

# National Sports Tribunal Dispute Resolution Policies

## Introduction

As part of an overall reform of Australia's sport integrity and governance arrangements, the sport sector and the Australian Government are working together to ensure Australian sport is clean, fair, safe, and inclusive. Key to achieving this is to ensure that National Sporting Organisations (NSOs) and their member and affiliate organisations are governed by rules, by-laws and policies that are relevant, clear, consistent, robust, fair and streamlined.

Significant progress has been made since the Wood Review, including the establishment of the National Sports Tribunal (NST) and Sport Integrity Australia (SIA), and the publication by SIA of the National Integrity Framework (NIF) for adoption by NSOs.

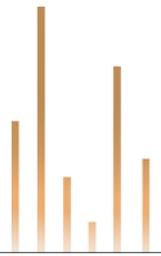
To ensure the benefit of these reforms are fully realised, however, there remained a need to develop a suite of policies for sport that support the whole sector, including by ensuring that there is a process whereby all complaints and disputes are effectively managed.

To this end, the NST has developed a suite of template policies that provide for appropriate resolution of complaints and other disputes that fall outside of the NIF, while also aligning with the concepts and language contained within the NIF.

This suite of 'best practice' template policies was developed by the NST through a consultative project working group made up of experts in the sector representing NSOs, SIA and the Australian Sports Commission.

Through the input of the working group members, key policy outputs were identified and template policies developed to meet those baseline critical requirements, with sporting organisations then able to tailor to the specific needs of their sport.

**NOTE:** Please cross-check this fact sheet against the policies of your own sport as your sport may have amended aspects of the policies.



## The intent of the policies

Policy title	Coverage
<b>Code of Conduct</b>	<p>Seeks to ensure that everyone engaged in the sport is aware of the standards of behaviour expected of them and the basis for dealing with any conduct that is alleged to fall short of conduct expectations and is a breach of the Code of Conduct.</p> <p>The Conduct and Disciplinary Policy applies to any alleged Prohibited Conduct as defined under the Code of Conduct*. Prohibited Conduct under the NIF will be dealt with in accordance with the NIF.</p> <p>* Breaches of the Code are breaches of the prohibited conduct provisions and not the behaviour provisions.</p>
<b>Conduct and Disciplinary Policy</b>	<p>A dispute resolution policy to cater for disciplinary disputes arising from Code of Conduct (above), other sport specific policies, and other non-NIF policies that a sporting organisation may have adopted, such as social media, illicit drugs, eligibility, parents and entourage, supplements, and pitch/court siding.</p>
<b>Review and Appeals Policy</b>	<p>Intended to be a catch-all dispute resolution mechanism for non-disciplinary disputes, arising out of sport policies which do not have a dispute resolution mechanism attached, including those arising out of former MPP policy position statements, governance disputes, and any other sport specific policies.</p>
<b>Personal Grievance Policy</b>	<p>Seeks to establish a process* for Persons and Organisations engaging with sport to resolve interpersonal conflicts and disputes that arise in the context of their involvement in sport, but do not involve a breach of an Integrity Policy or other NSO policy.</p> <p>*The intent of the policy is to introduce less formal means of resolution for such grievances.</p>

## Definitions

### What is a complaint?

A complaint is where a person believes something is unsatisfactory or unacceptable (for example: an alleged breach of policy)

### What is a dispute?

A dispute is a disagreement about something and may include the hearing of a complaint, generally between two (2) parties



## Steps to take

### Code of Conduct

Conduct that is alleged Prohibited Conduct under the NIF will be dealt with in the first instance by SIA in accordance with the NIF whether or not it is also prohibited under the Code of Conduct. Subject to this, the Conduct and Disciplinary Policy (see below) applies to any alleged Prohibited Conduct as defined under the Code of Conduct.

### Conduct and disciplinary policy

Step 1	Concern/complaint (not covered by the NIF or SIA determines that the matter is best handled under non-NIF policy) submitted to sport organisation.
Step 2	Complaint/information assessed by sport organisation.
Step 3	Investigation conducted (internal or external) by sport organisation
Step 4	If complaint is unsubstantiated – No further action
Step 5	If complaint is substantiated, sport organisation will: <ul style="list-style-type: none"> <li>a. Initiate Disciplinary Action</li> <li>b. Undertake Provisional Action prior to Disciplinary Action; or</li> <li>c. Refer to different level of the sport (the next level up)</li> </ul>
Step 6	Disciplinary Action may result in: <ul style="list-style-type: none"> <li>a. Warning</li> <li>b. Breach Offer</li> <li>c. ADR#</li> </ul>
Step 7	If Breach Offer is disputed or ADR is unresolved, dispute may proceed to: <ul style="list-style-type: none"> <li>a. NST, (from any level of sport with national level consent)</li> <li>b. Internal Tribunal</li> </ul>
Step 8	If there is an appeal from the NST or Internal Tribunal, dispute may proceed to: <ul style="list-style-type: none"> <li>a. NST Appeals Division</li> <li>b. Internal Appeals Tribunal (only from Internal Tribunal)</li> </ul>

# **ADR**: Alternative Dispute Resolution refers to ways of resolving disputes without going to court, and might generally include mediation, conciliation, or case appraisal.



## Review and appeals policy

Step 1	Concern/complaint (not covered by the NIF or SIA determines that the matter is best handled under non-NIF policy) submitted to sport organisation or it is a matter initiated by the sport organisation itself
Step 2	Informal dispute resolution (between parties or assisted resolution)
Step 3	If unresolved, formal ADR through either: <ul style="list-style-type: none"> <li>c. Internal/external mediation or conciliation</li> <li>d. NST mediation, conciliation or case appraisal</li> </ul>
Step 4	If ADR is unresolved, dispute proceeds to: <ul style="list-style-type: none"> <li>a. NST, (from any level of sport with national level consent)</li> <li>b. Internal Tribunal</li> </ul>
Step 5	If there is an appeal from the NST or Internal Tribunal, dispute may proceed to: <ul style="list-style-type: none"> <li>a. NST Appeals Division</li> <li>b. Internal Appeals Tribunal (only from Internal Tribunal)</li> </ul>

## Personal grievance policy

Step 1	Informal dispute resolution between parties
Step 2	If unresolved, or not possible to be resolved, refer to the management of the sporting organisation at the level of the dispute or, if it relates to them, to the next level of the sport
Step 3	Refer for facilitated resolution through either: <ul style="list-style-type: none"> <li>a. Sport appointed independent third party</li> <li>b. If permitted, NST mediation</li> </ul>



### NST process

