

## Complaints Policy

### I. DEFINITIONS

- A. The Association of South-Asian A Cappella, Inc. (“ASA”) is the 501(c)(3) non-profit organization that oversees the South Asian a cappella community.
- B. All-American Awaaz (“A3”) is the national championship competition organized by ASA. For the purposes of this policy, A3 is considered as part of ASA.
- C. Bid Competitions (“Competitions”) are events hosted by student organizations at universities across the country. These bid competitions are selected on an annual basis by ASA.
- D. Organizational Leaders are defined as individuals who hold, or have held, leadership positions in their respective organizations, including but not limited to ASA, A3, Bid Competitions, A Cappella Teams, and any other organizations that exist within the community.
- E. Board Members are defined as all individuals currently or formerly part of a competition’s organizational board, not limited by their duration or capacity of membership. For ASA and A3, this list of individuals is kept on record by the Directors of ASA. For bid competitions, this list of individuals can be provided by the leaders of the respective bid competition, upon explicit request submitted in writing to ASA or the Bid Competition.
- F. Associated Individuals are defined as all board members, liaisons and volunteers of ASA and of bid competitions, and all members of all South Asian A Cappella teams.
- G. Affiliated Individuals are defined as any and all individuals that are members of or affiliated with:
  - 1. board members, liaisons, or volunteers of ASA, A3, or any bid competitions;
  - 2. any members of South Asian A Cappella groups/teams;
  - 3. any vendors, contractors or sponsors of any event that ASA supports;
  - 4. all audience members, whether physically in the event space or virtually on official, organizational-sponsored live streams;
  - 5. any venue or facility staff at an ASA-supported event; or
  - 6. any other individual that is directly or indirectly involved or included in the development or execution of an event that ASA supports.
- H. Community, for the purposes of this policy, is a general term used to describe the collective group of individuals that participate in the creation, support, performance, or viewership of music and art in the South Asian A cappella genre.
- I. A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person. A complaint is not a routine enquiry or clarification of process.

- J. The Investigator is a single person or group of persons assigned to review, investigate and give recommendations on a single submitted complaint.

## II. PURPOSE

### A. The purpose of this Policy is to:

1. ensure that the community is harmonious and free from intimidation,
2. promote clear, honest, and open communication,
3. provide a timely and effective mechanism for members of the community to express their concerns or make complaints when they occur so that options for a resolution can be identified as soon as possible;
4. define what complaints can be handled under this Policy;
5. ensure concerns and complaints are handled impartially, justly, confidentially and with the appropriate sensitivity; and
6. define the responsibilities and rights of affiliated individuals in resolving concerns and complaints.

### B. Scope

1. This Policy applies to all members of the community.
2. This Policy acknowledges that where matters are raised with a respondent and there is a declared or perceived conflict of interest, the matter will be referred to the ASA leadership for assessment and advice.

## III. RESPONSIBILITIES

### A. The ASA Directors are responsible for:

1. providing leaders in demonstrating a commitment to the resolution of complaints made to ASA; and
2. ensuring there is an effective, timely, impartial, and just system for dealing with complaints.

### B. The investigator(s) is/are responsible for:

1. providing independent and impartial advice and assistance to organizational leaders who have received and are handling a complaint;
2. providing independent, impartial and confidential information to complainants about the procedure for dealing with complaints including listening to the issues and helping the person clarify the facts;
3. conducting internal reviews of complaints in both process and content; and
4. identifying systemic issues arising from complaints and making recommendations to organizations for the purpose of continuous community improvement.

### C. Organizational Leaders are responsible for:

1. exercising primary responsibility for receiving and resolving concerns and any conflict in their areas in a timely and fair way;
  2. advising people of their right to make a complaint via formal procedures where appropriate; and
  3. providing advice and assistance to people who have a concern or complaint.
- D. Complainants and Respondents are responsible for:
1. providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
  2. engaging openly in the complaint handling process, including participations in discussion with other parties to resolve the concerns;
  3. responding to ASA's or the investigator's requests for information in a timely manner; and
  4. respecting those individuals involved in the complaint handling process.

#### IV. PRINCIPLES

##### A. Access:

1. This Complaints Policy and its associated procedures should be easily accessible, simple to understand and well-publicized to ensure ease of implementation.
2. All members of the community should understand how to receive and pass on complaints.
3. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised; to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimized.
4. All members of the community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.

