



# Disciplinary Procedure and Appeals Policy



## Commitment to Te Tiriti o Waitangi

Ice Speed Skating New Zealand recognises Te Tiriti o Waitangi as Aotearoa New Zealand's founding document.

Ice Speed Skating New Zealand committed to upholding the mana of Te Tiriti o Waitangi and the principles of partnership, protection, and participation.

## Values

Ice Speed Skating New Zealand knows everyone involved in the sport joins with good intentions, and we are all expected to do our best to treat each other with respect and comply with our policies and rules. Despite this, problems sometimes arise.

Children and young people in particular must be cared for, treated with respect and their welfare placed at the centre of everything we do in the sport/activity.

Ice Speed Skating New Zealand knows everyone involved in the sport is here because of a shared passion for play, active recreation, and sport and care for the people involved.

Ice Speed Skating New Zealand is committed to supporting everyone, including skaters, coaches, supervisors, volunteers, whānau, and supporters, to participate in an environment that is respectful, safe, and fair.

When people breach policies designed to ensure the fair and lawful conduct of the operations of ice speed skating, or to ensure the safety and wellbeing of those involved in the sport, it can become a serious issue.

Ice Speed Skating New Zealand acknowledges it is important to everyone involved to respond quickly, fairly, and thoughtfully to address issues. People are entitled to raise concerns or complaints and to have those addressed promptly and fairly. No one should be punished or victimised for raising a concern or a complaint in good faith. Allegations are not proven unless there has been a fair, even handed process for finding out the facts of what happened.

This Disciplinary Procedure and Appeals Policy is centred on equity, dignity, respect and maximising the potential of all people in ice speed skating. The following principles should be kept in mind when applying it:

- Respect for the culture(s) of the people involved including culturally appropriate processes being enabled to resolve complaints and restore relationships.
- Addressing problems informally and face to face, wherever possible.
- Treating others fairly, equally, and in a way that keeps their mana intact.
- Maintaining relationships and keeping each other safe.

## Purpose

The purpose of this Disciplinary Procedure and Appeals Policy is to provide:

- a process to deal with alleged breaches of the Ice Speed Skating New Zealand's Code of Conduct and alleged breaches of Ice Speed Skating New Zealand policies
- an appeals process against a decision involving:
  - suspension
  - expulsion
  - penalty
  - any other significant detriment.

The purpose of this Disciplinary Procedure and Appeals Policy is to provide:

- a process to deal with alleged breaches of the Ice Speed Skating New Zealand's Code of Conduct and alleged breaches of Ice Speed Skating New Zealand policies

It aims to:

- support low-level resolution in the first instance
- give clear guidance for dealing with alleged breaches and appeals
- ensure the approach taken to dealing with alleged breaches and appeals is fair, including enabling culturally appropriate responses and processes.

## Application

This Disciplinary Procedure and Appeals Policy will only apply where:

- there is an alleged breach of the Ice Speed Skating New Zealand Code of Conduct or Ice Speed Skating New Zealand policies.
- the alleged breach is by a member of Ice Speed Skating New Zealand itself, a volunteer, staff member or service provider, or its office holders.

If you are unsure whether the Disciplinary Procedure and Appeals Policy applies to your situation, the President of Ice Speed Skating General Secretary can provide guidance.

### Disputes between members

This Disciplinary Procedure and Appeals Policy does not apply to low-level disputes between members involved in the sport. These should instead be resolved under the Ice Speed Skating New Zealand Complaints Policy.

Disputes raised under the Complaints Policy and Procedure that are very serious may be dealt with under this Disciplinary Procedure and Appeals Policy.

## Doping

This Disciplinary Procedure and Appeals Policy does not apply to violations of New Zealand's Sports Anti-Doping Rules. Members will be bound by the provisions of:

- the International Skating Union anti-doping rules
- Sports New Zealand Anti-Doping Rules.

### Selection appeals

This Disciplinary Procedure and Appeals Policy will not apply to appeals against:

- a member's non-selection to a New Zealand sports team
- a member's non-nomination to a New Zealand Olympic, Special Olympic, or Commonwealth Games Team.

### Complaints involving children/young people

If the complaint involves the safety of children in any way, the Ice Speed Skating New Zealand Child Protection Policy must be followed.

If the complaint is between children/young people, Disciplinary Procedure and Appeals policy will be followed.

### Relationship to law

Any action taken under this Disciplinary Procedure and Appeals Policy will be without prejudice to any right or remedy a member or Ice Speed Skating New Zealand may have in law.

If the person involved in alleged behaviour which may breach Ice Speed Skating New Zealand policies or Code of Conduct is an staff member of the organisation, a procedurally fair employment process must be followed before any action can be taken that affects the person's employment.

### Informal resolution first

Members are always encouraged, if they are comfortable, to raise problems directly with the person, committee, or board concerned, unless there are safety reasons, or the issue is too serious to try to resolve it this way. Issues that can be raised informally can be dealt with under the Ice Speed Skating New Zealand Complaints Policy and Procedure.

