



# **MEMBER PROTECTION POLICY MANUAL**

Code of Conduct Policy

Membership Protection Guidelines

Diversity and Inclusion Policy

Police Vetting Policy

Complaints & Discipline Policy

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## SWIMMING NEW ZEALAND MEMBER PROTECTION POLICY MANUAL

<b>SECTION ONE:</b>	<b>INTRODUCTION:</b>	<b>Page:</b>
1.1.	Introduction:	3
1.2.	Purpose of the Manual:	3
1.3.	Who these Policies Apply To:	4
1.4.	Responsibilities of Swimming NZ, Regions & member clubs:	4
1.5.	Individual Member Responsibilities:	4
1.6.	Definitions of Abuse and Harassment:	5
1.7.	Membership Protection Advisor:	6
<b>SECTION TWO:</b>	<b>CODE OF CONDUCT:</b>	
	Code of Conduct:	7
<b>SECTION THREE:</b>	<b>MEMBERSHIP PROTECTION GUIDELINES:</b>	
3.1	Child Protection:	8
3.2	Taking Images/Videos of Children:	10
3.3	Electronic and Social Media/Networking:	11
3.4	Cyber Bullying/Safety:	12
3.5	Discrimination & Harassment:	12
3.6	Sexual Relationships:	13
3.7	Pregnancy:	13
3.8	Gender Identity:	13
3.9	Responsible Service and Consumption of Alcohol:	14
3.10	Smoke-Free and Vape-Free Environment:	14
3.11	Anti-Doping and Illicit Drugs in Sport:	14
<b>SECTION FOUR:</b>	<b>DIVERSITY AND INCLUSION POLICY:</b>	
4.1	Diversity and Inclusion Policy:	15
<b>SECTION FIVE:</b>	<b>POLICE VETTING POLICY AND PROCESS:</b>	
5.1	Police Vetting Policy:	16
5.2	Police Vetting Process:	17
<b>SECTION SIX:</b>	<b>COMPLAINTS AND DISCIPLINE POLICY AND PROCESS:</b>	
6.1	Complaints and Discipline Policy:	20
6.2	Complaints and Discipline Process:	21
	Official Complaints Form:	28

### 1.1. INTRODUCTION:

Swimming is a sport that values teamwork, co-operation, diversity, inclusion and leadership, and one that can be enjoyed by people of all ages and abilities. Swimming New Zealand (Swimming NZ) is committed to ensuring that a diverse range of participants continue to enjoy our sport for years to come and to providing a safe environment in which to do so.

Swimming NZ has developed the Membership Protection Policy Manual (the Policy) to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values.

This Policy includes a Code of Conduct that forms the basis of appropriate, ethical and acceptable conduct, which all members must abide by. It also includes a number of position guidelines that clearly set out Swimming NZ's expectations in relation to behaviour and conduct, including the protection of our members under the age of 18, and a series of policies that guide members through the complaints, disputes, disciplinary and appeals processes.

*The document is intended for the use of and to be applied to the members of Swimming NZ. For example, individual members, clubs and their committees, regions and their Boards, technical officials, and coaches.*

### 1.2. PURPOSE OF THE MEMBERSHIP PROTECTION POLICY MANUAL:

This is an essential part of Swimming NZ's proactive and preventative approach to tackling inappropriate behaviour within our sport. Swimming NZ expect all administrators, coaches, athletes, and support staff to assist it to promote and deliver a safe and responsible environment for all participants.

The policies herein will provide a resource for all members that clearly articulates the type of behaviour that is expected from members and to provide a clear process that can be followed should expected behaviours be not be adhered to.

The position statements and policies that follow aim to ensure Swimming NZ core values, good reputation and positive behaviours and attitudes are always maintained. The goal of the Policy is to assist Swimming NZ in ensuring that every person involved in swimming is treated with respect and dignity and is safe and protected from abuse. The policy statements will inform everyone involved in swimming of their legal and ethical rights and responsibilities and the standards of behaviour that are required and expected.

Swimming NZ is committed to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Swimming NZ will appoint a Membership Protection Advisor (MPA) who will work with Swimming NZ, regions and clubs to help enforce the policies contained in this manual and offer skilled advice and support in the event that disciplinary action against any person or organisation bound by this manual be required.

This Policy Manual:

- 1.1. Has been made pursuant to the Constitution of Swimming NZ and has been endorsed by the Swimming NZ Board.
- 1.2. Will operate until replaced or rescinded.
- 1.3. May be amended from time to time by resolution of the Swimming NZ Board. The current version of the Membership Protection Manual will be always available on the Swimming NZ website [www.swimming.org.nz](http://www.swimming.org.nz)

### **1.3. WHO DO THESE POLICIES APPLY TO:**

The policies, position statements and information contained within this manual apply to the following people, unless they have varied their agreement with Swimming NZ by consenting to be bound by a policy which complements or supersedes this information contained within this manual, whether they are in a paid or unpaid/voluntary capacity:

- a) Any person or organisation that is a member of, or affiliated to, Swimming NZ
- b) Persons appointed or elected to Swimming NZ's Board, committees, and sub-committees
- c) Employees and volunteers of Swimming NZ and organisations affiliated to Swimming NZ
- d) Support personnel appointed or elected to Swimming NZ teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- e) National coaches and assistant coaches
- f) Athletes, including national representative athletes
- g) Technical Officials and other officials involved in the regulation of the sport
- h) Athletes, coaches, officials, and other personnel participating in events and activities, including camps and training sessions, held, or sanctioned by clubs, regions, and Swimming NZ; and
- i) Parents, guardians, spectators and sponsors to the full extent that is possible, including where spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

The policies, position statements and information contained within this manual also apply to and shall be adopted by Swimming NZ's Regions, members clubs and associated organisations (referred to herein as 'affiliate organisations') and furthermore shall apply to members, athletes and officials from those affiliated organisations.

Member associations are required to adopt and implement this Policy and to provide proof to Swimming NZ of the approval of the Policy by the relevant Board in accordance with their Constitution. Member Associations must also undertake to ensure that affiliated clubs and individual members are bound by this policy and are made aware of this policy and of its contents.

The policies, position statements and information contained within this manual will continue to apply to a person even after they have stopped their association or employment with Swimming NZ if disciplinary action, relating to an allegation against that person, has commenced prior to that person ceasing their association with Swimming NZ.

### **1.4. RESPONSIBILITIES OF SWIMMING NZ, REGIONS, AND MEMBER CLUBS:**

Swimming NZ, its regional associations and member clubs must:

- a) Adopt, implement, and comply with the policies, guidelines, and information (including any updates) contained within this manual
- b) Publish, distribute, and promote this manual and the consequences of breaches
- c) Always promote and model appropriate standards of behaviour
- d) Promptly deal with any breaches or complaints made under these policies in a sensitive, fair, timely and confidential manner
- e) Apply these policies consistently
- f) Recognise and enforce any penalty imposed under these policies
- g) Ensure that a copy of this manual is available or accessible to the persons and associations to whom these policies apply
- h) Appoint appropriately qualified people to receive and manage complaints and allegations
- i) Monitor, review and update these policies from time to time as appropriate.

### **1.5. RESPONSIBILITIES OF THE INDIVIDUAL:**

Individuals bound by these policies are responsible for:

- a) Making themselves aware of these policies and complying with their standards of behaviour
- b) Placing the safety and welfare of children and vulnerable people above other considerations
- c) Being accountable for their own behaviour
- d) Following the procedures outlined in these policies regarding child protection concerns
- e) Co-operating in providing a discrimination, abuse and harassment free sporting environment
- f) Understanding the possible consequences of breaching these policies; and
- g) Complying with any decisions and/or disciplinary measures imposed pursuant to these policies.