##### B. Natural Justice and Procedural Fairness:

1. All parties will be afforded natural justice and procedural fairness in the handling of complaints by ASA.
2. All parties to a complaint will know what to expect during the complaint handling process.
3. The complaint handling process will be carried out in a transparent manner, ensuring records are maintained.
4. All parties will be provided with equal opportunity to participate in the process.
5. All parties will be treated in a respectful manner.
6. All parties will be provided reasons for decisions made.



C. Equity:

1. Actions and decisions in relation to complaints will be made having regard to the age, culture, disability, language, religion, gender and sexuality of the parties.
2. ASA will always endeavor to investigate concerns raised with it, regardless of the manner in which they are expressed, having regard for Section IV, Subsection F of this Policy.
3. A complainant will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome.
4. Complainants and respondents will be entitled to receive assistance by an organizational leader.

D. Confidentiality and Recording:

1. The privacy and confidentiality of parties will be respected to the extent practicable and appropriate; with acknowledgement that matters may be subject to subpoena.
2. Accurate records will be kept by each investigator dealing with the complaint, including recording of reasons for all significant decisions

E. Resolution:

1. Where it is within ASA's responsibility and under the appropriate delegated authority, fair and reasonable remedies will be offered where appropriate.
2. There will be regular monitoring, review and reporting of complaints received and actions taken.
3. The operation of the complaints handling process and findings will be reported to the ASA Directors to improve the community.
4. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of ASA's policies and the community at large.

F. Authority:

1. Individuals involved in handling complaints will have the necessary authority and support to carry out the process effectively.
2. When specific skills are required, such as mediation, individuals involved in handling complaints will have access to appropriate resources and support to fulfill their role.

G. Conflict of Interest:

1. Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.
2. ASA will make every effort, to the extent that it is practical, to select an investigator that does not possess any conflicts of interest with the content of the complaint, the complainant, the respondent, or any other individual or organization that is part of the complaint handling process.

3. If in the process of the complaint handling it is discovered that a conflict of interest does exist, ASA will make every effort to replace the investigator with a different individual and ensure continuity of the formal procedure.

## V. PROCEDURES

- A. Informal Procedures: Individuals are encouraged to try to resolve concerns informally in the following steps:
  1. If possible, sort it out directly with the person involved. Tell the person the substance of the problem and explain why you find their behavior unacceptable or offensive. This can give them a chance to stop or to change that they are doing.
  2. If you do not feel that you can approach the person yourself, or if this approach doesn't work, consider seeking assistance from an organizational leader (example: a team captain or the director of a bid competition).
  3. Whether this approach is successful or not, facilitate a mutual understanding for the next steps, either towards resolution or towards moving forward to the formal procedures.
- B. Formal Procedures: Commencement of the formal procedure should only take place if the concern could not be practically resolved using the informal procedure.
  1. Complaints must be made by submitting the case in writing, using ASA's Complaints Form, found at [www.desiacappella.org/complaints](http://www.desiacappella.org/complaints). The complainant will be asked to submit the following information. The more information that can be provided, the better ASA can address the situation:
    - a) Name and organization affiliation of the Complainant(s);
    - b) Contact information, including address, telephone, e-mail;
    - c) Name of person(s) directly responsible for alleged violation(s);
    - d) Date(s) and place(s) of alleged violation(s);
    - e) Nature of alleged violation(s) as defined in this policy;
    - f) Detailed description of the specific conduct that is the basis of alleged violation(s);
    - g) Copies of documents pertaining to the alleged violation(s);
    - h) Names of any witnesses to alleged violation(s) and witnesses' contact information;
    - i) Action requested to resolve the situation;
    - j) Complainant's signature and date of filing; and
    - k) Any other relevant information.
  2. Following a submitted complaint, a single ASA board member, who is unaffiliated with the parties involved in the complaint, will be assigned to perform an investigation.

3. The investigation will involve consulting with and interviewing the complainant, other persons providing a statement, individual(s) against whom the complaint is submitted, and any other persons the investigator deems appropriate.
  4. For complaints against an associated individual or entity other than ASA or an ASA board member, liaison or volunteer, the investigator will first discuss the complaint with the associated individual's organizational leader. If the organization in question has an existing policy or procedure, the investigator will defer to that policy or procedure, and provide additional recommendations only if deemed appropriate and on a case-by-case basis.
  5. The investigator will make recommendations that are in keeping with the seriousness of the matter which was the basis of the complaint.
  6. Responsive or corrective action may include, but is not limited to, disciplinary action such as a warning or reprimand, monetary fines, disqualification from competition, probation from future competitions, suspension from organization, or termination of contract, as deemed appropriate by the investigator and other investigating parties.
- C. Referral of Complaints
1. In general, ASA will consult with the complainant to identify how the complainant wishes the complaint to be handled and the outcomes the complainant is seeking without reference of the matter to third parties.
  2. However, where the conduct complained about amounts to serious misconduct or a serious risk to the health or safety of any affiliated individual, to a criminal offense, or where mandatory reporting is legislated, ASA has an obligation to deal with the matter under the relevant rules and to refer the matter to local law enforcement or other appropriate external agency for investigation.

