PO Box U39, University of Wollongong
Wollongong, NSW 2500
E: info@ias.org.au
T: 02 4225 3899
www.ias.org.au

Complaints, Disputes and Discipline Policy

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1. OVERVIEW OF COMPLAINTS PROCESS

1. Do you have a Complaint? **Clauses 3-5**	Check whether your complaint falls within the definition of "Prohibited Conduct" in the Member Protection Policy & Codes of Conduct, Safeguarding Children & Young People Policy or the Complaints, Disputes and Discipline Policy
2. Make the Complaint **Clause 6.1**	Fill out the Form in Appendix A of this Policy and email it to the Complaint Manager at admin@ias.org.au If you would prefer to talk to the Complaint Manager about your complaint or the process first, call 02 4225 3899. All communications will be treated as strictly confidential.
3. Evaluation **Clause 6.2**	When the Complaint Manager receives your Complaint Form, they will evaluate the complaint. This means they will look at how to deal with it, make sure it is made in good faith, and whether it needs to be investigated. Each case is considered on its own facts. Once their evaluation is complete, the Complaint Manager will contact you to tell you about the next steps.
4. Provisional Action **Clause 6.3**	The Complaint Manager can decide to suspend, supervise or restrict duties of the person who is the subject of the Complaint while the complaint process is ongoing.
5. Alternative Dispute Resolution **Clause 6.8**	You can seek informal resolution of the Complaint at any time as long as both parties agree to it. Ask the Complaint Manager to discuss and organise informal resolution for you.
6. Investigation **Clause 6.4**	If the Complaint Manager refers your complaint for investigation, an Investigator will obtain evidence of the matters in your Complaint Form. The Investigator may also contact you and the person the subject of the Complaint for an interview. The standard of proof for investigations is the balance of probabilities, i.e. whether something is more likely than not. The Investigator will prepare a written report on their findings and given this to the Decision Maker.
7. Decision **Clause 6.5**	The Decision Maker will consider the Investigator's report and issue a final written decision on whether they accept the investigation findings, whether there has been Prohibited Conduct and if yes, what Sanctions should apply. The Complaint Manager will send the decision to you, the person the subject of the Complaint and any other related organisation.
8. Responding to the Decision **Clause 6.14**	The person the subject of the Complaint must respond to the decision within 7 days. If they want to appeal the decision, they must email their appeal to the board via president@ias.org.au

2. OBJECTIVES

A. The IAS takes all complaints about on and off-field behaviour seriously. The IAS will handle complaints arising under all of its Policies based on the principles of procedural fairness, and ensure:

1. all complaints will be taken seriously;
2. the person the subject of a complaint will be given full details of what is being alleged against them and have the opportunity to respond to those allegations;
3. irrelevant matters will not be taken into account;
4. decisions will be unbiased; and
5. any penalties imposed will be reasonable.

B. This Policy and its procedures are designed to ensure that allegations of Prohibited Conduct are managed through an effective, consistent, and timely process, which is fair and transparent.

C. If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then the IAS may need to report the behaviour to the police and/or relevant government authority.

D. The IAS CEO is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.

3. DEFINITIONS IN THIS POLICY

Activity means a sporting contest, match, competition, event, or activity (including camps and training sessions and use of specialist support services and competition support), whether on a one-off basis or as part of a series, league, or competition, which is organised by IAS or attended by a Participant on behalf of IAS.

Affiliate Organisation means any organisation that is officially affiliated with IAS through affiliation agreements with IAS or through the administration of an Activity.

Athlete means a person who has a current athlete agreement with IAS.

Board means the board of IAS.

Complaint means a formal written submission of an allegation relating to Prohibited Conduct under a Relevant Policy made by a Complainant against a Respondent.

Complaint Manager means the person appointed by the IAS CEO under clause 6.1.2 to manage Complaints under this Policy.

Complaints Process means the process for managing a Complaint under the guidance of this Policy from the time the Complaint is received to the Resolution Process.

Complainant means:

(a) the person or an organisation who is directly affected by the alleged Prohibited Conduct and makes a Complaint about a Respondent in accordance with this Policy;

(b) the Complainant cannot be anonymous; and

(c) where the person directly affected by the conduct is a Vulnerable Person, a Complaint may be submitted on their behalf by a parent or carer. The Vulnerable Person will still be considered to be the Complainant when a Complaint is submitted on their behalf.

