## Background Information: Complaint Management

Many complaints can be avoided when organizations have taken the time to put in place good governance, clear standards, strong policies, and effective practices. Ensuring that the Board has a good understanding of its role and the role of governance is important. Ensuring that an organization has adopted key policies such as a Code of Conduct, Safe Sport Policies, Equity and Diversity Policies, as well as policies and/or rules related to the field of play. Another important consideration is ensuring clear and transparent communication. These are important pieces to helping to avoid conflict and issues before they arise. However, there still may be issues that surface.

If an individual has a complaint about the operation of the organization or about another Member or participant (such as a coach), it is important that the organization has clear pathways for individuals to bring forward their concerns. Confidence in the reporting and review of complaints is essential, as issues such as a perceived conflict of interest can undermine the confidence of individuals bringing forward potential sensitive issues, possibly limiting people coming forward to voice their concerns– creating distrust or discomfort throughout the organization.

It is recommended that most matters, when appropriate, are resolved through alternative dispute resolution techniques such as mediation. When a mutually agreed to resolution is not possible, complaints must proceed through a formal hearing process. The various mechanisms to hear and resolve disputes should be described in policies created by the organization.

## Receiving a Complaint

Each organization must have a clear pathway for reporting a complaint. Complaints can range from operational concerns about misspending of the organization’s funds to a behavioural issues with a coach of a recreational team.

The pathways should identify the intake process for complaints, including the steps that will be followed to review and assess the disputes. It should set out which individual at the organization – or an outside third party, if appropriate - should receive and triage the complaint.

## Policies

Having well defined jurisdictional lines can help minimize questions at the outset of the complaint process and establishes expectations for everyone involved. Complaints or issues that are raised by Members and participants should readily identifiable and directed to the applicable policy.

In many cases, the first step to resolve a dispute is to activate a *Dispute Resolution Policy*. A *Dispute Resolution Policy* should describe how the individual can report the dispute or complaint and what process should be attempted first to mediate or resolve the dispute through mutual agreement. The policy should be posted on the organization’s website. Sport organizations will want to indicate who will be assisting the parties to reach an agreement. This may be a volunteer, employee or Director. This person must act independently from the Board of Directors (which is more difficult when the person is a Director) and be able to guide both parties toward a resolution.

For example, a parent may have a complaint about a coach who is not providing sufficient playing time to an athlete. The parent would report the complaint to the designated individual, who would decide the best procedure to resolve the situation. Depending on the circumstances, the coach might be approached independently, the parent might be encouraged to reach out to the coach, or both parties could be asked to sit down with a third-party mediator. The designated individual would be guided in this process by the *Dispute Resolution Policy*.

However, a mediated discussion/decision is rarely appropriate for complaints that allege major conduct violations. For major incidents, or if mediation failed to resolve the dispute, the organization should direct the dispute to a formal hearing process. Typically, this process is explained in an organization’s *Discipline and Complaints Policy*.

***Discipline and Complaints – Major Issues***

Volleyball organizations are encouraged to develop their own policy that is applicable to the size and capacity of their organization. Also, volleyball organizations are strongly recommended to connect with Volleyball BC when a complaint either a) potentially violates Volleyball BC’s policies, or b) would result in higher-tier consequences for an individual (such as expulsion from membership).

Any policy or procedure that is applied when a complaint is submitted must feature several important elements – particularly, the right to know the allegations against the individual, the right to be heard and the right to an impartial decider.

These elements are required because all Canadian sport organizations are *private tribunals* – that is, they are autonomous, self-governing, private organizations that have the power to write rules and make decisions that affect their members, participants and community. To understand your organization’s legal duties and obligations, you must understand two important concepts that apply to tribunals – the first is the notion of *contract* and the second is the notion of *procedural fairness*.

When individuals join your organization, they accept the inherent authority of the organization and the terms of the **contract** expressed in its governing documents. For example, they agree to abide by your *Code of Conduct* and participate according to your rules and procedures.

The second fundamental legal principle of tribunals is that they are subject to **procedural fairness**. In other words, a sport organization must be fair in how it exercises its powers and makes decisions. Being fair in organizational decision-making means satisfying, at a minimum, these three requirements:

1. Having authority to make the decision in the first place, when this authority is identified in governing documents (i.e., the contract);
2. Ensuring the person affected by the decision has a reasonable opportunity to know the case against them and present their case; and
3. Ensuring that the decision-maker listens to both sides and reaches a decision not tainted by bias (i.e., the right to an impartial decider).