### Formal disciplinary procedure

#### Introduction

Where a satisfactory outcome cannot be reached informally, or there is a serious alleged breach of the Ice

Speed Skating New Zealand Code of Conduct, Rules and Regulations or policy, it should be raised with Ice Speed Skating New Zealand as soon as possible. Please send this to the President of Ice Speed Skating New Zealand ([president@icespeedskating.org.nz](mailto:president@icespeedskating.org.nz)).

Ice Speed Skating New Zealand may be able to resolve a formal complaint or concern about alleged breaches of policies or a Code of Conduct by taking steps such as:

- holding a meeting or hui with the people involved, and their family/whānau
- reviewing a process or decision that has not gone well
- requesting an apology be given, where appropriate
- any other action it considers appropriate in the circumstances, in consultation with the person(s) involved.

Where a formal complaint or allegation of a breach is made, and it is unable or inappropriate for it to be resolved informally, the President will confirm they have received the complaint or allegation within three working days of receiving it. Details of the complaint/alleged breach will be entered into a Complaints Register.

All processes for resolving matters will be run in good faith, be culturally appropriate, and follow the principles of natural justice. This includes reaching conclusions only after going through a proper process and making sure the person allegedly in breach has access to all relevant information and support. A simple test for running processes and making decisions is “what would a fair and reasonable person have done in the circumstances?”

Key elements of a fair process include:

- The member complained about, or allegedly in breach, should be told details of the allegation(s) as soon as possible.
- The member complained about, or allegedly in breach, should be given a reasonable opportunity to respond to the allegation.
- The member’s explanations should be fully considered before any conclusions are reached.
- The outcome, with a summary of the allegation, the evidence considered, any explanations given and the reasons for the decision should be recorded in writing and given to the people directly involved.

## Decision

### General justice and fairness

The Disciplinary Committee will make their decision in the following way:

- Consistent with a fair process (see earlier).

- Consistent with any contractual or employment rules that apply.
- Based on the evidence presented.
- Reflective of the seriousness of the findings.

### Written decision

The Disciplinary Committee will provide the President with a written decision, which sets out the reasons for the decision, and recommended sanctions if any.

### Decisions final and binding

Subject only to the right of appeal (following), all decisions of the Board will be final and binding on all the parties.

## Sanctions

### Sanctions available

If a member is found to have breached any part of the Ice Speed Skating New Zealand Code of Conduct or policies, the President can impose one or more of the following sanctions:

- (a) Issue a written warning.
- (b) Direct the member to attend counselling to address their behaviour as a condition of their membership.
- (c) Withdraw any awards, placings or records sanctioned by Ice Speed Skating New Zealand.
- (d) Suspend the member’s membership rights in Ice Speed Skating New Zealand for a stated period.
- (e) Suspend the member from participating in any Ice Speed Skating New Zealand related activity which is run by Ice Speed Skating New Zealand.
- (f) Require an apology, or order reparation or compensation to any member affected by the breach
- (g) Recommend the expulsion of the member from Ice Speed Skating New Zealand.
- (h) Enforce any sanction imposed by the Sports Tribunal of New Zealand, the International Skating Union, or the International Olympic Committee, in addition to any sanction of its own which it thinks appropriate in the circumstances.
- (i) Any other form of discipline the Board considers appropriate.
- (j) Decline to take any further action.

In determining what sanction to impose, the Disciplinary Committee will take into account 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, including any apology given.
  - (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/caregiver, family/whānau, or a supporter.
  - (g) Any mitigating circumstances.
- (a) include a copy of the decision being appealed
  - (b) include a summary of the reasons why the member wishes to appeal the decision
  - (c) indicate whether the member wishes to appeal part of the decision (and if so, the grounds for doing so) or have a reinvestigation of the entire matter
  - (d) be sent to the President of Ice Speed Skating New Zealand which made the decision being appealed.

### **Child protection**

Where a decision involves child protection concerns, the safety of the child is the priority, and the President must consult with the Child Safeguarding Representative before making any decision or imposing any sanction.

### **Costs**

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

## **Resolution at national organisation level**

Where Ice Speed Skating New Zealand is unable to run a proper process (for example, where Ice Speed Skating New Zealand is involved in the alleged breach), the matter will be dealt with by the Sports Tribunal of New Zealand.

## **Appeals**

### **Appeals to National Organisation**

A member may appeal a decision made by Ice Speed Skating New Zealand to the Sports Tribunal of New Zealand only if the outcome is:

- (a) suspension
- (b) expulsion
- (c) penalty
- (d) any other significant detriment.

A decision can only be appealed to the Sports Tribunal of New Zealand on the ground that the suspension, expulsion and/or penalty is incorrect, excessive, or clearly unfair.

Written notice of any appeal to the Sports Tribunal should be provided to the General Secretary of Ice Speed Skating New Zealand

([generalsecretary@icespeedskating.org.nz](mailto:generalsecretary@icespeedskating.org.nz)) within 28 days of the date of the decision being appealed.

The written notice shall: