



## **Athletics New Zealand (Incorporated)**

Incorporated Society No. 216839

# **MEMBER PROTECTION AND ANTI-HARASSMENT REGULATION**

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# Athletics New Zealand (Incorporated)

## Member Protection and Anti-Harassment Regulation

### 1. Purpose of Member Protection and Anti-Harassment Regulation

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- 1.1 The purpose of this Member Protection and Anti-Harassment Regulation is to set out Athletics NZ's commitment to ensuring that every person participating in Athletics is treated with respect and dignity and is protected from discrimination, harassment and abuse. In particular, this Regulation seeks to safeguard the welfare of children involved in Athletics by promoting safe practices and protecting children from harm and exploitation while participating in Athletics. It sets out Athletics NZ's commitment to providing an environment in which people are treated fairly and equitably and that, as far as practicable, are free from all forms of discrimination and harassment.
- 1.2 Athletics NZ aims to create a safe, fair and inclusive environment for everyone associated with Athletics in New Zealand.
- 1.3 In particular Athletics NZ has objects to<sup>1</sup>:
- a. "promote the health and safety of all participants";
  - b. "encourage participation in Athletics at all levels throughout New Zealand regardless of age, gender or race";
  - c. "strive to ensure that no gender, race, religious, political or other kind of unfair discrimination exists, continues to exist, or is allowed to develop in Athletics in New Zealand in any form, and that all members may participate in Athletics regardless of their gender, race, religious or political views or any other irrelevant factor";
  - d. "maintain and enhance the reputation of Athletics NZ and Athletics through the development and promotion of standards and practices which fulfil these Objects."
- 1.4 "Equality" and "Dignity" are also principles of conduct under the Athletics NZ Code of Ethics (contained in the Athletics NZ Integrity Regulation – Part 2)<sup>2</sup> and the IAAF Code of Ethics, both of which provide as follows:
- "Equality: There shall be no discrimination in Athletics on the basis of race, sex, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or any unfair or other irrelevant factor, except as permitted by law, including in the Athletics NZ's Board, Committees, Commissions or other elected or appointed bodies of Athletics NZ."*
- "Dignity: Safeguarding the dignity of the individual is fundamental and all forms of harassment in Athletics; be it physical, verbal, mental or sexual are prohibited."*

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<sup>1</sup> Rules 4.1 (c),(d),(e) and (i) Athletics NZ Constitution

<sup>2</sup> Clauses 8.8 and 8.10 of Athletics NZ Code of Ethics

## **2. Status**

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- 2.1 This Regulation was made by the Board under rule 31 of the Constitution.
- 2.2 This Regulation is binding on all Members and other persons who agree to be bound by it.
- 2.3 This Regulation shall be governed by and interpreted in accordance with the laws of New Zealand.

## **3. Commencement Date**

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- 3.1 This Regulation shall come into force with effect from 12 September 2018.

## **4. Interpretation and Definitions**

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- 4.1 The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution, unless specified otherwise.
- 4.2 The additional words and phrases used in this Regulation shall have the meanings given to them in the Regulation.
- 4.3 **Safe Sport for Children Guidelines** means Sport New Zealand's Safe Sport for Children Guidelines which can be found at <https://www.sportnz.org.nz>.

## **5. Application**

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- 5.1 This Regulation applies to the following individuals:
  - a. employees and contractors to Athletics NZ;
  - b. volunteers including coaches, trainers, parents, managers and marshals;
  - c. officials including Board Members, technical officials, event officials;
  - d. Member Clubs, Associate Members and Centres; and,
  - e. all Individual Members.

## **6. Definition of Harassment**

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- 6.1 Harassment means unwelcome behaviour that is offensive, humiliating or intimidating including physical, verbal or emotional abuse, and is either repeated, or of such significant nature, that it has a detrimental effect on the person, their performance, contribution or their sporting environment.
- 6.2 Unwelcome behaviour can be harassment even if the recipient doesn't tell the other party or parties that their behaviour is unwelcome - and even if there is no intention to offend, humiliate or intimidate. It could even include gossip, jokes, teasing or the use of inappropriate nicknames.
- 6.3 Sexual harassment and racial harassment are defined in legislation, for example in the Human Rights Act 1993. It is important to note that it is unlawful to sexually harass another person even if

harassment wasn't intended. It is also an offence to harass a person under the Harassment Act 1997.

6.4 Harassment constitutes Misconduct under clause 7.1(b) of the Athletics NZ Judicial Regulation ("Judicial Regulation").

## **7. Obligations**

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7.1 All persons to whom this Regulation applies must:

- a. comply with the **Athletics NZ Code of Conduct** (attached as Appendix 1) including not engaging in Harassment;
- b. avoid behaviours which may be perceived by others as Harassment; and
- c. raise concerns about any perceived Harassment.

7.2 Coaches and officials must:

- a. comply with the **Athletics NZ Code of Conduct** (attached as Appendix 1) including not engaging in Harassment;
- b. avoid behaviours which may be perceived by others as Harassment;
- c. report Harassment to Athletics NZ; and
- d. ensure that athletes are aware of their rights and expectations under this Regulation.

7.3 Member Clubs, Associate Members and Centres need to:

- a. promptly inform Athletics NZ if they receive a formal complaint; and, if so,
- b. consult with Athletics NZ to develop a strategy for investigation and response;
- c. have rules and regulations in place for handling and determining complaints or allegations of Harassment deferred to them by the Athletics NZ Chief Executive ("Chief Executive") which comply with the Judicial Regulation; and
- d. ensure the confidentiality of the parties involved.

