

Policy Name	Internal Hervey Bay City Bridge Club Inc. (HBCBC) Complaints, Grievances and Misconduct Policy
Head of Power	Associations Incorporation Act 1981 (Section 47) Associations Incorporations Regulation 1999 (Part 3 Div 1 – Model Rules) HBCBC Constitution Section 12
Version Control	Version 1: Endorsement HBCBC Management Meeting (11/01/2023)

This Policy relates to managing internal conflict and resolution. It does not include conflicts arising from outside of the Club¹.

1. DEFINITIONS

a) Complaint

- i. A complaint is where a member of the Hervey Bay City Bridge Club Inc. ('the Club' or HBCBC) communicates to the HBCBC Management Committee (the 'Committee') that they are dissatisfied with a decision, action, or the conduct of a member of the Club, or a member of the Management Committee, or of the Management Committee.
- ii. The complaint process seeks resolution of matters involving the HBCBC; however, the Club reserves the right not to action complaints as outlined in Section 4(c) of this Policy.

b) Grievance

- i. A grievance is where a member of the HBCBC perceives a wrong causing resentment or a feeling of being unfairly treated by another member of the HBCBC or by a Director (where it is outside of the Bridge Laws 2017, Australian Bridge Federation, or Queensland Bridge Association).
- ii. A grievance includes disruptive behaviour where a member subjects another member to significant rudeness, harassment, bullying, insinuations, profanity, threats of violence either during a bridge session, in relation to a Club matter, or on Club grounds. Bad manners or transient unpleasantness is not included in this definition.²

¹ Complaints or grievances not covered by this policy include events hosted by other Bridge Clubs or conflicts involving the QBA, ABF or any supplier. Policy does not relate to events arising outside the Club.

² In line with Queensland Bridge Club Policy Managing Complaints

c) Misconduct and Gross Misconduct

- i. Misconduct is defined as an unacceptable or improper behaviour not consistent with the Code of Conduct.
- ii. Gross Misconduct relates to serious illegal acts by HBCBC members including theft, fraud, physical violence, dishonesty, discrimination, harassment or an infringement of Club Rules and By-Laws.

d) Disciplinary Provisions

- i. Disciplinary provisions (Section 12 HBCBC Constitution) identify the range of outcomes and penalties that can be applied to breaches of the Rules and By-Laws.

2. MAKING A COMPLAINT OR GRIEVANCE

- a) Before a complaint or grievance is lodged, the complainant or grievant ('complainant') is encouraged to discuss the matter with the other party with a view to seeking resolution. If the complaint concerns bullying, harassment, or intimidation, then the complaint or grievance is to be lodged in writing to the Committee.
- b) If resolution cannot be achieved, the complainant may lodge a complaint or grievance via email or letter. This letter or email must include the name and contact details of the complainant and the other party.
- c) The complainant should send a written copy of their complaint addressed to the HBCBC electronically to hb.bridge@gmail.com or by letter to PO Box 5092 Torquay.

3. HANDLING A COMPLAINT, GRIEVANCE, MISCONDUCT OR GROSS MISCONDUCT

- a) All complaints or grievances should be acknowledged within 3 working days, noting that the information has been received and will be forwarded to the Committee for consideration.
- b) All complaints or grievances must be recorded in the Confidential Complaint Register ('Complaints Register') managed by the Secretary or the Complaint Sub-Committee ('Sub-Committee') as determined by the Committee. The Complaints Register is confidential and not for general perusal and will not be released to any person outside the Committee. The Complaints Register will accurately record dates, names of complainant, initial assessment, allegations, and outcomes. The Complaints Register

will be on the agenda and reviewed at each Committee meeting to ensure all complaints are being completed in a timely manner and successfully finalised.

- c) The HBCBC may choose to take no further action on a complaint if it is assessed that the complaint does not relate to a HBCBC matter, the complaint is more than 6 months old, the complaint lacks substance, is trivial, vexatious, frivolous or not made in good faith, the complainant does not name the other party, or the complainant has not provided additional information when requested.
- d) When the HBCBC receives a number of vexatious complaints or grievances from the same member, the Committee may choose to issue a warning to the Complainant.
- e) HBCBC focuses on finding solutions or changing behaviour rather than attributing blame. The Committee will encourage informal resolution of complaints or grievances where possible. Informal resolutions of complaints or grievances include, identifying and agreeing on the issue and seeking a resolution. The resolution may include acknowledging the concern without further investigation or offering an apology.
- f) All parties have the right to be treated with respect and to be supported through the process.
- g) No committee member can participate in the management of a complaint, grievance or investigation into misconduct if a conflict of interest could be seen to exist. A conflict of interest includes; situations where the personal interest of the committee member conflict with the complaint, if the complaint relates to close personal relationships (spouse/de facto partner/parent/child/brother/sister etc) of the committee member, or in cases where the committee member may derive some personal or financial benefit.
- h) When dealing with a confidential complaint or grievance during a regular Committee meeting, a closed session³ will be called by the President or Vice President⁴. Content of the closed session remains confidential and record keeping is done outside of the Minutes and is part of the complaints process.
- i) When the Committee agrees that the matter should be investigated further, they should refer to the Complaints, Grievance and Misconduct Management Procedure.

