



## Forrestfield United Soccer Club

### Grievance Procedure

### Resolving disputes

#### 1. Terms used

For the purposes of this process —

***grievance procedure*** means the procedures set out in this document;;

***party to a dispute*** includes a person —

- a) who is a party to the dispute; and
- b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

#### 2. Application of Process

The procedure set out in this document (the grievance procedure) applies to disputes —

- a) between members; or
- b) between one or more members and the Club.

#### 3. Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

#### 4. How grievance procedure is started

- 1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 3, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
  - a) the parties to the dispute; and
  - b) the matters that are the subject of the dispute.
- 2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- 3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

- 4) The notice given to each party to the dispute must state —
  - a) when and where the committee meeting is to be held; and
  - b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- 5) If —
  - a) the dispute is between one or more members and the Club; and
  - b) any party to the dispute gives written notice to the secretary stating that the party —
    - b.i. does not agree to the dispute being determined by the committee; and
    - b.ii. requests the appointment of a mediator under rule 23, the committee must not determine the dispute.

## **5. Determination of dispute by committee**

- 1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
  - a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - b) give due consideration to any submissions so made; and
  - c) determine the dispute.
- 2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- 3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 6.
- 4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

## **Mediation**

### **6. Application of process**

- 1) This process applies if written notice has been given to the secretary requesting the appointment of a mediator by a party to a dispute under rule 4(5)(b)(ii) or 5(3).
- 2) If this Division applies, a mediator must be chosen or appointed under rule 7.

### **7. Appointment of mediator**

- 1) The mediator must be a person chosen by agreement between the parties to the dispute.
- 2) If there is no agreement for the purposes of subrule 1, then, subject to subrules (3) and (4), the committee must appoint the mediator.
- 3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre.
- 4) The person appointed as mediator by the committee may be a member or former member of the Club but must not —
  - (a) have a personal interest in the matter that is the subject of the mediation; or

(b) be biased in favour of or against any party to the mediation.

## **8. Mediation process**

- 1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- 2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- 3) In conducting the mediation, the mediator must —
  - (a) give each party to the mediation every opportunity to be heard; and
  - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
  - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- 4) The mediator cannot determine the matter that is the subject of the mediation.
- 5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- 6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

## **9. If mediation results in decision to suspend or expel being revoked**

- 1) If mediation takes place because a member whose membership is suspended or who is expelled from the Club and as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked, that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.