#### 1.6. DEFINITIONS OF ABUSE & HARASSMENT:

Swimming NZ considers the following definitions and examples of abuse and harassment applicable to all its members.

##### ***Physical Abuse:***

Physical abuse is any act that results in inflicted injury to a person. Injuries caused through abuse/neglect are known as non-accidental injury. They may include, but are not restricted to:

- a) Shaking, hitting, kicking, pushing, throwing, or, training methods that are inappropriate for the age and physiological development of the athlete.
- b) Any strength training should be used with extreme caution as it can be harmful if not conducted appropriately.

##### ***Sexual Abuse:***

Sexual abuse is any act or acts that result in the sexual exploitation of a person whether consensual or not. It may be perpetrated by an adult, older child, or similar-aged athlete. It may include, but is not restricted to:

- a) Non-contact abuse such as: exhibitionism, suggestive behaviours, or comments; exposing children or vulnerable people to any obscene or inappropriate material or images; and
- b) Contact abuse such as: touching breasts, genital areas, or any inappropriate contact

##### ***Emotional/Psychological Abuse:***

Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a person. It may include, but is not restricted to:

- a) Rejection or isolation; inappropriate or continued criticism, threats, humiliation or accusations of the child or young person; exposing children to, or involvement in anti-social or illegal activities; bullying actions such as sarcasm, persistent teasing, tormenting.

##### ***Neglect:***

Neglect is any act or omission that results in impaired psychological functioning, injury and/or development of a person. It may include, but is not restricted to:

- a) Failing to provide medical care when necessary; neglectful supervision, defined by failure to provide developmentally appropriate supervision of the child or young person or athlete, leading to increased risk of harm; abandonment – leaving a child or young person in a situation without arranging necessary care for them and with no intention of returning.

##### ***Sexual Harassment:***

Sexual harassment is described as 'unwanted, unwelcome or uninvited sexual attention'. Some of the behaviours that lead to sexual harassment are, but not limited to:

- a) Someone who draws another person into emotional intimacy through developing inappropriate friendships; someone who is coercive about their rights to demand favours from children; inappropriate flattery; someone who is coerced into divulging personal information; jokes; display of offensive material; or propositions.

***Discrimination:***

Discrimination is defined as the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex.

**1.7. MEMBERSHIP PROTECTION ADVISOR (MPA):**

Swimming NZ has a Membership Protection Advisor (MPA). The MPA will work with regions and clubs to help them enforce the policies contained in this manual and offer expert advice and support should disciplinary action against any person or organisation bound by these policies be required.

The MPA is someone who has a professional background or experience in child/membership protection issues and is the point of contact for anyone who has concerns or would like to discuss an issue around child/member safety.

The MPA can be contacted (in confidence) at [mpa@swimming.org.nz](mailto:mpa@swimming.org.nz). Noting however, that all complaints should be dealt with at the lowest possible level, therefore any complaint made to the MPA may be directed to a more appropriate authority.

*Anyone who has a child safety concern can bypass the MPA and go directly to the Police at any time.*

## SECTION TWO: CODE OF CONDUCT

Swimming NZ expects all members, supporters, advisors, staff, and associates of Swimming NZ, to abide by a Code of Conduct that upholds the principles and values of the organisation.

Respect the rights, dignity and worth of others	<ul style="list-style-type: none"> <li>• Be fair, considerate, and honest in dealings with others</li> <li>• Refrain from any form of abuse, harassment, discrimination, or victimisation towards others</li> <li>• Be professional in, and accept responsibility for, your actions</li> </ul>
Maintain high standards of integrity	<ul style="list-style-type: none"> <li>• Operate within the rules of Swimming NZ and maintain an uncompromising adherence to standards, regulations, and policies</li> <li>• Advocate a sporting environment free of drugs and other performance enhancing substances within the guidelines of Drug Free Sport New Zealand and the World Anti-Doping Code</li> <li>• Advocate a sporting environment free of match-fixing</li> <li>• Be a positive role model</li> <li>• To not provide comment to any media on behalf of Swimming NZ</li> <li>• To not speak to any media in a negative way regarding Swimming NZ or its members</li> <li>• Never act in a way that may bring disrepute or disgrace to Swimming NZ members, its stakeholders and/or sponsors, potential sponsors and/or partners</li> </ul>
Provide a safe and fair environment for athletes, spectators, event staff and anyone else involved with the event and the sport at large	<ul style="list-style-type: none"> <li>• Make a commitment to providing a quality service</li> <li>• Operate within the Constitution, Rules, Policies and Procedures on Swimming NZ</li> <li>• Adopt appropriate risk management strategies to ensure that the event is safe</li> <li>• Ensure equipment and facilities meet safety standards</li> <li>• Ensure equipment, rules, training, and the environment are appropriate for the age, physical and emotional maturity, experience, and ability of the participants</li> <li>• Seek advice and assistance from professionals when additional expertise is required</li> <li>• Maintain appropriate records</li> </ul>

Any breach of the Code of Conduct may result in disciplinary action taken under the Swimming NZ Complaints and Discipline Policy and Process that forms part of Swimming NZ's Membership Protection Policy Manual.

The code of conduct agreement form and appendix can be found [here](#).

## SECTION THREE: MEMBERSHIP PROTECTION GUIDELINES

### 3.1. CHILD PROTECTION:

Swimming NZ, its regional associations and member clubs have a responsibility to ensure that appropriate policies and procedures are established to safeguard all members, and in particular, children from any threat of or form of abuse or harassment while participating in any aspect of our sport. In this Child Protection Position Statement, children are defined as under 18 years of age.

The responsibility for safeguarding children lies with all adults who play a role in their lives. This refers to all people who work directly and indirectly with children, including those responsible for the administration and coordinating of the swimming environment.

Swimming NZ aims to foster an environment within the sport that ensures the safety and wellbeing of all members. An awareness of this Child Protection Position Statement amongst all people who are involved with children and young people in swimming also assists in reducing risk to swimming organisations, coaches, officials, volunteers, parents, and supporters.

Adults should always establish and maintain appropriate professional boundaries in their relationships with athletes.

#### a) GOOD PRACTICE GUIDELINES:

*Good practice amongst adult coaches, officials and volunteers means:*

- The safety and wellbeing of children/young people must always be paramount.
- Athletes are treated with dignity and respect.
- Good practice is promoted to reduce the possibility of abusive situations.
- Always working in an open environment avoiding private or unobserved situations.
- Always encouraging open communication.
- At camps or 'away/out of town' meets, adults must not enter the room of children / young people or invite children / young people into their room unless:
  - The adult is the parent or assigned caregiver of the child / young person; or
  - The adult and the children / young people are attending a team meeting in the room and more than 5 people are present: or
  - A child / young person needs urgent medical attention, in which case an adult will do everything possible to ensure that another adult is in the same room at the same time.
- Concerns regarding safeguarding children/young people are referred and dealt with according to the steps within this Position Statement.
- Securing parental consent in writing to act *in loco parentis* if the need arises to administer emergency first aid and/or other medical treatment.
- Ensuring any form of abuse or sexual harassment directed at a child from others, whether this is from another child or adult, is challenged and reported to the Membership Protection Advisor.
- Knowing and understanding the Child Protection Position Statement.
- Where a coach believes it is necessary to touch an athlete to correct technique, it is important that they:
  - Consult with the parent/caregiver first if present; and/or
  - Ensure the child is made aware of the purpose of the contact and gives consent; and/or
  - Consider the appropriateness of the ways in which technique is corrected involving touch