## VI. RIGHTS

- A. ASA Board Members, the investigator, and any other individuals involved in the complaint handling process are entitled at all times to be treated with respect and courtesy when handling complaints.
- B. Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward ASA Board Members, the investigator, or any other individual involved in the complaint handling process, the ASA Directors may decline to further consider the complaint and institute proceedings for misconduct against the person under applicable rules or policies of ASA or refer the matter to an external agency.
- C. ASA reserves the right to decline to give consideration to, recommendations for or perform corrective action regarding a complaint, at any time where:



1. the investigator involved views the complaint to be frivolous, vexatious, not made in good faith, misconceived, lacking in substance, or lacking in currency;
  2. the complaint is declined by the ASA Directors in accordance with Section VI, Subsection B;
  3. a claim has been made (either by the complainant, the respondent, or any associated member) in a court or before another judicial authority;
  4. ASA forms the view that legal action may be taken by another party at a future time and in the circumstances is of the view that resolution of the matter through this Policy is not appropriate;
  5. the subject matter is arising under, or in relation to, a contract between ASA and a third party where there is an agreed dispute resolution process under the contract;
  6. the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency;
  7. the subject matter of the complaint may be more appropriately dealt with by an external agency, in which case ASA may refer the complaint to that agency;
  8. ASA has already dealt with the substance of the complaint in the past; or
  9. the complainant is unwilling to participate in the complaint management process.
- D. A decision by ASA to decline a complaint does not preclude ASA, in its absolute discretion, from seeking to resolve the complaint in accordance with this Policy or through another appropriate resolution process where ASA is of the view that this is appropriate. For the avoidance of doubt, nothing in Section VI, Subsection C, shall be interpreted to compel or require ASA to seek resolution of a complaint that has been declined unless ASA determines it is appropriate to do so.

## VII. CONSIDERATIONS

- A. While no fixed reporting and investigation period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived concerns. ASA will make full effort to investigate all complaints in a prompt manner, with expedited consideration given to complaints that allege serious or criminal conduct.
- B. If at any time during the handling of a complaint, it appears to the investigator involved that the matter may involve serious misconduct, the matter must be referred to the ASA Directors for additional investigation.
- C. If a complaint involves evidence of possible criminal conduct, ASA may refer the matter to local law enforcement or other appropriate agencies as detailed in Section V, Subsection C.

- D. A complaint may lead to counter allegations from the responding party. As part of our formal procedures, the initial complaint will be considered and resolution sought on the matter in its own right. This does not preclude both the original complaint and the subsequent complaint from the respondent(s) being considered together.
- E. False and malicious complaints, as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

## VIII. RETALIATION

- A. Retaliation against a person who reports a potential violation under any ASA Policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under any ASA Policy is strictly prohibited and will not be tolerated.
- B. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's membership, leadership, or participation in a community-related activity, event, or organization.
- C. ASA will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to any ASA Policy will not be subjected to retaliation.
- D. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with ASA using the same procedure outlined Section V of this Policy.

## IX. CONFIDENTIALITY

- A. ASA will maintain the utmost level of confidentiality throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.
- B. All written records of the complaint shall be stored electronically in a private Google Drive folder, separate from other ASA files and folders, and accessible only by the ASA Directors and the investigator(s) involved with the complaint.
- C. At the conclusion of the investigation, files will be moved to a folder accessible only by the ASA Directors, and will be maintained for a period of 2 years from the date of complaint submission.
- D. No party will be informed about or contacted regarding the complaint, apart from the ASA Directors and the involved investigator, without first explicitly receiving consent from the complainant and/or respondent, except as described in Section V, Subsection C.

## X. ADDITIONAL INFORMATION

- A. ASA reserves the right to make changes to any part of this policy from time to time.



- B. ASA reserves the right to investigate violations of policies at its own accord at any time and enact appropriate consequences up to the organization's discretion.
- C. We will notify the community about significant changes by making a post on our social media, by placing a prominent notice on our website, and/or by updating information on our policies page.
- D. ASA welcomes your questions or comments regarding this Complaints Policy. You may contact us via email at [legal@desiacappella.org](mailto:legal@desiacappella.org).