



# **Kiwi West Aquatics Inc.**

## **Handling Complaints and Breaches of the Code of Conduct**

Policy #3

### **Rationale**

Kiwi West Aquatics expects all its members to act in compliance with Club Code of Conduct (Policy #2) in a way that portrays the Club in a professional and competitive manner at all times.

Cases of minor misconduct will be handled by the Coach, or Team Manager via an informal (verbal) warning or reminder at the time of the incident. Continued or further instances of misconduct may be escalated as a formal complaint.

If a complaint is received about the behaviour of a Club member (Check constitution), the Club must have a procedure in place that deals with that complaint in a manner that is transparent, confidential and one that treats all parties involved with respect.

### **Purpose**

This policy is intended to provide a framework within which an investigation can be handled if any complaint is received, from within the Club or from an external party, re the behaviour of any Club member or group, or any individual that could reasonably be associated as being part of Kiwi West Aquatics.

### **Definitions**

For the purposes of this policy, a Club member is any registered swimmer or officer of Kiwi West Aquatics. This policy however, will equally be applicable to parents/caregivers/siblings of registered swimmers if a complaint is received about their behaviour while they are associated, participating or travelling with the Club at any time.

# Guidelines

1. On receipt of a complaint, the Club President may appoint two Committee members (usually Club Officers but not exclusively) to lead any investigation into a complaint lodged against any member or anyone associated with the Club. If the complaint is about the Club President, then another Club Officer will assume the role of Club President while the investigation is conducted. If appropriate the President may request input from the Coach.
2. A Club Officer/member cannot be involved in the investigation if they have an interest in the investigation, e.g. a complaint is made against or by their child.
3. If a complaint is lodged or the code of conduct is breached while a Kiwi West Aquatics team is on tour/away, the Tour Manager will assume the responsibilities of the Club President for the purposes of investigating and taking the appropriate action.
4. All complaints should be treated in strict confidence and dealt with in a prompt manner, without haste, ensuring proper process is followed.
5. Where the Club is embarking on a tour or away trip, the Tour Manager will be responsible for ensuring that all participating Club members (swimmers and officials) and swimmers' parents/caregivers are provided with a copy of this policy and the Standards of Conduct for the Club. A signed declaration to the effect that they have discussed the contents of the policy with their child(ren) will be required to be returned to the Tour Manager, as part of the criteria of accepting a swimmer as a participant on a tour/away trip.
6. If a member of a touring party is sent home as a result of an investigation being conducted into a complaint against that individual, the Club will not be liable for the travel and/or accommodation costs involved with getting the Club member home. The member's parents/caregivers will be liable for such costs and will be required to reimburse the Club should the costs have to be paid 'up front' by the Club. This requirement will be included in the pre-tour information provided to parents/caregivers.
7. A breach of behaviour can be categorised as (1) minor misconduct or (2) serious misconduct. Refer to the Standards of Conduct Policy for examples of behaviour that fall into each category.
10. If there is an incident during training at West End Aquatics and the Coach considers that the seriousness of the incident does not warrant the implementation of any of the procedures outlined in this policy, then the Coach is to deal with the matter. The individual(s) concerned must be made aware of what it is that they have done, the consequences of their actions, and the appropriate behaviour that he expects of them while under his guidance during training. If this does not remedy the matter to the Coach's satisfaction, the matter must be drawn to the Club President's attention.
11. A written record will be maintained of meetings and actions taken during an investigation. This record will remain confidential and will be stored securely with club records.
12. When implementing this policy, all parties should be treated fairly and the following principles adhered to:
  - consistency,
  - impartiality, and
  - a 'fair hearing'.

# Procedures

1. A formal complaint must be received in writing or via direct communication from the Coach in order for these procedures to be initiated.
2. An Investigating Panel will be convened to investigate; This will be comprised of the Club President and at least one (1) other Committee member, or the Team Manager and Coach for incidents that occur during a camp or away meet.
3. If the complaint is about the Club President, then a Club Officer will assume the role of Club President while the investigation is conducted.
4. Before any action is taken, the Investigating Panel must assure themselves that there is substance to the complaint, and this will usually involve interviewing those that have lodged the complaint, and if appropriate an independent witness of the incident.
5. If Investigating Panel considers that the complaint to be of a serious nature, and the continued involvement of the individual(s) concerned in Club activities is not considered appropriate, they can request that the Club President approve the immediate temporary suspension of the individual(s) concerned while a thorough investigation is conducted. The Club President may decide to call a special Committee meeting before making such a decision. In most instances however, it is not anticipated that this course of action will be necessary.
6. If the Club member is to be temporarily suspended from the Club, a meeting must be arranged with the individual(s) concerned immediately. Club members aged 18 years and over have the right to have a support person present.