³ A meeting within a meeting with its own rules and record keeping.

⁴ To reflect individual right to privacy and reputation and the privacy principles regarding sensitive information.

- j) The Complaints, Grievances and Misconduct Management Procedure ('the CGMMP') requires the permission of the complainant to be sought before a copy of the complaint can be provided to the subject of the complaint. If permission is not granted, a summary of the issues can be provided to the subject of the complaint.
- k) When a complaint grievance or incident of misconduct is investigated both the complainant and the subject will receive individual letters with the outcome.
- l) In instances where a member is the subject of multiple⁵ complaints, or a member makes multiple complaints, the matter may be addressed by the Committee.
- m) If a complaint, grievance or misconduct can't be resolved using this process, the HBCBC can ask both parties if they would be prepared to undertake mediation with a recognised independent mediator with a view to resolving the matter. The mediated solution agreed by both parties is final and the matter considered resolved.
- n) All incidents of gross misconduct must be reported immediately to the HBCBC Committee in writing. The Secretary is to call a Special Committee meeting of the Committee as soon as possible (preferably within 7 days) to discuss the management of the issue⁶. Given the serious nature of these issues, external professional advice may be sought.

4. WITHDRAWAL OF A COMPLAINT OR GRIEVANCE

A Complainant may withdraw a complaint at any time during the process. If a complaint is withdrawn the complaint is considered void and is listed in the complaint registered as void. No further action will be taken in regard to withdrawn complaints unless exceptional circumstances exist (ie if the Committee determine the substance of the complaint could result in serious reputational or legal jeopardy for the Club). The content of withdrawn complaint will remain confidential.

5. DISCIPLINARY PROVISIONS

- a) Section 12 of the Constitution empowers the Management Committee to undertake disciplinary provisions in regard to members of the Club who fail to observe the Rules

⁵ Multiple complaints in this policy is 3 or more.

⁶ As outlined in Section 22 (f), (g), (l) of the HBCBC Constitution.

or By-Laws⁷; who commit an act deemed to bring discredit on the game of bridge or the Club or its Members.

- i. Section 12 (b) identifies the range of actions available to the Management Committee in regard to breaches.
 - ii. If a member has initiated a complaint or grievance, in relation to the HBCBC no disciplinary action can be taken until the complaints' procedure has been completed.
 - iii. The Committee has the power to investigate any breach:
 - any investigation will undertake a fair hearing of the facts involved as outlined in the procedure;
 - the investigation will consider reliability and sufficiency in assessing evidence or allegations;
 - the investigation will observe the principles of natural justice; and
 - each party is to be given an opportunity to be heard on the matter, including appointing a person to act on their behalf.
 - iv. The Committee must comply with Section 47 (A)-6 of the Associations Incorporation Act 1981⁸.
 - v. The Committee has the power to demand and direct apologies, reprimand, censure, warn, restrict, suspend or expel a member deemed guilty of an offence as determined by an investigation.
- b) In the event that mediation is declined or fails, the Committee may:
- i. Send a letter of caution⁹ regarding the inappropriate behaviour and outline the expectations required by the HBCBC
 - ii. Depending on the seriousness of the breach or the persistence of the behaviour, send a letter of censure¹⁰, concerning the inappropriate behaviour and outlining the consequences of persistent breaches, including the ability to demand and direct apologies, reprimand, restrict, suspend or expel a member.
 - iii. Should the behaviour continue, or should the person complained of prove unwilling to comply with the Rules and By-laws of the Club, the Committee may resolve to restrict, suspend or expel the member.

⁷ By-Laws are written rules of conduct made through resolution and endorsement of the Management Committee and published to its members.

⁸ Queensland Government, Associations Incorporation Act 1981, Part 5 Rules, Division 1, 47A Grievance Procedures [<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1981-074>]

⁹ A letter of admonishment or warning requesting the recipient to avoid such behaviour.

¹⁰ A letter expressing severe disapproval of the behaviour and identifying further consequences

- iv. In the event of Gross Misconduct, the Committee reserves the right to enact the most severe penalties including suspension or expulsion.

- c) The rights of appeal under this Policy are in accordance with the Hervey Bay City Bridge Club Constitution.