



## **CODE OF CONDUCT**

### **PART ONE - PRELIMINARY**

#### **1. TITLE**

This Regulation:

- 1.1 Is made pursuant to Rule 15.1(xxii) of the Constitution;
- 1.2 May be cited as the GSNZ Code of Conduct ("the Code").

#### **2. OBJECTIVES**

2.1 The objectives of this Code are:

- (a) To promote GSNZ's guiding principles of sportsmanship and ethical conduct
- (b) To maximise public confidence in the sport of gymnastics by ensuring that all events and activities are held fairly and promoting the good character and spirit of everyone involved in the sports.
- (c) To eliminate, as far as possible, conduct damaging to the legitimate interests of persons involved in the sports by prohibiting certain types of conduct in specified circumstances
- (d) To ensure members comply with and efficiently carry out their obligations under the Constitution, the Rules and Regulations and By-Laws and FIG Codes of Ethics and Discipline.
- (e) To provide redress for the members involved in the sports, where their legitimate interests have been damaged by others, in an orderly and expeditious manner and in accordance with the requirements of natural justice and procedural fairness

#### **3. DEFINITIONS**

In this Code the following words have the following meanings:

*Board* means the GSNZ Board of Directors;

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*By-Laws* means such by-laws made by a General Meeting of GSNZ pursuant to Rule 14.1(a)(iii) of the Constitution;

*Constitution* means the constitution of New Zealand Gymnastic Association Incorporated, as amended from time to time;

*Grievance* means a reference made under clause 6.1(b) of this Code or a dispute raised under clause 6.1 of the Disputes Regulations;

*Disputes Committee* means the disputes committee constituted under the GSNZ Disputes Regulations;

*Executive Director* means the Executive Director of GSNZ;

*Intervener* means a member of the Board representing GSNZ to which the Disputes Committee has granted permission to intervene under clause 12 of the Disputes Regulations;

*Member* means an affiliated member, a limited member or a member of an affiliated or limited member as defined by the Constitution;

*GSNZ* means New Zealand Gymnastic Association Incorporated;

*Rules and Regulations* means the rules and regulations of GSNZ passed by the Board of GSNZ pursuant to Rule 15.1 (xxii);

*SDT* means the Sports Disputes Tribunal of New Zealand;

*Secretary* means the Secretary of the Disputes Committee appointed under clause 5 of the Dispute Regulations.

#### **4. APPLICATION**

##### **4.1 Conduct by Members**

This Code must not be interpreted, construed or deemed as limiting or restricting the powers of GSNZ under the Constitution or any Rules, Regulations and By-laws, or of FIG under its Statutes, Regulations, By-laws or Codes in respect of any acts or omissions of any Member, a member of the board of directors, a member of a subcommittee or committee of management, officer, employee, or agent of GSNZ including, without limitation, any judge, coach, medical officer or other official.

##### **4.2 Action without prejudice**

Any action taken by GSNZ under this Code will be without prejudice to any right or remedy GSNZ may have at common law, under statute or in equity in respect of any breach of the Constitution, its Rules and Regulations and any By-laws

including, without limitation, the breach by reason of which action was taken under this Code or the Statutes, Codes, or Regulations of FIG.

#### 4.3 Doping

This Code does not apply to doping infringements, which are dealt with separately under the GSNZ and FIG Anti-Doping Regulations.

### **PART TWO – WHAT IS PROHIBITED CONDUCT?**

#### **5. MISCONDUCT**

##### 5.1 Misconduct

A Member must not in the course of his / her involvement as a member of GSNZ:

- (a) Accept any bribe or fail to report any attempt to bribe him / her or agree to perform or adjudicate other than to the best of his / her skill and ability;
- (b) Directly or indirectly to demand, accept or propose any kind of remuneration, commission, advantages, any obscure/unofficial favour;
- (c) Discriminate with respect to race, sex, religion, ethnicity, philosophical or political belief, or family status;
- (d) Violate the physical or intellectual integrity of a Member;
- (e) Take part in events outside New Zealand without the consent of GSNZ and the Federation concerned;
- (f) Hinder or obstruct persons, in performance of their duties on behalf of FIG or GSNZ;
- (g) Bet, gamble or knowingly associate with any gambler or any gambling activity in relation to his / her participation in the sport;
- (h) Infringe the FIG Statutes, Code of Ethics or Code of Discipline;
- (i) Fails to comply with any standards of behaviour imposed by FIG or GSNZ;
- (j) Knowingly act in a manner which will be prejudicial to the interests of GSNZ or which will bring the sport of gymnastics into disrepute.

