Hearing of the WBA Tribunal from Investigation

If the Complaint is referred to the WBA Tribunal in accordance with section 16.3(b) of Attachment D3 following an investigation conducted in accordance with Step 2 in section 14.2(d)(iii) or 14.2(d)(iv) of Attachment D1B of this policy, the following processes shall apply:

- The WBA Tribunal shall be provided with a copy of the report prepared by the investigator.
- Subject to 17.5 (d) and 17.5 (f) below, the hearing shall be held:
 - 'on the papers' whereby all relevant information is submitted to the WBA Tribunal for determination prior to the hearing and no parties or witnesses shall attend the hearing in person (On the Papers); and
 - as soon as practicable after receipt of the referral, having regard to matters such as the opportunity for the Respondent to prepare their written submissions, among other things.
- The chair of the WBA Tribunal shall direct WBA Tribunal Hearing Officer to notify the Respondent in writing of the details of the allegations made against them (including an outline of the Complaint, the findings made in the investigator's report and any rules, regulations or policies alleged to have been breached) and notify all parties of the date of the hearing and, in addition, advise that:
 - the hearing will be heard On the Papers therefore they are not permitted to attend the hearing; and
 - the Respondent may make written submissions (only) to the WBA Tribunal and therefore the Respondent has the right to make written submissions not less than 7 days prior to the date of the hearing, including, in relation to penalty in accordance with section 17.6(g).

- The parties must be advised of the hearing procedure determined by the WBA Tribunal before the commencement of the proceedings and such hearing may be conducted in person, by teleconference or by video conference or otherwise as determined by the WBA Tribunal.
- The WBA Tribunal shall conduct the hearing as it sees fit, and in particular shall not be bound by rules of evidence, or unnecessary formality but must observe the principles of Natural Justice at all times.
- The WBA Tribunal may consider such evidence as it thinks fit and the Respondent may seek to provide evidence to the WBA Tribunal in their written submissions for consideration.
- The WBA Tribunal may adjourn the hearing for a reasonable time if it considers it appropriate.

17.6 Step 4: Findings

- If the WBA Tribunal, having taken into account the written and verbal submissions (as applicable) and other evidence, is satisfied that an allegation has been proven on the balance of probabilities (i.e., more probable than not) it shall find the allegation proved. If the WBA Tribunal is not satisfied that a particular allegation has been proven, but is satisfied that a lesser allegation has been proven, then the WBA Tribunal may find such lesser allegation proved. Otherwise, the allegation shall be dismissed.
- Where it appears to the WBA Tribunal an error has been made in putting the wrong allegation to the Respondent and the WBA Tribunal, the WBA Tribunal may amend the allegation, subject always to the requirement that the Respondent must be informed of the new allegation and given an opportunity to respond.
- If the WBA Tribunal finds the allegation proved, it may impose such penalty as it considers appropriate.
- The WBA Tribunal is not obliged to give oral or written reasons for any decision made by it but may do so.
- Subject to section 17.6(g), where the WBA Tribunal finds that one or more allegations has been proven, it shall inform the parties of its decision and provide the Respondent with an opportunity to make submissions as to any aggravating or mitigating factors, before the WBA Tribunal makes a decision on penalty.
- For hearings conducted in accordance with Step 3a above, the WBA Tribunal may, in its absolute discretion, decide that it is appropriate to:

- receive oral submissions as to penalty immediately after delivering its decision; or
- adjourn the hearing to allow the Respondent to make penalty submissions on some later date, in which case, the WBA Tribunal shall direct whether submissions on penalty should be made orally or in writing.
- For a hearing conducted in accordance with Step 3b above, the WBA Tribunal shall direct WBA to notify the Respondent to include any submissions as to penalty in their written submissions referred to in section 17.5(b)(ii).
- After considering the Respondent's submissions as to penalty, the WBA Tribunal shall determine the penalty to be imposed (if any).
- For a hearing conducted in accordance with Step 3a, a decision can be given immediately after the hearing.
- For a hearing conducted in accordance with Step 3b, or if the decision is not given immediately after a hearing conducted in accordance with section 17.6(i) above, the parties must be advised when the decision will be given.
- The decision (if any), any penalty, the reasons for the decision and notice of the Complainant's and the Respondent's appeal rights shall be given in writing and signed by the WBA Tribunal chair, as soon as practicable following the determination of the WBA Tribunal

17.7 Step 5: Resolution of Complaint

If the Complaint is resolved following the determination of the WBA Tribunal and the Complainant(s) or the Respondent(s) does not exercise their right of appeal in accordance with the Appeals By-Law in Attachment D5 of this policy, refer to sections 14.3 and 14.4 in Attachment D1B of this policy.

18. ATTACHMENT D5: APPEALS BY-LAW

18.1 Right of Appeal

There shall be no appeal from any decision made under this policy unless the person seeking an appeal (Appellant) satisfies the grounds in this Appeals By-Law.

An appeal of a decision made by:

- the WBA Tribunal; or
- by the discipline committee of WBA but only where a disciplinary matter is referred from WBA and the GM of WBA determines it is appropriate for the WBA Appeals Commissioner to consider.

May only be appealed where the Appellant satisfies the Appeals Commissioner (appointed in accordance with this Appeals By-Law), in his/her reasonable discretion, that there is a reasonable possibility of an appeals tribunal finding:

- the relevant discipline committee failed to abide by the relevant Discipline By-Law (or equivalent) and such failure resulted in a denial of Natural Justice;
- there was no material on which the relevant discipline committee's decision could reasonably be based; and/or
- the penalty imposed was manifestly excessive.

An appeal of a decision made by the WBA GM (or their delegated person responsible) may only be appealed where the Appellant satisfies the Appeals Commissioner, in their reasonable discretion, that there is a reasonable possibility of an appeals tribunal finding the WBA GM (or their delegated person responsible) failed to follow this policy and such failure resulted in a denial of natural justice.

18.2 Step 1: Lodge Appeals procedure

- Subject to clause 18.1, a Complainant(s) or a Respondent(s) may lodge a notice of appeal (Appeal Notice) in relation to the decision of a WBA Tribunal or the discipline committee of WBA (individually referred to hereon in as a Discipline Committee), as applicable, on one or more of the following grounds:
 - that a denial of procedural fairness and/or Natural Justice has occurred;
 - the tribunal has failed to properly comply with all requirements as set out in Attachment D4 of this policy (or equivalent requirements, in the case of WBA Tribunal);
 - that the sanction imposed is unjust and/or unreasonable; and/or

- that the decision was not supported by the information/evidence provided at the Tribunal hearing.
- Subject to clause 18.1, a Complainant or a Respondent may lodge an Appeal Notice in relation to a decision of the WBA GM (or their delegated person responsible) made under this policy, on the grounds that the WBA GM (or their delegated person responsible) failed to follow this policy and such failure resulted in a denial of Natural Justice.
- To appeal a decision of a Tribunal or the WBA GM (or their delegated person responsible), the Appellant must lodge an Appeal Notice setting out the basis for their appeal (and any submissions in full) with:
 - the WBA GM (or their delegated person responsible) copying the chair of the Tribunal in the case of an appeal of the Disciplinary Committee; and
 - the Board via the WBA GM (or their delegated person responsible), in the case of an appeal of a decision of the WBA GM (or their delegated person responsible), within 7 days of the relevant decision being made.
- An appeal fee of \$500 is payable by the Appellant to WBA as soon as practicable upon receipt of a valid tax invoice from WBA, and, in any event (subject to receipt of a valid tax invoice) no later than 2 days prior to the date of the hearing. This amount, in full or part, may be refunded at the conclusion of the hearing at the full and sole discretion of the Appeals Commissioner.
- If the Appeal Notice is not received by the WBA GM (or their delegated person responsible) or the Board (as applicable) within the timeframe set out in paragraph (c) above, the right of appeal will lapse. If the Appeal Notice is received but the appeal fee is not received within the timeframe set out in paragraph (d) above, the appeal will lapse.

18.3 Step 2: Appoint Appeals Commissioner

- For an appeal of a decision of a Tribunal, the Appeals Commissioner shall be appointed at the sole discretion of the WBA GM (or their delegated person responsible).
- For an appeal of a decision of the WBA GM (or their delegated person responsible), the Appeals Commissioner shall be appointed at the sole discretion of the WBA (or their delegated person responsible, which for the avoidance of doubt, shall not be the WBA GM).
- The Appeals Commissioner shall be a person who has legal qualifications in dispute resolution or suitable experience in the process of determining

disciplinary matters within a sport, acting alone and, in the case of an appeal of a decision of the WBA Tribunal, who shall not have been a member of the Tribunal that made the decision being appealed against.

- The Appeal Notice and decision of the Tribunal's or the WBA GM (or their delegated person responsible) decision, as applicable, will be forwarded to the Appeals Commissioner to review and to decide whether there are sufficient grounds for the appeal to proceed.

18.4 Step 3: Notice of Appeal Outcome

- The Appeals Commissioner shall notify WBA in writing whether the Appeal Notice of appeal is:
 - accepted, and if so, whether:
 - a hearing will be convened; or
 - written submissions (only) shall be called for; or
 - rejected.
- The Appellant shall be notified by WBA GM (or their delegated person responsible), in the case of an appeal of a decision of the Tribunal and by the Board in the case of an appeal of a decision by the WBA GM (or their delegated person responsible), in writing as soon as practicable after the Appeal Commissioner's decision. If the Appeal Notice is accepted, the Appellant shall also be notified of the time, date and place of any hearing or the time for making written submissions.
- The Appeals Commissioner may convene a hearing and may invite any witnesses that they believe are required to make an informed decision.
- Subject to this Appeals By-Law, the proceedings of any appeals hearing shall be the same or similar, as he/she deems appropriate, as those in respect of the Discipline Committee hearing, including the observance of the principles of Natural Justice (refer to Attachment D4 of this policy).
- Subject to section 18.4, the hearing by an Appeals Commissioner is not a rehearing of the matter in full, but rather a hearing of the grounds of appeal only.
- If the Appeals Commissioner upholds the appeal after making a determination in accordance with section 18.4, it may, in its absolute discretion:
 - conduct a rehearing of the matter, the subject of the disciplinary proceedings, in full, and:

- make findings in accordance with section 17.6 (and for this purpose, all references to the WBA Tribunal in clause 18.6 should be replaced with references to the Appeals Commissioner); and
- confirm the original penalty imposed on the Appellant or impose such alternative penalties as it considers reasonably appropriate; or
- refer the matter, the subject of the disciplinary proceedings, back to the original decision maker (which, for the avoidance of doubt, may include the WBA GM (or their delegated person responsible) or the Tribunal who heard the matter in the first instance).
- Legal representation shall not be permitted unless express permission is given by the Appeals Commissioner at their sole discretion.

18.5 Step 4: Findings

- The Appeals Commissioner may either dismiss the appeal or uphold the appeal and, in any case, make a recommendation(s) to WBA as to actions following the appeal decision.
- The Appeals Commissioner is not obliged to give oral or written reasons for any decision but may do so. The WBA GM (or their delegated person responsible) in the case of an appeal of a decision of the Discipline Committee, and the Board in the case of an appeal of a decision of the WBA GM (or their delegated person responsible), shall inform the Appellant of the decision of the Appeals Commissioner.
- The decision of the Appeals Commissioner shall be final and not subject to any further appeal.

18.6 Step 5: Resolution of Complaint

- Refer to sections 14.3 and 14.4 in Attachment D1B of this policy regarding communicating and documenting the resolution.

19. PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS

WBA (or if the Affiliated Club is handling the complaint, the Affiliated Club) will ensure that all Complaints received, either formal or informal, are properly documented. This includes recording how the Complaint was resolved and the outcome of the Complaint.

The Record of Informal Complaint should be completed by the MPO or other person who dealt with the initial Complainant(s).

This information, and any additional records and notes, will be treated confidentially (subject to disclosure required by law or permitted under this policy) and stored in a secure place.

20. ATTACHMENT E1: CONFIDENTIAL RECORD OF INFORMAL COMPLAINT

Name of person receiving Complaint		Date: //
How was the Complaint received		
Complainant's Name and Age	<p>.....</p> <p>Over 18 Under 18</p> <p>Wish to remain anonymous?</p>	
Complainant's Contact Details	<p>Phone:.....</p> <p>Email:.....</p>	
Complainants Role/status	<p>Administrator (volunteer) Support Personnel</p> <p>Parent Employee (paid)</p> <p>Athlete/player Judge</p> <p>Spectator Other</p> <p>Coach/Assistant Coach</p>	
Location/event of alleged issue		
Name and age of person complained about (Respondent)	<p>.....</p> <p>Over 18 Under 18</p>	
Respondent's Role/status	<p>Administrator (volunteer) Support Personnel</p> <p>Parent Employee (paid)</p> <p>Athlete/player Judge</p> <p>Spectator Other</p>	

	Coach/Assistant Coach
Solution that the Complainant wants	
What section has Respondent allegedly breached? (refer to	
section 1.8 of the Member Protection Policy) What background information provided	[One page maximum]
How does Complainant want to proceed	

This record and any notes must be kept in a confidential place. If the issue becomes a formal Complaint, this record should be sent to the WBA GM (or their delegated person responsible).

21. ATTACHMENT E2: CONFIDENTIAL RECORD OF FORMAL COMPLAINT

Name of person receiving Complaint		Date: //
How was the Complaint received		
Complainant's Name and Age	<p>.....</p> <p>Over 18 Under 18</p> <p>Wish to remain anonymous?</p>	
Complainant's contact details	<p>Phone:</p> <p>Email:</p>	
Complainant's Role/status	<p>Administrator (volunteer) Support Personnel</p> <p>Parent Employee (paid)</p> <p>Athlete/player Referee</p> <p>Spectator Other</p> <p>Coach/Assistant Coach</p>	
Name and age of person complained about (Respondent)	<p>.....</p> <p>Over 18 Under 18</p>	
Respondent's Role/status	<p>Administrator (volunteer) Support Personnel</p> <p>Parent Employee (paid)</p> <p>Athlete/player Referee</p> <p>Spectator Other</p> <p>Coach/Assistant Coach</p>	
Location/event of alleged issue		

Description of alleged issue		
Nature of Complaint (category/basis/grounds) Can tick more than one box	Harassment Discrimination Sexual/sexist Selection dispute Coaching methods Physical abuse Sexuality Verbal abuse Race	Bullying Religion Disability Victimisation Pregnancy Child Abuse (please refer to the Child Safe Policy) Unfair decision Other
Methods (if any) of attempted informal resolution		

<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	
<p>If went to WBA Discipline Committee: Decision - Action recommended -</p>	
<p>If mediated: Date of mediation - Were both parties present - Terms of Agreement - Any other action taken -</p>	

If went to appeals tribunal: Decision Action recommended	
Resolution	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: //
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the Complaint is of a serious nature or is escalated to and/or dealt with at the national level, the original must be forwarded to the national body and a copy kept at the Affiliated Club or WBA level (whatever level the Complaint was made).

22. ATTACHMENT E3: INVESTIGATION REPORT TEMPLATE (SUGGESTED)

This template provides generic headings that are suitable for most types of investigations.

