



## **Complaints, Member Discipline and Appeals Policy**

### **PURPOSE**

It is important to Special Olympics New Zealand that volunteers, athletes and supporters associated with any of its clubs should, at all times, show respect and understanding for each other.

To ensure the good name and reputation of Special Olympics New Zealand its Regional Councils and Clubs is maintained this Policy outlines complaints, member discipline and appeals process.

While parties are always encouraged to resolve matters between themselves this policy allows for complaints to be made where this cannot be achieved.

### **POLICY**

#### **Authority to Act**

The CEO of Special Olympics New Zealand has authority to oversee complaints, member discipline and appeals process in consultation with the governing board. The Board Complaints, Discipline and Appeals Sub-Committee will be consulted by the CEO on any complaints, discipline recommendations or appeals with any decision made by the sub-committee conveyed through the CEO.

This Policy outlines the authority delegated to Clubs and Regional Councils to manage complaints.

Complaints considered using this process may be behavioural or procedural or any other matter considered to bring Special Olympics New Zealand, including its Regional Councils and Clubs into disrepute.

#### **Complaints Procedure** – to be read in conjunction with the Complaints Procedure Flowchart

- Complaints must be made in writing ideally within 3 days of the alleged event occurring or as soon as possible. However if a complaint is made at the time of a sexual/physical assault it is recommended the person in charge phone the New Zealand Police, who are equipped to deal with such matters.
- Complaints regarding Club athletes or volunteers (excluding Club Executive Committee Members) are to be referred to the Club Chairperson, complaints regarding Club Executive Committee members are to be referred to the Regional Council Chairperson and complaints regarding Regional Council members are to be referred to the Complaints, Member Discipline and Appeals Sub-Committee via the CEO.

- Complaints to be made on the Special Olympics New Zealand Complaints Form where practicable. Where not practicable the information required in the complaints form is to be provided in writing.
- Chairperson decides whether the complaint is of a nature to be considered at Club/Regional Council level or whether it should be escalated to the Regional Council Chairperson or CEO.
- Chairperson acknowledges receipt of complaint within 3 days of receiving it.
- Party investigating the complaint notes it in their Complaints Register.
- Chairperson advises the volunteer/athlete of the complaint made against them. Will also outline the process for handling the complaint. If the person is under 18 years of age their parent/guardian must also be notified at this stage.
- Further information sought from complainant(s) and other relevant parties.
- Chairperson plus one other elected Committee Member (or complaints sub-committee where one exists) meets in person (where practicable) with the person(s) the complaint is made against. The person the complaint is made against should be extended the opportunity to have a support person present. Meeting to occur within 14 days of receipt of complaint. Note: if the matter is escalated to a Regional Chair or CEO who is not in the geographic area of the Club the matter will need to be dealt with by phone.
- If further assistance is required to help with deciding the outcome of a complaint Clubs should refer to the Regional Council Chair, and Regional Council Chair should refer to CEO for advice.
- Where the Club Chair/Regional Council Chair recommends that the athlete/volunteer should have membership withdrawn, suspended or terminated a recommendation is to be made to the CEO, who will advise outcome of the recommendation.
- Club or Regional Council Chairperson/CEO advises volunteer/athlete of outcome of complaint made against them (verbally) within 5 days of decision being made, followed by written confirmation. Appeal rights to be outlined.
- Club or Regional Council Chairperson/CEO advises complainant of outcome. This should be in writing and after the volunteer/athlete complaint made against has been verbally advised of the outcome.
- Club/Regional Council Executive will review any practices/procedures around the nature of the complaint and revise/implement new practices/procedures to avoid recurring complaints
- All paperwork relating to the complaint to be filed for safe keeping.
- Appeals to a decision to be received by Special Olympics New Zealand CEO within 10 days of the date of the written notification of Club or Regional Council decision

### **Confidentiality and Privacy**

The details of all complaints are to be treated as confidential unless otherwise agreed between the parties. The private details of an individual (unless already publicly available) are not to be released either during the complaints, member discipline and appeals process or following.

**Written Records:** to ensure good practice all matters related to a complaint should be in written form and place on the complaints file. This includes, but is not limited to summaries of phone conversations, witness statements (to be dated and signed by witness).

### **Exclusions**

- Complaints relating to a person's character/personality are excluded from this process (parties being encouraged to resolve the matter directly with one another) unless the behaviour of either/or party is such that it affects the running of a club, its training or events.
- Accidents (Incident/Accident form and process to be used, note however that complaints received as a result of incidents will be considered under this policy).

### **Member Discipline**

Where a complaint is upheld in whole or in part Clubs and Regional Councils through this Policy are delegated authority to make decisions on member discipline except the decision to withdraw, suspend or terminate a members' membership. Where a Regional Council or Club wishes to pursue withdrawing, suspending or terminating a membership a recommendation must be made in writing to the CEO in the first instance who will consult with the Complaints, Discipline and Appeals Sub-Committee. Any decision made by the sub-committee will be conveyed through the CEO.

Clubs and Regional Councils may otherwise consider/implement disciplinary outcomes, but only to a level commensurate with the matter upheld. Example may include: removing a volunteer from a sub-committee, non-elected role, event. Excluding an athlete from training, an event, a social activity.

### **Appeals**

All appeals to decisions made in respect of complaints received are to be made to the CEO of Special Olympics New Zealand within 10 days of the date of the written confirmation of the decision to both volunteer/athlete complained of and complainant. The CEO will consult with the Complaints, Discipline and Appeals Sub-Committee.

### **Additional Documents**

Special Olympics New Zealand Complaints Form

Special Olympics New Zealand Complaints Procedure Flowchart