A key piece of the fairness principle is the **right to be heard**. Before an organization can decide something that will adversely affect an individual, that individual has a right to know the case being made and to be given a reasonable opportunity to respond on their own behalf. There are two obvious purposes for this rule:

1. The person affected by the decision must have an opportunity to defend their interests or to assert their claim
2. The act of allowing the individual to offer information will allow the decision-maker to make a better-informed decision because both sides of the dispute will have been heard.

For some organizations, the individual deciding on the complaint would be a ‘Discipline Chair’ who can resolve minor incidents quickly and issue sanctions. If the dispute is a major incident, the organization can appoint a neutral third-party to serve as a Panel and hear the complaint. . The Panel can also be a volunteer, or someone hired by the organization, but should have experience in dispute resolution and no bias when making the final decision.

If the decision-making process was handled improperly there might be cause for one of the parties to appeal the decision under the terms of the organization’s *Appeal Policy*.Parties should not be able to access the Appeal Policy simply because they disagree with a decision – to challenge a decision, a party has to meet specific grounds of appeal. There may be a role for the local organization to coordinate with Volleyball BC on certain types of appeals.

***Important Note about Abuse and Maltreatment:*** *If a volleyball organization is a member of Volleyball BC, they are obliged to report any complaint to the designated independent third party if the nature of the complaint falls under the definitions of abuse and maltreatment in the Volleyball BC* [*Code of Conduct and Ethics*](https://volleyballbc.org/wp-content/uploads/2024/11/Code-of-Conduct-and-Ethics.pdf) *and/or* [*Abuse Policy*](https://www.volleyballbc.org/wp-content/uploads/2023/03/Abuse-Policy.pdf)*. For more information about how to contact the independent third party or what kinds of complaints this relates to, organisations can visit our* [*Safety Hub*](https://volleyballbc.org/safe-sport/) *or email* [*reporting@volleyballbc.org*](mailto:reporting@volleyballbc.org)

To see Volleyball BC’s *Discipline and Complaints Policy* and *Appeal Policy* visit the Policy section on our [website.](https://volleyballbc.org/about/)

## Jurisdiction

All Members and participants of the organization must be aware that they are under the jurisdiction of the organization and are bound by the organization’s decisions. Sport organizations are empowered to determine their own rules for membership and participation, to determine criteria for membership (like paying a fee), and to discipline individuals engaged in sanctioned activity when individuals do not meet certain obligations.

Sport organizations should clearly set out their jurisdiction and standards in their Bylaws, policies and procedures.

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| **ADDITIONAL RESOURCES**   * SDRCC’s [Main Causes of Disputes and Prevent Strategies](file:///G:\My%20Drive\CEO%20Files\Volleyball%20BC\Club%20Volleyball\Club%20Governance\o%09http:\www.crdsc-sdrcc.ca\eng\documents\CRDSC_brochure_onglets_ANG-low.pdf) * viaSport BC’s [Essentials of Complaint Handling for Organisations](https://viasport.ca/resources/complaint-handling-for-organizations/) * viaSport BC’s [Four Ways to Start Managing Conflict Right Away](https://viasport.ca/resources/four-ways-to-start-managing-conflict-right-away/) * viaSport BC’s [Flag Tool for Sports](https://viasport.ca/resources/the-flag-tool-for-sport/) * viaSport BC’s [How to Create an All-Win Situation](https://viasport.ca/resources/positions-and-interests/) * viaSport BC’s [Addressing Peer to Peer Conflict](https://viasport.ca/resources/addressing-peer-to-peer-conflict/) |

## Template – Dispute Resolution Policy

**“Organization” refers to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Definitions**

1. The following term has this meaning in this Policy:
2. ***Alternative Dispute Resolution –*** A method of resolving the dispute (such as by mediation, negotiated settlement, or other agreement between the Parties) that does not involve a formal process (e.g., a decision-making panel is not required)
3. ***Individuals*** – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers

**Purpose**

1. The Organization supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. The Organization encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Organization believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

**Application of this Policy**

1. This Policy applies to all Individuals.
2. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

**Facilitation and Mediation**

1. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute. The mediator of facilitator should be a non-conflicted individual who has no regular involvement with the parties and no stake in the outcome of the dispute. This individual can be a Director, volunteer, or independent individual from outside the organization.
2. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.
3. Should a negotiated decision be reached, the decision shall be reported to, and approved by, the Organization. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending the Organization’s approval.
4. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of the Organization’s discipline and appeal policies*,* as applicable.

**Final and Binding**

1. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

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