7.4 Athletics NZ will:

- a. provide an impartial process for dealing with Harassment (as detailed in clause 8);
- b. when appropriate, assist in the resolution of formal complaints made under this Regulation, applying the principles of natural justice and procedural fairness;
- c. respond to complaints in a timely manner; ensure the confidentiality of the parties involved; and
- d. protect the integrity and self-esteem of the parties involved.

## 8. Complaints and Investigative Process

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8.1 Examples of ways in which Harassment may be dealt with informally include:

- a. **Initial self-help:** If the recipient of Harassment feels confident enough to do so, self-help means communicating to the alleged offender the behaviour of concern, how it's perceived and how it's affecting them. This can help particularly if the alleged offender hasn't thought through their behaviour, isn't aware that it's unacceptable or unwanted, or isn't aware of the consequences. It can be useful to have a third party present to help with confidence or to keep the conversation on track. All discussions should be confidential.
- b. **Raising a concern:** It is up to the person affected to decide what's most useful, but it may simply involve getting advice from an independent person from the relevant Member Club or Associate Member, or Athletics NZ. The independent person can assist with self-help suggestions or talk through options before deciding whether or not to make a formal complaint. The affected person may also ask the independent person to talk to the alleged offender on their behalf. If this occurs, the affected person's confidentiality will be completely protected unless they consent to disclosing it.

8.2 Process for handling formal complaints:

- a. If the affected person wants to make a formal complaint, this must be made to the Chief Executive in the manner set out in the Judicial Regulation at clause 8.2.
- b. A Member Club or Associate Member who receives a formal complaint must immediately refer it to the Chief Executive and ensure that it is kept confidential.
- c. Following the procedure set out in clause 8.3 of the Judicial Regulation, on receiving a formal complaint, the Chief Executive will make enquiries to determine whether there may be an alleged offence of Harassment and if so, whether the matter should be referred to the relevant Member Club or Associate Member for determination.
- d. The matter will then either be determined by the relevant Member Club or Associate Member, or the Chief Executive will continue to follow the process set out in the Judicial Regulation from 8.3g onwards.
- e. Nothing in this Regulation prevents Athletics NZ from investigating conduct which may amount to alleged Harassment, even if there is no formal complaint.

8.3 Other formal process – Human Rights Act/ Police

- a. In addition to the processes specified above, any person may choose to make a complaint about Harassment to the Human Rights Commissioner and/or the Police.

## APPENDIX 1: Athletics NZ Code of Conduct

All Athletics NZ representatives and members are expected to:

- Demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct.
- Treat others with respect and refrain from negative or disparaging remarks or conduct.
- Not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of Athletics NZ.
- Comply at all times with the bylaws, policies, rules and regulations of Athletics NZ as adopted and amended from time to time, including the Athletics NZ Safe Sport for Children Regulation, the Member Protection and Anti- Harassment Regulation and the Integrity Regulation (including Anti-Doping and Anti Match-fixing), as well as complying with any contracts or agreements executed with or by Athletics NZ (collectively, the “Rules”).
- Respect basic human rights; that is, the equal rights of every person involved in athletics, including the athletes, with no discrimination, whether on the grounds of gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, birth or other status.
- Refrain from the use or consumption of any illegal products while a member of an Athletics NZ team or representative, where illegal is defined as prohibited by the Rules or by the laws of New Zealand and prohibited by the laws of all countries to which officials may travel as part of an Athletics NZ team or as an Athletics NZ representative.
- Refrain from consuming alcohol and not publicly use tobacco products when involved in Athletics NZ competitive events, and consume these products responsibly in association with Athletics NZ social events.
- Conduct all events according to the rules of the IAAF, WPA and Athletics NZ with the integrity of the sport and each athlete’s performance in mind.
- Work in a spirit of cooperation with others, assisting less experienced colleagues, and refraining from public criticism of others.
- Refrain from, and refuse to tolerate in others, any form of harassment or abuse be it physical, verbal, mental or sexual of athletes, officials and other people involved in athletics.
- Not act in any way that brings the sport of athletics, Athletics NZ, the IAAF, the WPA or any other member organisation into disrepute.
- Acknowledge and respect the IAAF, WPA and Athletics NZ Rules of Competition. This respect should extend to the spirit as well as to the letter of the rules to ensure fairness of competitive opportunity between all athletes.
- At all times, be honest and act in the best interests of athletics.
- Follow any specific codes of conduct as outlined for example for a member of a NZ Team where an event specific Code of Conduct will be in force.
- Commit to ongoing development and maintaining currency of membership. Seeking a standard of excellence, constantly improving and incorporating the best knowledge and research in your field in order to get better at what you do every single day.
- Undertake a positive and active leadership role to prevent any use of prohibited drugs or other disallowed performance enhancing substances or practices. This includes education of the athletes of the harmful effects of prohibited substances and practices.
- Work collaboratively with and show respect of all individuals and agencies that could play a role in the development of the athletes and athletics in general.
- Always consider the physical and emotional well-being of an athlete (including age and stage appropriate training and competition) and place these needs ahead of any other concerns, such as competition or training.

Any breach of this Code will be dealt with in accordance with the disciplinary procedures of Athletics NZ under its constitution and regulations which may include suspension or expulsion from membership.