*All coaches, officials and volunteers must ensure:*

- They never take, or are in the presence of, children/young people in secluded places where they will be alone, irrespective of gender (this includes room sharing)
- Wherever possible an adult should not share a room with a child other than their own
- They never deliberately reduce a child/young person to tears as a form of control
- They never deliberately do something to make someone feel diminished or embarrassed
- They never use inappropriate language, or allow other children to use inappropriate language unchallenged (e.g. swearing, name calling/put downs, sarcasm, innuendo, sexualised connotations, culturally or racially offensive comments)
- They never leave a pool or training venue before all swimmers have been collected or are continuing to be supervised by appropriate adults
- They never cause a swimmer to lose self-esteem by embarrassing, humiliating or undermining the individual
- They never yell or shout at swimmers as a reprimand or in response to anger
- They never make sexually suggestive comments or actions to, or in the vicinity of a child/young person, even in fun
- They never touch a child / young person, unless they have the approval of a parent (for the purposes of technique or stroke correction), or in the case that the swimmer is 18 years or over, approval of the swimmer themselves; except in the case of a medical emergency, in which case they shall do everything possible to ensure that another adult is present at the same time.
- They never engage in rough, physically or sexually provocative games; and
- They never engage in, or allow unchallenged, any form of abuse or sexual harassment as described in this Position Statement

The relationship between coaches/club officials who hold a position of trust and responsibility with athletes, particularly, but not limited to those under 18 years, must always be professional and appropriate.

**b) HANDLING CONCERNS/DISCLOSURES:**

Disclosures of abuse or sexual harassment may be made to an individual by the person affected or another person or, an individual may directly observe concerning behaviour. The following is a guide to handling disclosures or concerning observations:

- If someone observes behaviour by another person to a child that causes concern, the individual does not have to discuss this with the child/young person but can contact the Membership Protection Advisor to seek advice. The name of the person reporting the behaviour will be kept confidential.
- At any time, individuals can bypass the Membership Protection Advisor and report concerns directly to Oranga Tamariki or the Police. Individuals are not required to provide their name or details should these be provided; however, they will be kept confidential by these agencies.

**c) LEGAL/PRIVACY ISSUES:**

When disclosures or observations of child abuse are made that fall in the remit of this Child Protection Policy, those to whom disclosure is made are required in all circumstances to follow the procedures outlined. All those involved in dealing with issues of Child Protection are required to respect the provisions of confidentiality which relate to their responsibility. The Privacy Act 1993 and the Health Information Privacy Code 1994 authorises disclosure of information necessary to prevent or lessen serious and imminent harm to any individual (to the extent necessary) to statutory social workers or the Police.

The Children, Young Persons and their Families Act 1989 also gives way to privacy under certain circumstances. These deal with the reporting of child abuse (Section 15) and protection of an individual from proceedings (disciplinary, civil, and criminal) when disclosing child abuse to either an Oranga Tamariki social worker or the Police (Section 16).

Upon request, information can or must be released to an Oranga Tamariki social worker, police officer or care and protection coordinator (Section 66 CYF Act 1989).

**d) WORKING WITH CHILDREN CHECKING REQUIREMENTS:**

Child abuse is illegal and all complaints to the Police and/or Oranga Tamariki could result in an investigation which could result in criminal charges.

New Zealand is currently making significant changes to improve the safeguarding of children through legislation and policy. Standard screening and vetting procedures to safeguard children from those who wish to access children through sport is best practice.

**e) SCREENING AND VETTING REQUIREMENTS:**

**Refer to Section Five – Swimming NZ Police Vetting Policy and Process**

### **3.2. TAKING IMAGES/VIDEOS OF CHILDREN:**

**General:**

There is the potential for images or videos of children to be used inappropriately or illegally. Any devices that can take/record images or videos are included in this Position Statement, including the use of telescopic or zoom lens.

It is possible for images or video to be taken with any device without the knowledge of the subject. Swimming NZ requires all its members to be vigilant in changing rooms and other areas of the pool and to report immediately to facility management any concerns arising from the taking or recording of images or video. Swimming NZ prohibit the use of camera phones, videos and cameras inside changing areas, showers, and toilets.

Swimming NZ encourages that all individuals and associations, wherever practicable, obtain the permission from a child's parent/guardian before taking an image or video of a child that is not their own. Taking an image or video of a medal or award presentation or a team photo are exceptions to this requirement to seek permission. Similarly, videoing or livestreaming for broadcasting events, and the taking of media photographs, by approved agencies are also exceptions to this requirement to seek permission.

**Parent or guardian Photography:**

Parental photography forms an enduring part of each family's record or their child's progress, celebration of success and achievement and is an established social practice.

In the interest of protection of your child, while Swimming NZ recognises parents/caregivers may want to take images or video of their son/daughter, spectators wishing to do this must be aware that:

- They may be asked to cease using photographic or video devices by an official; and
- They may be required to seek consent directly with their club for photographic/video use outside of swimming meets, e.g. training sessions, camps

The athlete of the parent/caregiver wishing to record images/video must be the main subject in the images/video. No images or videos are to be taken of other children as the main subject without appropriate consent.

No images or videos of children should be uploaded onto any electronic device or website by any person without the consent of the parent/caregiver if the child is less than 18 years.

#### **Swimming NZ Photography:**

If Swimming NZ or its Regions or Member Clubs use an image of a child, they will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. They will not display any information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. They will only use appropriate images/videos of a child relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. where possible they will seek permission to use these images.

#### **Official Photographers/Video Operators:**

Official event photographers wishing to take either photographs or video at Swimming NZ events must seek accreditation and produce their professional identification for their details to be recorded.

Official event photographers wishing to take either photographs or video at Regional swimming events must seek accreditation with the Region and produce their professional identification for their details to be recorded.

Ideally this should be requested at least five working days before an event. Parental consent must still be given for use of images for promotional purposes and these images/video must be stored securely.

#### **Regions and Member Clubs:**

For anyone wishing to take photographic or video images of a regional or club swimmer (not intended for personal use only) the following must occur:

- Consent must be gained from the athlete and/or the parent/caregiver if the subject is under 18 years
- State clearly the intended purpose/use of the images
- Confirm whether you intend to publish the athletes' names alongside the image; and
- Securely store the photography or video and annotate them with the date they were taken.

It is important to note that an athlete may be under an external agency's protection order that may not be known to another parent, coach, volunteer, or official photographer. This may compromise the safety of the person the images are of.

### **3.3. ELECTRONIC & SOCIAL MEDIA/NETWORKING:**

Swimming NZ acknowledges the enormous value of social networking websites, such as (but not limited to) Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative, or hateful language.
- must not be misleading, false or injure the reputation of another person.
- should respect and maintain the privacy of others.

#### **a) Children and Electronic & Social Media/Networking:**

Many children communicate using one or more of the electronic and social networking

platforms, which are available to them. Ideally, communication should be conducted between the coach/another adult and the parent of the child, however, if you need to communicate directly with the child/athlete, you need to observe the cautions stated below.

Swimming NZ recommends the following cautions:

- If coaches use text messages or any other social networking means to communicate directly with athletes of any age, content remains brief and functionally related to swimming and avoids any social comment
- Do not include personal information of yourself or others in social media channels
- Do not use offensive, provocative, or hateful language or images
- Use your best judgement – do not publish something that makes you feel the slightest bit uncomfortable and, never write/publish if you are feeling emotional or upset (or are intoxicated)
- Never comment on rumours, do not deny, or affirm them or speculate about rumours; and
- Always use electronic and social network forums to add value and promote the sport in a positive way.