Contractor means any person or organisation engaged to provide services for, or on behalf of, IAS. This includes agents, advisers and subcontractors of IAS and Employees, officers, Volunteers, and agents of the Contractor or subcontractor.

Decision Maker means the person or body with delegated authority to determine a Complaint in accordance with this Policy and the IAS Delegations Policy. Complaints will be determined:

- by the IAS CEO for operational matters; and
- by the Board where matters are escalated, involve governance issues, or fall outside the CEO's delegated authority.

Employee means a person employed by IAS.

Investigator means the person or organisation appointed by the Complaint Manager, under the oversight of the CEO, to conduct an investigation under clause 6.4.

Participant means:

(a) Athletes;

(b) coaches and assistant coaches appointed to train an Athlete or team in an Activity;

(c) administrators involved in operation IAS including directors, committee members or other persons;

(d) officials including referees, umpires, technical officials, or other officials appointed by IAS;

(e) support personnel who are appointed in a professional or voluntary capacity by IAS, including managers, physiotherapists, psychologists, masseurs, sport trainers, agents, selectors, and team staff members;

(f) members, including any life members;

(g) parents;

(h) spectators; and

(i) any other person who participates in or is involved in running an Activity.

Policy means this Complaints, Disputes and Discipline Policy including any appendices.

Prohibited Conduct means the conduct proscribed in each of the Relevant Policies, including the conduct prescribed at clause 5 of this Policy.

Protected Characteristic means:

(a) age;

(b) disability;

(c) race or ethnicity;

(d) sex;

(e) sexual orientation or gender identity;

(f) religion; or

(g) any other characteristic prescribed by law.

Provisional Action means the process undertaken to impose a temporary measure on a Respondent while they are subject to a Complaints Process, or an investigation by law enforcement.

Relevant Organisation means any of the following organisations:

(a) IAS;

(b) any organisation that participates in or is involved in the administration of an Activity (including an Affiliate Organisation), in connection with that Activity; or

(c) any other organisation that has agreed to be bound by this Policy, to the extent that they have agreed to be bound.

Relevant Person means any of the following persons:

(a) Participant;

(b) Employee;

(c) Contractor;

(d) Volunteer; or

(e) any other individual who has agreed to be bound by this Policy.

Relevant Policies means the following IAS policies:

(a) Procedure for Making Policies;

(b) Member Protection Policy and Codes of Conduct;

(c) Safeguarding Children and Young People Policy; and

(d) Complaints, Disputes and Discipline Policy.

Respondent means a Relevant Person or Relevant Organisation about whom a Complaint has been made and who was bound by the Relevant Policy/Policies at the time the alleged Prohibited Conduct occurred.

Sanction means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy.

Team means a collection or squad of Athletes (persons who have a current athlete agreement with IAS).

Volunteer means any person engaged by IAS or an Affiliate Organisation (to the extent of their involvement in an Activity only) in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel.

Vulnerable Person means a person who is:

(a) under the age of 18;

(b) aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason; or

(c) aged 18 or over but has experienced or is experiencing poor mental health outcomes, either as a result of the incident in question, due to their life experiences, or as a result of societal factors, including but not limited to individuals from diverse backgrounds facing disproportionate mental health impacts, such as people with diverse sexualities or gender.

4. JURISDICTION

4.1 **Who the Policy applies to**

4.1.1 This Policy applies to:

4.1.1.1 Relevant Persons;

4.1.1.2 Relevant Organisations;

4.1.1.3 any person or organisation who:

4.1.1.3.1 has had a Complaint made against them; and

4.1.1.3.2 was bound by the Relevant Policies at the time of the alleged Prohibited Conduct, even if they are no longer a Relevant Person or Relevant Organisation.

4.1.2 Any person or organisation who has had a Complaint made about them and was bound by the Relevant Policies at the time of the alleged behaviour continues to be bound by the Relevant Policies until the Complaint is finalised and any sanction has been complied with.

4.2 **When the Policy applies**

4.2.1 This Policy applies to Prohibited Conduct under each of the Relevant Policies.

4.2.2 Where an allegation of Prohibited Conduct may be dealt with under either the Relevant Policies or the policies of an Affiliate Organisation, the policies of the Affiliate Organisation will apply to the exclusion of the Relevant Policies unless there is a compelling reason why the Relevant Policies should apply.

