

Investigation Process

The following is a brief overview of the Investigation Process Basketball ACT will conduct following the Basketball Australia [Complaints policy*\(NIF\)](#) to assess complaints under the [Member Protection Policy](#).

1) Complaint received

A person may submit a complaint via Basketball ACT or the online complaints form, via email or a report may be received from an official.

2) Complaint assessment

If the complaint is determined to pass the complaint assessment by the complaint manager, the clubs and parties involved will be notified.

3) Notification to parties

Relevant parties will be notified of the complaint and any provisional actions in place. They **may** also be asked to submit information, statements or have a formal meeting to collect evidence to determine whether the complaint is substantiated.

If you are asked to provide evidence or statements, you may:

- Provide firsthand evidence where possible.
- Provide BACT written statements from witnesses, the complainant/respondent and anyone else who observed the complaint.
- Meet with BACT in person or via a phone call to portray your version of events.

4) Assessment finding and determination

After conducting an assessment, the complaint manager will make findings as to whether, to the requisite Standard of Proof, the Alleged Breach is substantiated unsubstantiated or unable to be substantiated. As well as make a determination as to the Resolution Process to be applied, which will be no further action or an alleged breach.

5) External Referral

The Complaint Manager may, at any time before or while dealing with a Complaint under this Policy, refer the Complaint to a relevant external organisation (this may include a law enforcement agency, government or regulatory authority or child protection agency).

6) Referral to Alternative Dispute Resolution

At any time after determining that the Complaint satisfies the Initial Threshold Questions but before making a finding in accordance with clause 6.1, the Complaint Manager may, where it considers it appropriate to do so, refer the Complainant and the Respondent to Alternative Dispute Resolution.

7) Resolution process

If the complaints manager deems no **further action**, parties will be notified.

If the complaints manager has made the determination of an **alleged breach**, the complaints manager will refer the matter to a hearing's tribunal. In referring the matter to a hearing tribunal, the respondent will be sent a breach notice.

8) Breach notice

In response to a breach notice the respondent may:

- **Admit** the Alleged Breach, waive their right to a hearing before the Tribunal and accept the proposed Sanction or proposed reduced Sanction (if applicable).
- **Dispute** the Alleged Breach and/or the proposed Sanction, in which case the Alleged Breach may be referred to a Tribunal under this Policy.
- **Not respond**, in which case they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction.
- A Respondent has **14 days** from receipt of the Breach Notice to notify the Complaints Manager of their decision.

9) Sanctions

The Sanction may include any of the following measures (but is not limited to these measures), or any combination of such:

- A reprimand or warning.
- Direction to give a verbal or written apology.
- Direction to attend counselling or training to address their behaviour.
- Suspended Sanction and/or good behaviour period.
- Removal of accreditation.
- Removal or withdrawal of awards or achievements (such as life membership).
- Exclusion from a particular event or events, competition, or activity.
- Suspension of membership from Basketball Australia, a Member Organisation or an Authorised Provider and any other members or affiliates.
- Suspension of Basketball Activities or any part thereof.
- Suspension and/or termination of any rights, privileges and benefits provided by Basketball Australia, a Member Organisation or an Authorised Provider.
- Expulsion from Basketball Activities.
- Any other form of discipline that is considered appropriate.

10) Tribunals

Please refer to schedule 1- Internal Hearing Tribunal Procedure

A Hearings Tribunal has absolute discretion to determine the appropriate Sanction, including as to whether a combination of measures is to be imposed, and the terms and the period of any measures, subject to clause

11) Appeals

A decision of a hearing's tribunal may be appealed.

Please refer to schedule 2- Internal Appeals Tribunal Procedure.