#### **3.4. CYBER BULLYING/SAFETY:**

Swimming NZ regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

The introduction over recent years of technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied though the electronic delivery of unwanted and inappropriate comments. Swimming NZ will not tolerate abusive, discriminatory, intimidating, or offensive statements being made online. In some cases, such bullying is a criminal offence.

Frustration at a referee, teammate, coach, or sporting body should never be communicated on social networking websites.

*If children are involved in suspected Cyber Bullying/Safety issues, either as the perpetrator or victim, please refer to 3.1 in this Membership Protection Policy for the appropriate follow up and management.*

#### **3.5. DISCRIMINATION AND HARASSMENT:**

Swimming NZ aims to provide a safe sporting environment where all those involved in its activities are treated with dignity and respect and, without harassment or discrimination.

Swimming NZ recognises that all those involved in its activities cannot enjoy themselves, perform to their best or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of factors such as their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, medical, marital status, political belief, pregnancy or breastfeeding, race, religion, gender or social origin.

Swimming NZ opposes all forms of harassment, discrimination, and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic, imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal, disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phones, tablets and computers.

*If children are involved in your concerns around discrimination or harassment as either the*

*perpetrator or victim, please refer to 3.1 in this Membership Protection Policy for the appropriate follow up and management.*

### **3.6. SEXUAL RELATIONSHIPS:**

Swimming NZ takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach, should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from another adult if they feel harassed. Our complaints process is outlined in 8.1 of this policy.

*If children under the age of 18 are involved in your concerns around sexual relationships as either the perpetrator or victim, please refer to 3.1 in this Membership Protection Policy for the appropriate follow up and management.*

### **3.7. PREGNANCY:**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed.

Swimming NZ recommends that pregnant women wanting to participate in our sport consult with their medical advisors to ensure they make informed decisions about participation. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of the utmost importance in their decision making about the way they participate in our sport.

### **3.8. GENDER IDENTITY:**

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Swimming NZ will not tolerate any unlawful discrimination or harassment of a person who identifies as or as thought to be transgender or transsexual.

Swimming NZ recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. If issues of performance advantages arise, Swimming NZ will seek advice on the application of those laws in the circumstances.

Swimming NZ is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position taken by Swimming NZ.

### **3.9. RESPONSIBLE SERVICE AND CONSUMPTION OF ALCOHOL:**

Swimming NZ is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. In general, our position that:

- Event hosts must always comply with the law, including the Sale of Liquor Act.
- Event hosts must prevent drunkenness, minors accessing liquor, and understand that irresponsible liquor practices lead to problems both on and off the premises.
- At events held or endorsed by Swimming NZ where alcohol is served, food and low-alcohol and non-alcoholic drinks should also be available; and
- Safe transport options should be considered as part of any event held where alcohol is served.
- Alcohol-free social events should be provided for young people and families.

### **3.10. SMOKE-FREE AND VAPE-FREE ENVIRONMENT:**

Swimming NZ is committed to conducting sporting and social events in a manner that promotes a smoke-free and vape-free environment. The following policies should be applied to sporting and social events:

- No smoking or vaping shall occur at or near any sporting event or competition involving persons under the age of 18 years. This policy shall apply to coaches, athletes, officials, and volunteers; and
- Social functions shall be smoke-free and vape-free.

### **3.11. ANTI-DOPING AND ILLICIT DRUGS IN SPORT:**

Swimming NZ has adopted the Drug Free Sport New Zealand (DFSNZ) Anti-Doping Rules (as amended from time to time by DFSNZ) and the FINA anti-doping rules as its anti-doping policy.

Swimming NZ is committed to providing a drug-free sport in which members can compete fairly. Breaches of the DFSNZ Anti-Doping Rules shall be dealt with in accordance with those Rules.

This position statement is designed to help prevent the uptake of illicit drug use and reduce the drug-related harm to individuals, families and stakeholders of Swimming NZ and the broader community.

Some illicit drugs may be legitimately used under the supervision of a physician for a clinically justified purpose and then only if approved by Swimming NZ or Drug Free Sport NZ for each specific application. If you are using a prohibited substance for a legitimate reason and wish to compete you should obtain a Therapeutic Use Exemption from Drug Free Sport NZ. The possession and use of illicit drugs are subject to New Zealand laws.

## SECTION FOUR: DIVERSITY AND INCUSION POLICY

Swimming NZ is committed to providing an inclusive culture that fosters and promotes diversity at all levels and values the different experiences and viewpoints that each individual within a diverse group brings, and to treating every individual with respect. Swimming NZ recognises that to deliver outstanding service and breakthrough solutions to our diverse participant community, it too must be diverse.

Swimming NZ recognises and celebrates its diversity and strives to grow to reflect the diversity of its participants. Swimming NZ values and respects the contributions, ideas and experiences of people from all backgrounds and strives to provide a culture where individual diversity is recognised and celebrated.

### **Operating Principles:**

Swimming NZ views diversity as including but not limited to differences in skills, education, race, ethnicity, gender, age, sexual orientation, cultural background, family responsibilities, physical abilities and beliefs.

Swimming NZ recognises inclusion as the organisational means by which diverse individuals are culturally and socially accepted, welcomed, equally treated and enabled to reach and contribute their full talents.

### **Scope:**

This policy applies to every level and aspect of the business including but not limited to the Board and Staff across Swimming NZ.

### **Accountability**

The Chief Executive Officer (and/or their delegates) is accountable to the Swimming NZ Board for the successful implementation of this policy. To ensure this occurs, the Board will monitor and report progress on diversity and inclusion initiatives as appropriate, but at least annually.

### **4.1. POLICY:**

This policy provides a framework for Swimming NZ's current and future diversity and inclusion initiatives. Swimming NZ strives for a culture of inclusion in which the unique contributions of all are recognised and valued, where people are free to be themselves. Diversity is embraced, and we promote a work environment that is encouraging of difference and free from harassment and discrimination. Swimming NZ is committed to providing opportunities and initiatives that assist all to reach their potential and will regularly benchmark and report on its diversity progress, policy and objectives.

### **Policy Objectives:**

Each year Swimming NZ's Board will set measurable objectives to promote diversity and inclusion, including gender and pay equity. The Board will require that for each paid and unpaid position e.g. national coaching positions, at least will be considered and interviewed.

The Board will review and disclose annually in its annual report a diversity statement on the composition of the Swimming NZ Board and staff.

## SECTION FIVE: POLICE VETTING POLICY AND PROCESS

The Swimming NZ Police Vetting policy is an essential part of its proactive and preventative approach to ensuring that every person involved in swimming is treated with respect, dignity and is protected from abuse. Swimming NZ is committed to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport.

Swimming NZ will take all practicable steps to verify the suitability of individuals wishing to be involved in national events and other events or activities as identified by Swimming NZ, the regions, and clubs.

### 5.1 POLICY:

Swimming NZ requires individuals who operate at a club, regional or national level who wish to act in a role (paid or voluntary) that will have sole or joint responsibility for children or vulnerable people, to undergo a police vetting check (police vet) prior to being approved. Following the initial satisfactory police vet, coaches are to be vetted every two years and technical officials, managers, and others every three years thereafter.