4.2.3 Nothing in the Relevant Policies prevents the Relevant Organisation from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.

5. PROHIBITED CONDUCT

5.1 Subject to clause 5.2, in addition to the conduct proscribed under each of the Relevant Policies, a Relevant Person or a Relevant Organisation will breach this Policy if they:

5.1.1 fail to report any conduct which is reasonably likely to be Prohibited Conduct to IAS as soon as reasonably practicable after they become aware of it without reasonable cause;

5.1.2 deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be Prohibited Conduct;

5.1.3 fail to provide further information or documentation as requested during the Complaint Process without reasonable cause;

5.1.4 fail to comply with a Breach Notice;

5.1.5 knowingly provide any inaccurate and/or misleading information during the course of any Complaint Process under this Policy; or

5.1.6 fail to comply with obligations under this Policy to keep information confidential.

5.2 A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so would be a breach of any applicable law.

5.3 IAS may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 5 of this Policy.

6. THE COMPLAINTS PROCESS

The IAS CEO is responsible for oversight of the Complaints Process, including ensuring that Complaints are managed in accordance with this Policy and the IAS Delegations Policy.

6.1 Making a Complaint

6.1.1 Anyone can make a report of alleged Prohibited Conduct at any time.

6.1.2 A Complaint can be made by filling in the Complaint Form in Appendix A and submitting it to the Complaint Manager.

6.1.3 Where a report of alleged Prohibited Conduct is received verbally by the Complaint Manager, the Complaint Manager will formalise the report by filling in the Complaint Form in Appendix A. If required, the Complaint Manager will fill in the Complaint Form with the assistance of the person making the report.

6.1.4 Where multiple Complaints relate to the same or related alleged conduct by the same Respondent, the Complaint Manager may combine them to be dealt with together for the purposes of the Complaints Process.

6.1.5 If a Complaint is made anonymously, this may limit the action that can be taken in relation to the Complaint.

6.1.6 The Complaint Manager will manage the process in accordance with this Policy and the IAS Delegations Policy.

6.2 Evaluation of the Complaint

6.2.1 Upon receipt of a Complaint, the Complaint Manager will conduct an evaluation of the Complaint and determine:

6.2.1.1 whether the Complaint falls within the scope of the Relevant Policies, is a minor breach of discipline or should be managed under an alternative policy of IAS or an Affiliate Organisation (if applicable);

6.2.1.2 whether the Complaint is mischievous, vexatious or made in bad faith, in which case it will not be managed under this policy;

6.2.1.3 whether the Complaint should be recorded for information purposes only and no further action is required; and

6.2.1.4 whether the Complaint should be referred for investigation under clause 6.4.

6.2.2 Each case must be considered on its own facts.

6.2.3 Factors that the Complaint Manager may take into account in determining whether to refer a Complaint to investigation include but are not limited to:

6.2.3.1 the seriousness of the alleged conduct;

6.2.3.2 whether the alleged conduct is a single instance or repetitive;

6.2.3.3 the availability of evidence that could be relied upon in an investigation;

6.2.3.4 whether a person or organisation has been directly affected by the alleged Prohibited Conduct, and if so, their circumstances and preferences;

6.2.3.5 the perceived risk to IAS; and

6.2.3.6 whether there have been other Complaints relating to similar allegations.

6.2.4 A Complaint must be escalated to the IAS CEO or Board (as applicable) where:

6.2.4.1 the matter involves a serious breach of a Relevant Policy;

6.2.4.2 there is potential reputational, legal or organisational risk to IAS; or

6.2.4.3 the matter falls outside the CEO's delegated authority under the IAS Delegations Policy.

6.2.5 The Complaint Manager will notify the Complainant once their evaluation is complete and the next steps in the complaints process.

6.2.6 A Complaint that has been previously managed through a complaints process will not be reconsidered or reinvestigated unless there are compelling reasons to do so, such as relevant new information becoming available.

6.2.7 Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of IAS, the matter will be managed under the most appropriate policy.

6.2.8 If a person considers that a child is at risk of immediate harm, the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.

6.3 **Provisional Action**

6.3.1 Where an allegation suggests a risk of harm to a Participant which justifies imposing Provisional Action, the Complaint Manager, with the approval of the CEO, will determine whether any Provisional Action will be taken to mitigate any potential harm to any person and/or interference in an investigation.