For Club members under 18 years of age, **no** meeting is to take place without the member's parents/caregivers being present. If while on tour/away this is not possible, the Tour Manager will ensure that the parents/caregivers of the individual(s) are informed of the actions that are being taken. A conference (speaker phone) call should be used to facilitate this if required.

At this meeting the allegations should be presented to the individual and they should be given the opportunity to present an explanation. If the Investigating Panel is still of the opinion that there is substance to the allegations and considers that the individual(s) should be temporarily suspended while an investigation is conducted, then the individual(s) should be informed of this at the conclusion of the meeting.

Immediately after the meeting a letter or email is to be prepared informing the member of the fact of the temporary suspension, the nature of the complaint(s) that have been received, and the fact that they have been regarded as serious enough to temporarily suspend them from the Club while an investigation is conducted. The letter/email must state the date the suspension is effective from, how long it is to remain in force, and a copy of (or link to) this policy and the Standards of Conduct policy should be attached to the letter. The individual(s) will be provided with more detail (in writing) once the substance of the allegations have been quantified and confirmed, and then the procedures detailed above will be followed.

7. If the Investigating Panel considers it appropriate, an independent third party may be included as part of the panel.

8. If the allegation(s) is not considered serious enough to warrant temporary suspension immediately, the details of the allegations should be made in writing to the individual(s) concerned. The letter should advise:
  - the exact details of the complaint (in some instances it may be appropriate to provide the individual(s) with a copy of the letter of complaint received),
  - the process that will be followed to investigate the complaint,
  - the time frame in which the complaint will be investigated,
  - the penalty(ies) that may be imposed if the allegations are confirmed as a result of the investigation,
  - a time frame in which they have to present their written explanation to the allegations that have been made (usually no more than 48 hours), and
  - a date and time that another meeting will be held at which time they can present their explanation.
8. At the follow up meeting with the individual(s) concerned, the individual(s) are required to present any written and verbal explanation in response to the complaint or allegations. The Investigating Panel must ask any additional questions that they have and to satisfy themselves that they have all the information necessary in order to make an informed decision.
9. If necessary, the meeting may be adjourned to allow any new information presented can be further investigated or clarified.
10. If however, the Investigating Panel is satisfied that they have all the information necessary, they must adjourn the meeting so that they can consider the explanation provided, and decide on the appropriate action to be taken. A decision is not to be made without following this step.
11. There is no specific time frame for the duration of the adjournment, however it should be of sufficient time that an informed decision can be made.

# Actions

A range of actions may be taken by the investigating panel once they have concluded their investigation. They are:

## 1. Temporary Suspension

If the Investigating Panel considers that the individual(s) should be temporarily suspended immediately from the Club while an investigation is conducted, they must seek the approval of the Club President to this course of action before the individual(s) are approached. Once this approval has been obtained, they must arrange a meeting with the individual immediately. See details above under “Procedures”.

## 2. An apology

It may be considered that an apology should be given to the offended party and then the matter will be closed.

## 3. Verbal Warning

If a verbal warning is considered appropriate, the individual(s) concerned should be advised:

- that they are being issued with a verbal warning,
- of the allegations made,
- of the standards of conduct that are expected,
- of the changes in behaviour that are required (if appropriate) and the time frame that the changes are expected,
- of any follow up action that may be necessary, and
- the consequences of any repeat of their behaviour or breach of the Standards of Conduct.

While this is a verbal warning, the actions detailed above should be confirmed in writing to the individual(s). As a general rule a verbal warning will remain in force for a period of 6 months.

## 4. Written Warning

If the investigating panel considers that the matter is of a serious nature or a repeat offence, a written warning is to be issued. As detailed above “Verbal Warning”, the individual(s) must be provided with a letter detailing the same information. If this is a repeat offence details of any previous warnings should be included in the letter.

As a general rule, a written warning will remain in force for a period of 12 months.

## 5. Expulsion from the Club

This is the most severe consequence that can be imposed on any Club member. If the Investigating Panel considers that this is the appropriate course of action to take, then the Club President must call a special meeting of the Kiwi West Aquatics Incorporated Committee. This meeting will be held “In Committee”. The Investigating Panel must present the details of the investigation to the Committee, and the Committee **must approve** the expulsion of the member(s) from the Club.

After approval has been obtained, the Club President will write a letter to the individual(s) concerned advising them of the outcome of the investigation and inform them that expulsion from the Club is ***being considered***, and offer the individual(s) the opportunity to make a final submission for consideration by the Committee, before the Club Committee makes the final decision.

# Conclusion

This policy is designed to ensure that all complaints are handled in a structured, transparent and fair process. All parties involved are to be treated with respect and their confidentiality should be maintained at all times.

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