Participation at Swimming NZ events by any coach, team manager or technical official is subject to:

- the individual returning a police vet report stating 'no result' **or**
- the individual returning a police vet report stating 'released with results', excluding an offence(s) specified under the [Vulnerable Children Act 2014 – schedule 2](#)

If the returned police vet report **does contain** an offence(s) specified under the Vulnerable Children Act 2014 – schedule 2, then the individuals membership of Swimming NZ will be suspended immediately pending further enquiry by Swimming NZ. If the returned police vet report **does not contain** an offence(s) specified under the Vulnerable Children Act 2014 – schedule 2, then in most cases, participation at Swimming NZ events will be approved subject to prior review by the Swimming NZ Membership Protection Advisor, who may recommend to Swimming NZ that participation at Swimming NZ events be denied pending further review of the result.

By agreeing to go through the police vetting process, individuals grant Swimming NZ the right to inform the relevant club/s that the police vet report has been released 'with results'. Swimming NZ will not provide any details that are contained within the 'with results' report. Swimming NZ will strongly recommend the club and individual discuss these results.

If the individual does not grant Swimming NZ the right to inform the relevant club/s that the police vet report has been released 'with results', then application for participation at Swimming NZ events will be denied.

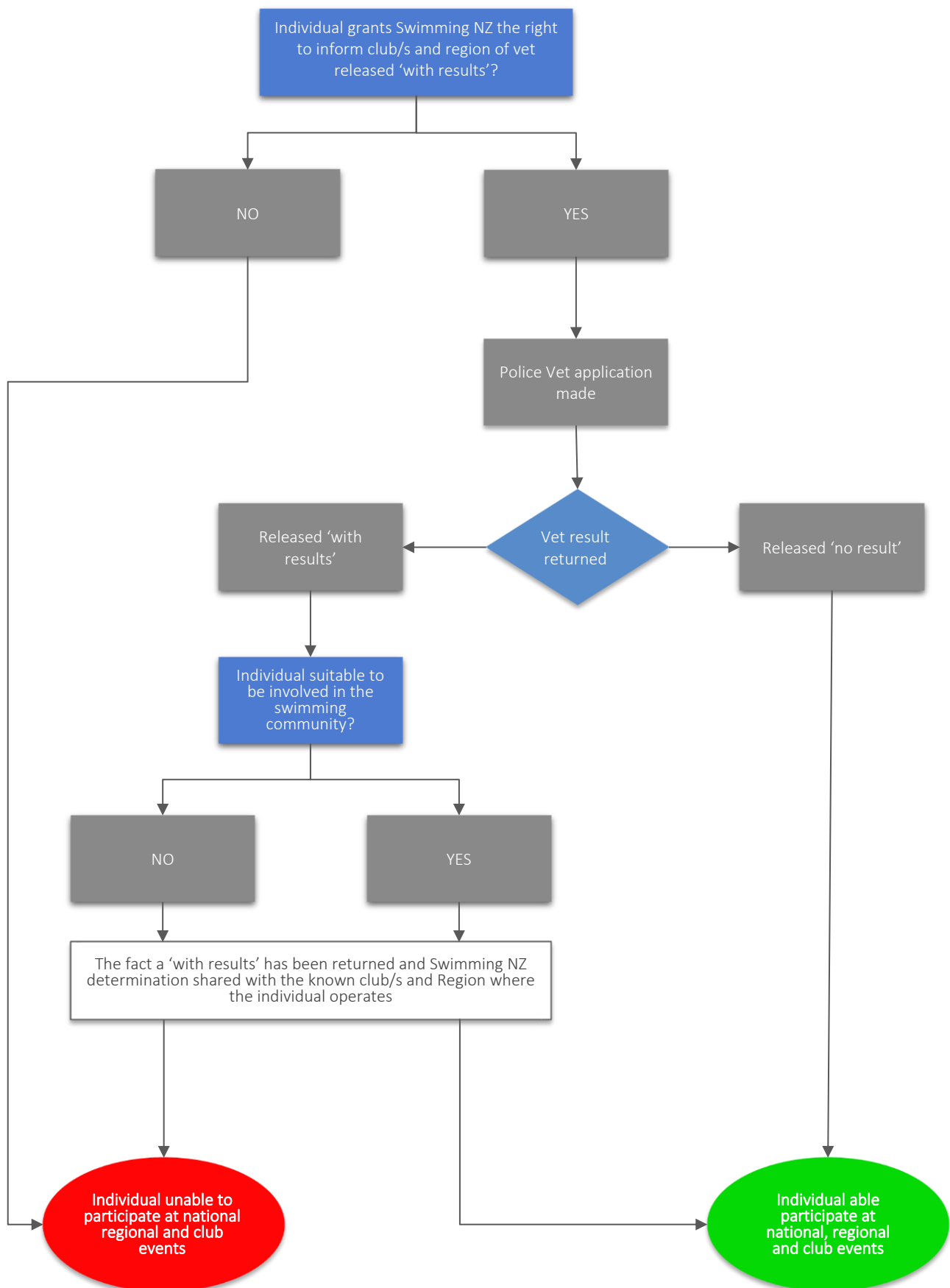
Notwithstanding the standard two- or three-year cycle Swimming NZ may undertake further police vetting of an individual at any time it considers appropriate, (subject to fresh consent by the individual). If the procedure reports a previously undisclosed incident or behaviour relevant to this policy, the future of the individual's continued involvement with Swimming NZ will be reviewed and may, if appropriate, be terminated.

Swimming NZ will appoint a Membership Protection Advisor (MPA) who will work with Swimming NZ, New Zealand Swim Coaches and Teachers Association (NZSCTA), regions and clubs to help enforce the policy and offer skilled advice and support in the event that any 'released with results' reports are returned.

Swimming NZ nor Regions, nor clubs have any obligations under the Vulnerable Children Act 2014.



## 5.2 PROCESS:



1. A police vetting report will provide information regarding any convictions, dates of those convictions, types of offences and the sentence imposed. The report will also advise whether the police recommend that an individual does not have access to children, young people or vulnerable members of society due to behaviour of a violent or sexual nature (that may not, for whatever reason, have resulted in a conviction).
2. Swimming NZ require individuals to authorise the request of a police vetting report by completing the official Consent to Disclose Information form. As part of this process the individual will be required to agree to authorise Swimming NZ to have the right to immediately advise any club/s or regions that engage the services of the individual if a 'released with results' report is returned (the details of the report will not be shared).
3. In some cases, it will be necessary to obtain the equivalent of a police vetting report or a copy of criminal conviction record from another country where the individual concerned has resided.
4. The Head of Participation and Events has oversight of the Swimming NZ police vetting policy. NZSCTA is responsible for administering the process and loading completed police vetting checks into the Swimming NZ database. The Swimming NZ Membership Protection Advisor (MPA) will be responsible for dealing with any police vet reports that are returned with results.
5. The individual concerned is entitled to request a copy of the Police vetting report obtained by Swimming NZ.
6. If the Police vetting report is returned 'released with results' NZSCTA will send the report to the MPA who will decide the suitability of the individual to be involved with swimming in New Zealand. When making this decision the MPA may consider the following when assessing the results of a vetting report:
  - o The offence is listed as one of the 'Specified Offences' as listed in the Vulnerable Children Act
  - o The nature of the offence and relevance to involvement with Swimming NZ
  - o Length of time since the crime was committed
  - o Age and maturity now as compared to when the crime was committed, the seriousness of the crime e.g. length of sentence, use of a weapon, the circumstances at the time of violent behaviour
  - o Pattern of offending, e.g. a short spate may indicate a 'phase', but a regular pattern may indicate continued inappropriate behaviour
  - o Any other factors deemed relevant
7. If the Membership Protection Advisor (MPA) deems the results **do not** meet the threshold to exclude the individual from participating in national events they will:
  - o advise the individual of this outcome
  - o inform the club/s that engage the individual that the police vet has been released 'with results' (report details will not be shared)
  - o inform local region and any other relevant parties of the 'with results' report if deemed necessary or required.
  - o Inform NZSCTA to record on the Swimming NZ database that the police vet has been completed.
8. If the Membership Protection Advisor deems the results **do** meet the threshold to exclude the individual from participating in national events, or maintaining Swimming NZ membership they will pass on the information to the Swimming NZ CEO who will:

- advise the individual of this outcome
  - work in conjunction with the individual to understand the full circumstances of the details contained within the report
  - inform the club/s that engage the individual that the police vet has been released 'with results' (report details will not be shared) with a recommendation that could include immediate suspension of the member pending a further investigation
  - inform local region and any other relevant parties of the 'with results' report if deemed necessary
  - make a recommendation to the Swimming NZ Board as to the suitability of continued Swimming NZ membership
9. If Swimming NZ already engages the individual, they may suspend the individual pending the decision to either cease or continue their involvement with Swimming NZ. If the individual is applying to take part in a national event for the first time their application for accreditation will be placed on hold pending the outcome of the police vet report.

## SECTION SIX: COMPLAINTS AND DISCIPLINE POLICY AND PROCESS

### 6.1 POLICY:

Swimming NZ believes that all members (athletes, coaches, clubs, and regions) deserve, and should always show, respect and understanding for each other.

A member may wish to make a formal complaint about a wide variety of actions, decisions or processes that affect them or another member. When people involved in swimming get into disagreements or disputes it can become a significant issue. Responding quickly, fairly, and thoughtfully to address complaints and disputes is important to everyone involved.

The purpose of the *Complaints and Discipline Policy and Process* is to:

- provide processes to resolve disputes that arise between people involved in swimming in New Zealand that cannot in the first instance be resolved between parties
- provide processes to deal with alleged breaches of the Swimming NZ Code of Conduct and serious breaches of Swimming NZ policies
- provide a process to determine appeals against a decision involving suspension, expulsion, penalty, or material detriment to an individual

Any person who considers that a member has engaged in harassment, discrimination or abuse may make a complaint. A complaint may be in relation to an act, behaviour, omission, situation, or decision that the complainant considers unfair, unjustified, unlawful and / or a breach of the Swimming NZ Code of Conduct.

Every effort will be made to resolve any complaint at the lowest level possible. Therefore, if a complaint or issue of concern is related to behaviour or an incident that occurred at a club or regional level then this should be reported to and handled by the relevant club or regional association. Where a complaint cannot be resolved at club or regional association level, it should be directed to Swimming NZ through its Membership Protection Advisor.

#### **Improper Complaints**

Swimming NZ aims for any complaints to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be dealt with as a disciplinary matter.

#### **Disputes between Members**

Disputes that are sufficiently serious that they are escalated to Swimming NZ will be subject to this policy.

#### **Relationship to the Swimming NZ Constitution**

This Policy must not be interpreted as restricting or limiting the powers of Swimming NZ, the Board, or the CEO as provided for in the Constitution or the powers of a Region under its rules.

#### **Relationship to law**

Any action taken under this Policy will be without prejudice to any right or remedy a member, Swimming NZ or a Region may have in law.

#### **Doping**

This Policy does not apply to violations of Drug Free Sport New Zealand's Anti-Doping Rules. Members will be bound by the provisions of the Drug Free Sport New Zealand Anti-Doping Rules.

## Selection appeals

This Policy does not apply to appeals against:

- A Member's non-selection to a New Zealand swimming team
- A Member's non-nomination to a New Zealand Olympic or Commonwealth Games Team.

Any appeal relating to the non-selection of athletes needs to be made directly to the Swimming NZ CEO within 7 days of notification of non-selection/nomination

If unsure whether the **Complaints and Disputes Policy** applies to your situation, the Swimming NZ Membership Protection Advisor can provide guidance and can be contacted on [mpa@swimming.org.nz](mailto:mpa@swimming.org.nz)

## 6.2 PROCESS:

### 6.2.1 Lodging a complaint

A complaint or issue of concern is constituted when submitted in writing. It is recognised that when complaints are of a highly sensitive nature, it may be required to preserve the anonymity of the complainant. The complaint form and any accompanying notes must be kept in a confidential and safe place. Complaints must be made in writing within 14 days of the event(s). Use the attached Complaint Form where possible.

Generally, if a complaint or issue of concern is related to behaviour or an incident that occurred at a club or regional association level then this should be reported to and resolved by the **relevant club or region**.

Where a complaint or issue of concern cannot be resolved at club or regional association level, or it specifically relates to an occurrence at a national event it should be directed to Swimming NZ through its **Membership Protection Advisor (MPA)**.

The **Membership Protection Advisor** has the right to forward a complaint to any party they deem appropriate to assess and resolve the issue.

### Complaints involving children

If the complaint involves children, the Swimming NZ *Child Protection Guidelines* must be followed, and the Membership Protection Advisor must be informed at [mpa@swimming.org.nz](mailto:mpa@swimming.org.nz). If the complaint involves serious risk to the safety of children, then the Police or Oranga Tamariki (Ministry for Children) should be contacted immediately.

### 6.2.2 Club Resolution

- a. Where there is an alleged breach of the *Code of Conduct* or breach of a Swimming NZ policy, the incident should initially be raised with the relevant club. The club may be able to resolve the issue by taking informal steps such as holding a meeting, reviewing a process or decision, or requesting an apology is given.
- b. Where the club has no rules that deal with disciplinary matters, the club will determine the matter in accordance with this Complaints and Discipline Policy. In such situations:
  - i. The club committee will choose the members of the panel (taking into consideration independence and experience) to consider the matter
  - ii. In relation to breaches of the *Code of Conduct* and Swimming NZ policies, there will be a right of appeal to Swimming NZ only in accordance with Rule 4 (Appeals).

- c. Where a satisfactory resolution cannot be reached by the club, the issue is too serious to be addressed informally or the club is unable to run a proper process (e.g. where the club is involved in the alleged breach), the matter will be dealt with by the Region whose Member is allegedly in breach.
- d. Where a satisfactory resolution cannot be reached by either the club or regional association, the alleged breach may be escalated to Swimming NZ.

### 6.2.3 Region Resolution

- a) Where any breach or dispute is to be determined by a Region it will be determined in accordance with the rules of that Region.
- b) Where a Region has no rules that deal with disciplinary matters, the Region will determine the matter in accordance with this ***Complaints and Discipline Policy***. In such situations:
  - i. The board (or executive committee) of the Region will choose the members of the panel (taking into consideration independence and experience) to consider the matter
  - ii. In relation to breaches of the *Code of Conduct* and Swimming NZ policies, there will be a right of appeal to Swimming NZ only in accordance with 6.2.5.

### 6.2.4 Process for club and Region Resolutions:

- i. A process for resolving an alleged breach of the *Code of Conduct* or significant breach of a Swimming NZ policy may be simple and straightforward, or it may be more formal and include reviewing documents, data, and interviewing witnesses.
- ii. All processes for resolving matters must be run in good faith and follow the principles of natural justice. This includes not jumping to conclusions before going through a proper process. A simple test for processes and decisions is ‘what would a fair and reasonable person have done in the circumstances’?
- iii. Key elements of a fair process:
  - The person complained about, or accused of the breach, should be told details of the allegation(s);
  - the person complained about, or accused of the breach, should be given a reasonable opportunity to respond; and
  - any explanations should be fully considered before conclusions are reached
  - the outcome, with a summary of the allegation, the evidence considered, any submissions made and the reasons for the decision should be recorded in writing and given to the people directly involved.

### 6.2.5 Appeals from Regional Members and Member Clubs

- a. A Member may appeal a decision made by a Club or Region only if the outcome is:
  - Suspension
  - Expulsion
  - Penalty; or
  - Any other material detriment
- b. A decision made by a Club or Region can only be appealed to Swimming NZ on the ground that the decision and/or penalty (as listed above) is incorrect, excessive, or manifestly unjust.
- c. Any appeal to Swimming NZ should be provided in writing to the CEO within 28 calendar days of the date of the decision appealed against.
- d. The written notice will:

- i. Include a copy of the decision being appealed against
- ii. Include a summary of the reasons why the Member wishes to appeal against the decision
- iii. Indicate whether the Member wishes to appeal against a part of the decision (and if so the grounds for doing so) or wishes to have a re-hearing of the entire matter
- iv. Be copied to the Region or Member Club which made the decision being appealed against.
- v. Upon receipt of the notice the Swimming NZ CEO may either:
  - (i) Convene a Panel in accordance with Rule 6.2(g) below; or
  - (ii) Require that the Regional Member / Member Club and the Member submit to the jurisdiction of the Sports Tribunal for the hearing of the appeal

#### **6.2.6 Investigation of complaints by Swimming NZ**

- a) Where a formal complaint is made or referred to Swimming NZ, the Chief Executive Officer (CEO) may refer it to the Membership Protection Advisor (MPA) who will assess it and make a recommendation about where the complaint should be directed, what process should be followed, and who the decision maker should be. Options might include an informal process, investigation, facilitation or mediation, or a disciplinary process.
- b) The CEO/MPA will acknowledge receipt of a complaint within 3 working days of receiving it. Details of the complaint will be entered into a Complaints Register.
- c) The complaint will be assessed with the following matters to be considered:
  - what the complaint is about
  - how serious or urgent the complaint is
  - whether there is a prescribed process for the type of complaint
  - whether the matter should be dealt with under the Disciplinary and Appeals Policy
  - whether the complaint may indicate a systemic problem
  - what risks the complaint raises for the Club / organization / Swimming NZ; and
  - the kind of resolution sought by the complainant
- d) After investigating these matters, a recommendation can be made by the MPA to the CEO as to whether:
  - a. there is no clear basis for complaint and no action can be taken (and an explanation given to the complainant); or
  - b. the complaint can be resolved informally and therefore is referred to the club or region for resolution; or
  - c. a formal process is needed; or
  - d. a hearing is needed (see 6.2 (g))
- e) If a formal process is required the CEO may decide at their sole discretion to may appoint a suitably qualified/experienced person) to undertake an investigation, such as the Membership Protection Advisor.
- f) Any investigation of an alleged breach or enforcement may be postponed where there is a separate investigation by an outside agency.

#### **6.2.7 Hearing**

##### *a) Appointment of Panel*

The CEO will appoint a panel of enquiry of three individuals made up as follows:

- An appropriately qualified person (for example, a lawyer, a Justice of the Peace, or HR professional) who will act as the Panel's Chair

- two other people the CEO deems appropriate to hear the matter

*b) Conflict of Interest*

No person may sit on the Panel who has an actual or potential conflict of interest which may affect their impartiality in hearing the matter before them.

*c) Procedures to be adopted*

In hearing any matter under this Policy, the Panel will have the right to determine all procedures to be adopted.

*d) Non-attendance by party at hearing*

Once a hearing date is decided and notified to the people directly involved in the appeal, the Panel can make a determination on the available evidence on or after the date set for the hearing, whether or not any party attends the hearing or makes written submissions.

*e) Documents*

Where a party to the hearing wants to submit document to hearing these must be sent to any other party and the Panel at least five business days before the date convened for the hearing. The Panel can exclude any documents not received in accordance with this rule.

*f) Witnesses*

The Panel can, in relation to any hearing, request the attendance of any person, ask any questions and call any evidence that the Panel, in its absolute discretion, thinks fit. The Panel has no legal power to compel witnesses to attend, other than Members who are contractually required to do so.

*g) Written Submissions*

Any party to a hearing (including the CEO and/or the Child Protection Advisor) may make written submissions to the Panel as long as these are copied to the Panel and the other parties five days before the hearing.

*h) Representation/Support Person*

At any hearing any Member may be represented by a lawyer, advocate, or support person who can make submissions on that Member's behalf. A representative or support person cannot give evidence on that Member's behalf.

*i) Confidentiality*

All hearings before the Panel will be confidential and any matters discussed will be held in the strictest confidence between those in attendance at the hearing.

## **6.2.8 Determination**

*a) General justice and fairness*

The Panel will make its determinations in the following manner:

- Consistent with natural justice
- Consistent with any contractual or employment rules that apply
- Based on the evidence presented to the Panel; and
- Reflective of the seriousness of the breach

*b) Written Reasons*

The Panel will provide a written determination to the parties, which sets out the reasons for the determination, as soon as possible after the hearing.



c) *Determinations final and binding*

Subject only to the right of appeal set out in 6.2(k) all Determinations of the Panel will be final and binding.

d) *Determinations Confidential*

All determinations of the Panel will be confidential between the parties unless the Panel decides that publication of the determination is in the best interests of the sport (for example, name suppression to deter others from similar conduct).

e) *Manifest error*

The Panel may at any time correct, vary or set aside a determination where there is a manifest error in the determination.

f) *What the Panel can determine*

After hearing the evidence, the Panel can make one or more of the following orders:

- a) In relation to alleged breaches of the *Code of Conduct* or Swimming NZ policies:
  - (i) Make an order that the Member is found to have breached the *Code of Conduct* or a Swimming NZ Policy and will commit no further breach
  - (ii) Find the alleged breach of the *Code of Conduct* or Swimming NZ Policy to have been proven and impose a sanction
  - (iii) Find the alleged breach of the *Code of Conduct* or Swimming NZ Policy or any part to be proven, but decline to take any further action in the matter
  - (iv) Find the alleged breach of this *Code of Conduct* or Swimming NZ Policy or any part of it not proven and dismiss the allegation.
  
- b) In relation to an appeal by a Member from a decision of a Region or Member Club:
  - (i) Allow the appeal and set aside the decision being appealed against and substitute its own decision; or
  - (ii) Dismiss the appeal.

## 6.2.9 Sanctions

### *Sanctions Available*

If a Member is found to have breached any part of the *Code of Conduct* or Swimming NZ policies, the Panel can impose one or more of the following sanctions:

- (a) Issue a written warning
- (b) Direct that the Member attend counselling to address their behaviour as a condition of their membership
- (c) Withdrawal of any awards, placings, records, activities or events sanctioned by Swimming NZ
- (d) Suspend the Member's membership rights in Swimming NZ for a stated period
- (e) Suspend the Member from participating in any swimming related activity which is run under the auspices of Swimming NZ, a Region or a Member Club
- (f) Require an apology, or order reparation or compensation to any Member affected by the breach
- (g) Recommend the expulsion of the Member from either Swimming NZ, the Member's Region or Member Club
  
- (h) Enforce any sanction imposed by the IOC, FINA or the Sports Tribunal in addition to any sanction of its own which it thinks appropriate in the circumstances
- (i) Any other form of discipline the Panel considers appropriate
- (j) Where the Member is a Region or Member Club:
  - (i) direct that any funding granted or given to it by Swimming NZ cease from a specified date
  - (ii) Direct that any rights or privileges or benefits provided cease from a certain date
  - (iii) A direction that Swimming NZ cease to sanction events held by or under its auspices.
- (k) Decline to take any further action.