6.3.2 Provisional Action may include suspension, supervision, restriction of duties or temporary redeployment, or suspension or restriction of rights, privileges or benefits.

6.4 **Investigation**

6.4.1 The Investigator may conduct an investigation to obtain additional evidence, including by way of interviews with the Complainant and Respondent, to determine if the alleged Prohibited Conduct is a breach of a Relevant Policy.

6.4.2 In conducting an investigation, the rules of procedural fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard.

6.4.3 Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would constitute Prohibited Conduct under a Relevant Policy, the Respondent will be deemed under this Policy to have committed Prohibited Conduct without requiring further investigation, or any other process.

6.4.4 The standard of proof that applies to all substantive decisions made under this Policy in respect of allegations of Prohibited Conduct is the balance of probabilities. This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

6.4.5 Upon conclusion of an investigation, the Investigator will prepare a written report that sets out whether, to the requisite standard of proof, the allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated.

6.5 **Findings**

6.5.1 Upon receipt of the Investigator's report in clause 6.4.6, the Decision Maker will issue a written decision stating:

6.5.1.1 whether they accept or reject the conclusions in the Investigator's report;

6.5.1.2 if they reject the conclusions in the Investigator's report, the reasons for that rejection;

6.5.1.3 the sanction to be imposed on the Respondent or any other action recommended by the Decision Maker;

6.5.1.4 the proposed responses available to the Respondent; and

6.5.1.5 that any written response to the decision by the Respondent must be made to the Complaint Manager within 7 days of the date of the decision.

6.5.2 The Complaint Manager will communicate the Decision Maker's decision to the Complainant, Respondent and any Affiliate Organisation as required.

6.5.3 In response to the decision, a Respondent may:

6.5.3.1 accept the decision, waive their right to appeal and accept the proposed Sanction; or

6.5.3.2 dispute the decision and/or the Sanction, in which case the Respondent must provide a written response within 7 days of the date of the decision.

6.5.4 If the Respondent does not respond in writing within 7 days of the date of the decision, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by the IAS CEO, or the Board where applicable.

6.5.5 IAS management will retain appropriate records of the Complaint and any outcomes in accordance with any relevant policies or procedures relating to record-keeping.

6.6 **Failure to cooperate**

6.6.1 Relevant Persons should cooperate fully with any Complaints Process they are involved in. A failure to do so may itself amount to Prohibited Conduct.

6.6.2 If a Respondent fails or refuses to respond, after a request has been made in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in a Complaints Process or Resolution Process, the Complaint Manager (or the relevant decision-maker) may make findings based on the available information.

6.6.3 No individual or organisation bound by this Policy is required to answer a question or provide information where to do so would be a breach of any applicable law.

6.7 **External Referral**

6.7.1 The IAS CEO is authorised to engage an external person or organisation to perform or exercise any of the functions, duties or powers under this Policy.

6.7.2 At any time during the Complaints Process, a Complaint may be referred to a relevant law enforcement agency, government or regulatory authority or child

protection agency. If a person considers that a child is at risk of immediate harm the matter must be reported to the relevant law enforcement/child protection agency as soon as possible.

6.7.3 If an external referral is made, the Complaints Process may be suspended pending external resolution to avoid any potential compromise to the external process.

6.8 **Alternative Dispute Resolution**

6.8.1 At any time during the complaint process, the Complaint Manager or either party may propose to use alternative dispute resolution. Alternative dispute resolution will only occur with the consent of both the Complainant and the Respondent.

6.8.2 The complaints process may be suspended while alternative dispute resolution is pursued.

6.8.3 The complaints process may be discontinued if both parties are satisfied that the matter has been resolved by alternative dispute resolution.

6.8.4 The alternative dispute resolution process will be coordinated by the Complaint Manager as required.

6.9 **Support with the Complaint**

6.9.1 Where required, the parent or carer of a Vulnerable Person who is a party to a Complaint may support the Vulnerable Person and/or act on their behalf if necessary through the Complaints Process and any subsequent Resolution Process.

6.9.2 A party to a Complaint may request that they be assisted by a support person or authorised representative. This request will generally be granted unless there is a specific reason to deny it (for example, where a nominated support person or authorised representative is also a witness to the allegations or is actively hindering the interview process). Reporters and witnesses may be permitted to be assisted by a support person or authorised representative where this is considered appropriate.