There may be more appropriate headings for specialised investigation reports.

The purpose of these headings is to provide a clear structure to the report and assist the investigator to focus on:

- the issues examined
- the process followed
- the findings
- the recommendation(s) for action (if requested)

Reports should be clear and concise with all content and findings presented in an unbiased and evidence-based manner.

These headings are a suggestion and guide only.

22.1 Headings (suggested):

- Executive summary (usually only used for more detailed reports)
- Introduction / Background
- Scope of Investigation
- The allegations
- An outline of the evidence that emerged during the investigation references to each allegation
- An outline of the investigator's analysis of the evidence and findings of fact for each allegation
- An outline of finding for each allegation
- Recommendations (if requested in the scope)

23. NATIONAL SUPPORT SERVICES

<p>If you or someone you know is at imminent risk, call Emergency Services on 000. If you or someone you know is in crisis, and you are unsure which service to contact, call Kids Help Line on 1800 55 1800 or Lifeline on 13 11 14. Both are available from anywhere in Australia 24 hours a day (toll free) and provide generalist crisis counselling, information and referral services.</p>	
<p><u>1800 Respect</u> Call 1800 737 732</p>	<p>24/7 telephone and online crisis support, information and immediate referral to specialist counselling for anyone in Australia who has experienced or been impacted by sexual assault, or domestic or family violence.</p>
<p><u>1800 THE LINE</u> Call 1800 695 463</p>	<p>A national relationships helpline for Children to talk to someone about the relationship issues they may be experiencing, or if they are unclear about where to draw the line between what is, or is not, a respectful relationship.</p>
<p><u>Lifeline</u> Call 13 11 14</p>	<p>A generalist and crisis telephone counselling, information and referral service, provided by trained volunteers who are supported by professional staff.</p>
<p><u>Blue Knot Foundation</u> Call 1300 657 380</p>	<p>Staffed by trained trauma-informed counsellors, this support line offers information, support and referral to adult survivors of childhood trauma and abuse, and partners, family and friends of survivors.</p>
<p><u>Bravehearts</u> Call 1800 272 831</p>	<p>Open to anyone wanting information, advice, referrals and support regarding child sexual assault.</p>
<p><u>Child Wise National Child Abuse Prevention Helpline</u> Call 1800 99 10 99</p>	<p>Confidential support services for individuals who have experienced abuse in an institutional setting and/or need support and counselling after giving evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse, or for professionals supporting these individuals. This helpline can provide information, short-term counselling, and referrals.</p>
<p><u>Children and Young People with Disability Australia</u> Call 1800 222 660</p>	<p>National peak body for Children with disability. Provides information and systemic representation</p>
<p><u>Headspace</u> Call 1800 650 890</p>	<p>A free and confidential telephone and online service for people aged 12- 25. Qualified youth mental health professionals provide support to young people worried about their mental health or experiencing issues such as depression, bullying and isolation. Support is also available to concerned parents or carers.</p>
<p><u>Healing Foundation</u></p>	<p>Service to help build the capacity of Indigenous organisations and support the development of the Link Up network</p>
<p><u>Kids Helpline</u> Call 1800 55 1800</p>	<p>Kids Helpline is Australia's only free, private and confidential 24/7 phone and online counselling service for young people aged 5 to 25.</p>
<p><u>People with Disability Australia</u> Call 1800 422 015 TTY: 1800 422 016</p>	<p>National telephone line to provide information and referrals to people with disabilities</p>
<p><u>QLife</u> Call 1800 184 527</p>	<p>Provides early intervention, peer supported telephone counselling and referral services for people who identify as gender diverse, lesbian, gay, bisexual, trans, and/or Intersex (LGBTI).</p>
<p><u>Sexual Assault Counselling Australia</u> Call 1800 211 028</p>	<p>National telephone counselling service for people who have experienced abuse.</p>