- (l) In determining what sanction to impose the Panel will consider the following factors:
- (a) Nature and seriousness of the breach
  - (b) Whether the person knew or should have known the behaviour was a breach
  - (c) Level of remorse demonstrated
  - (d) The effect of the proposed disciplinary measures on the person including any personal, professional, or financial consequences
  - (e) If there have been relevant prior warnings or disciplinary action
  - (f) Ability to enforce discipline if the person is a parent/guardian or spectator
  - (g) Any mitigating circumstances

#### **6.2.10 Costs**

Each party will be responsible for bearing its own costs in relation to the Hearing.

#### **6.2.11 Appeals to the Sports Tribunal:**

At its sole discretion, Swimming NZ may refer or allow an appeal of a decision of the Board of Swimming NZ to the Sports Tribunal. Any appeal will be decided under the rules of the Sports Tribunal and the outcome will be binding on the Member, Club, Region and/or Swimming NZ.

#### **6.2.12 Communicating the Outcome:**

Once the complaint/investigation process has been concluded, the Decision Maker will advise the person the complaint is made against of the outcome of the complaint verbally within 5 working days of the decision being made, followed by written confirmation. Any applicable appeal right will be outlined in the written outcome.

The panel chair or their delegate will advise the complainant of the outcome. This should be in writing and after the person complained about has been advised of the outcome. The complainant will be advised of:

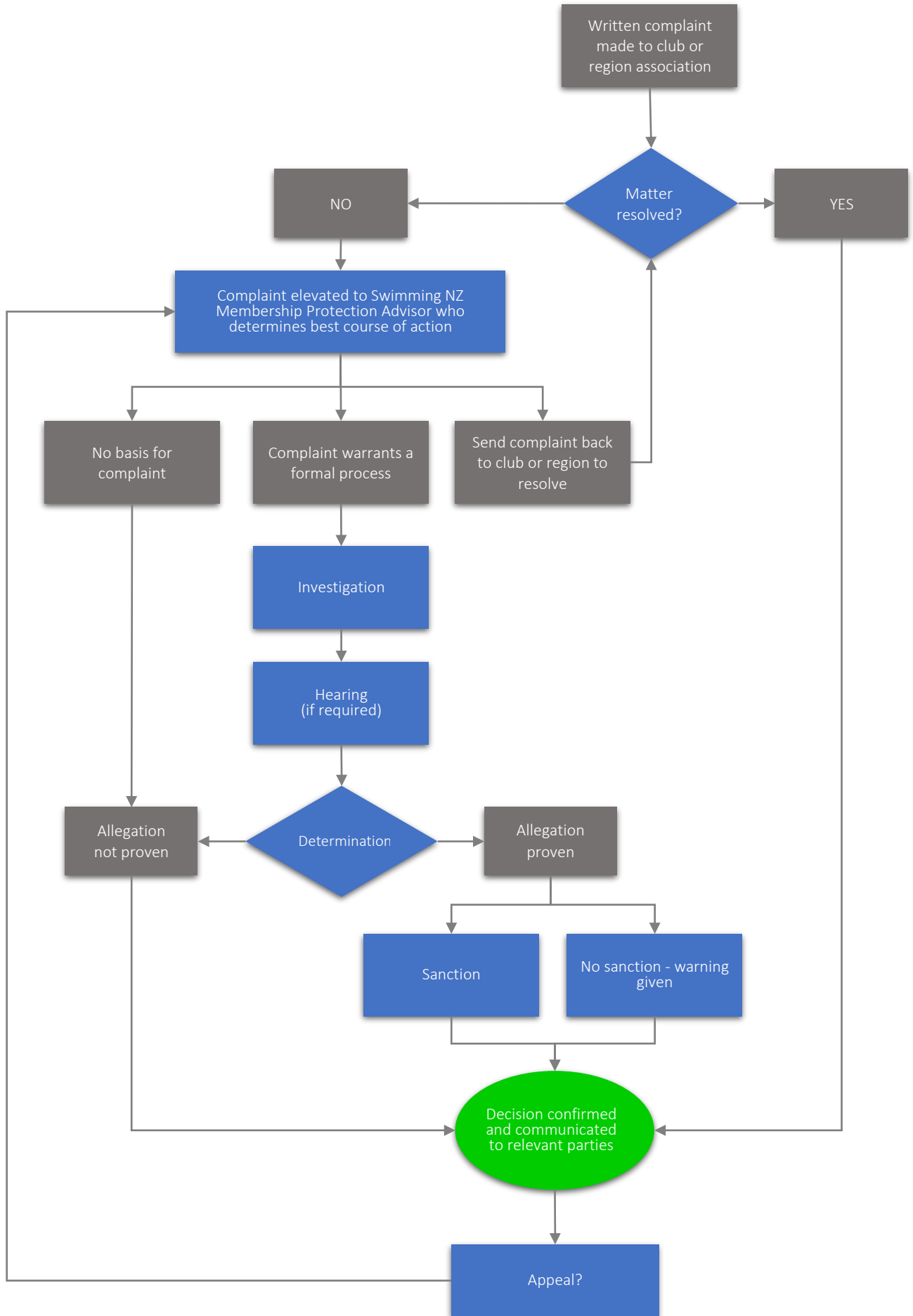
- the outcome of the complaint
- the reasons for any decisions that have been made
- any remedy that is offered, and
- information about any other remedy that might be available, such as to seek a review or appeal.

The club or region is responsible for storing all paperwork relating to the complaint in accordance with the Privacy Act 1993.

The details of all complaints are to be treated as confidential unless otherwise agreed between the parties.

All matters related to a complaint should be recorded in writing and stored in the complaints file including, summaries of phone conversations, witness statements, and supporting documents.

Formal Decision-Making Flowchart:





## OFFICIAL COMPLAINT FORM

Details of person making complaint (Adult to fill in this form if complainant is under 18)

Complainant's Name:		Age:
Date:		Time:
Phone Number:	Email Address:	
Club/Swim School:	Region:	
<b>Complainant's Role</b>		
<input type="checkbox"/> Administrator	<input type="checkbox"/> Athlete	<input type="checkbox"/> Coach
<input type="checkbox"/> Parent	<input type="checkbox"/> Spectator	<input type="checkbox"/> Support Personnel
		<input type="checkbox"/> Official
<input type="checkbox"/> Other, please list below:		
<b>THE INCIDENT</b>		
Name of the accused:	Role of the accused:	
Date and time of alleged incident:	Location of alleged incident:	
Nature of complaint (can tick more than one)		
<input type="checkbox"/> Harassment	<input type="checkbox"/> Coaching methods	<input type="checkbox"/> Disability
<input type="checkbox"/> Discrimination	<input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Child abuse
<input type="checkbox"/> Unfair decision	<input type="checkbox"/> Racism	<input type="checkbox"/> Neglect
	<input type="checkbox"/> Bullying	<input type="checkbox"/> Religion
	<input type="checkbox"/> Physical abuse	<input type="checkbox"/> Other
Description of incident/complaint:		
<b>Witnesses</b>		
Name:		Contact:
Name:		Contact:
<b>ACTION TAKEN</b>		
Parents/caregivers contacted? yes /no:	Date:	Other organisation/s contacted? yes/no:
		Date:

All information contained in this form shall be kept in confidence and will only be shared to relevant parties  
 Complainant must be aware that the accused parties will be advised of this complaint and be given the opportunity to respond prior to the Membership Protection Advisor making their determination