6.10 **Withdrawing a Complaint**

6.10.1 A Complaint can be withdrawn at any time. Withdrawing a Complaint must be done in writing (in hard copy or electronically) to the Complaint Manager.

6.10.2 Where a Complaint has been withdrawn, the IAS CEO may choose to continue to progress the matter through the complaints process.

6.11 **Confidentiality**

All Complaints and materials associated with Complaints will be kept in strict confidence by IAS. This clause is subject to the IAS CEO, or the Board where applicable, to to:

6.11.1 make appropriate disclosures of information on a case-by-case basis;

6.11.2 make restricted disclosures of information to parties not directly affected by the alleged behaviour; and

6.11.3 make any appropriate or necessary disclosures of information to any Relevant Organisation or Sport Integrity Australia, which may in turn may disclose information as required or authorised by law.

6.12 **Sanctions**

6.12.1 It is the responsibility of IAS to ensure that appropriate Sanctions (or other alternative actions) are implemented and applied.

6.12.2 The CEO (or Board, where applicable) will determine if a Sanction should be publicly disclosed in order to give it full effect. This may be necessary for suspension or cancellation of membership or accreditation, or to ensure that Affiliate Organisations are aware of Sanctions imposed on their members.

6.12.3 Ignorance of the Relevant Policies is not a defence, excuse or justification for Prohibited Conduct and will not be considered a mitigating circumstance.

6.13 **Possible sanctions** include, but are not limited to:

6.13.1 a reprimand;

6.13.2 a verbal and/or written apology;

6.13.3 counselling of the individual to address behaviour;

6.13.4 withdrawal of any awards, achievements bestowed in any activities or events held or sanctioned by the IAS;

6.13.5 suspension or termination of scholarship, participation or engagement in a role or activity, and/or a good behaviour period;

6.13.6 de-registration of accreditation for a period of time or permanently;

6.13.7 a fine; or

6.13.8 any other form of discipline that the IAS considers reasonable and appropriate.

6.14 **Appeal**

6.14.1 Appeals must be submitted to the Board (via the President) within 7 days of the date of the decision and will be determined by the Board or a panel appointed by the Board.

6.14.2 The Board will determine the appeal within a reasonable timeframe, having regard to the nature and complexity of the matter.

6.14.3 Any appeal is limited to a denial of procedural fairness, on grounds of unjust or unreasonable disciplinary measure(s) being imposed, or on the grounds that the decision was not supported by the information/evidence presented and available to the decision maker/IAS.

APPENDIX A: COMPLAINT FORM

To be submitted by email to admin@ias.org.au and with the subject line, "Prohibited Conduct Complaint". All Complaint Forms and attached materials will be treated as strictly confidential.

*Please review the Member Protection Policy & Codes of Conduct, Safeguarding Children and Young People Policy and the Complaint, Dispute and Discipline Policy to understand the meaning of Prohibited Conduct **before** completing this form.*

*The form must be completed in **full**. You can seek assistance from the Complaint Manager in filling out the form.*

Name of person receiving complaint		Date of Complaint form: / / Date Complaint received: / /
Complainant's Name	…… ☐ Over 18 ☐ Under 18	
Complainant's contact details	Phone: Email:	
Complainant's role/status in IAS	☐ Administrator (volunteer) ☐ Parent ☐ Athlete/player ☐ Spectator ☐ Coach/Assistant Coach ☐ Support Personnel ☐ Employee (paid) ☐ Other ☐ Official ……	
Name of person complained about (**Respondent**)	…… ☐ Over 18 ☐ Under 18	
Person complained about role/status in IAS	☐ Administrator (volunteer) ☐ Parent ☐ Athlete/player ☐ Spectator ☐ Coach/Assistant Coach ☐ Support Personnel ☐ Employee (paid) ☐ Other ☐ Official ……	

Date/s of alleged Prohibited Conduct by Respondent	
Location of alleged Prohibited Conduct by Respondent	
Please summarise your allegations of Prohibited Conduct. *Please provide as much information as possible, including details of who is involved, describe what happened and when, and how you found out about the alleged breach. Please attach further pages if necessary.*	
Please advise if there are any witnesses to the allegations. If yes, please list the witnesses and their contact details.	
Please list and provide any documents or other evidence you rely upon in support of your allegations.	
Does the Complainant consent to alternative dispute resolution?	☐ Yes ☐ No
Please specify the Sanction that in your opinion should be applied by IAS.	
Date and signature	