##### 5.2 Conduct prejudicial to the interests of GSNZ or which will bring the sport of gymnastics into disrepute

For the purposes of clause 5.1(h) of this Code, a Member will be deemed to have knowingly acted in a manner which will be prejudicial to the interests of GSNZ or which will bring the sport of gymnastics into disrepute if the Member:

- (a) Knowingly make slanderous or libellous statements or publications against GSNZ, its Members or upon any person in any office at the service of GSNZ;
- (b) Knowingly makes any statement or appearance in public including, without limitation, any contribution to press, television, radio or other media which is disparaging of:
  - (i) The performance of any judge, or official;
  - (ii) Any sponsor of GSNZ;
- (c) Knowingly acts in a manner which, in the normal course of events, is likely to incite spectators to any act of violence or other act of disorder;
- (d) Refuses to obey any reasonable direction of a judge, or official;
- (e) Knowingly makes any statement or appearance in public including, without limitation, any contribution to press, television, radio or other media in relation to any matter which is set down for hearing or consideration by the Disputes Committee or the SDT.
- (f) Knowingly induces any other member to breach any provision of the Constitution, Rules, Regulations or Bylaws of GSNZ.

### 5.3 Member's obligations

- (a) A Member must at all times during the course of his/her membership of GSNZ comply with:
  - (i) The Constitution
  - (ii) The Rules and Regulations
  - (iii) The By-Laws
  - (iv) The Statutes, Regulations and Codes of FIG

And breach of any of the above amounts to breach of this Code.

- (b) The Member must perform, observe and carry out any mediated settlement or final and binding determination made in accordance with the disputes procedure in respect of any Grievance to which the Member is a party, including any determination of the SDT or any

sanction imposed by FIG, failing which the Member may have his membership rights suspended or revoked.

## **6. ENFORCEMENT AND REMEDIES**

### 6.1 Procedure

- (a) GSNZ has sole responsibility for enforcing the Code and investigating breaches of the Code.
- (b) GSNZ may postpone investigation of any alleged breach or enforcement of the Code pending any separate investigation into the alleged misconduct by an outside agency.
- (c) GSNZ may only enforce the provisions of this Code and invoke any of the remedies under clause 6.2 by providing the person alleged to have breached this Code with due notice of each and every particular of the alleged breach and the opportunity to make written submissions in respect of such alleged breach and in appropriate cases, the opportunity to be heard.
- (d) If any sanctions are imposed upon a Member by GSNZ, the Member will have the right to refer such purported action to the Disputes Committee and any such purported action will not become operative until the Disputes Committee has made an order pursuant to clause 6.5 of this Code. Any reference made by a Member must be made in writing to the Secretary of the Disputes Committee within 14 business days after the date on which GSNZ imposed the sanction.
- (e) GSNZ may in its discretion, suspend the Member pending a determination of the Disputes Committee.

### 6.2 Remedies

- (a) If a Member is found to have breached any part of this Code, GSNZ may:
  - (i) Issue a caution;
  - (ii) Place the Member on a bond;
  - (iii) Impose a fine not exceeding \$1000;
  - (iv) Refuse admission to any events or activities run under the auspices of or sanctioned by GSNZ;

- (v) Suspend the Member from participating or officiating in the sport;
- (vi) Remove any current qualification or accreditation;
- (vii) Impose an order of repayment to GSNZ of all funding and grants received from or through GSNZ since the occurrence of the misconduct;
- (viii) Require an apology, or order reparation or compensation to any Member affected by the misconduct;
- (ix) Remove any awards or placings obtained or granted by or under the auspices of the GSNZ from the date of occurrence of the misconduct;
- (x) Expel the member;
- (xi) Enforce any sanction imposed by FIG in addition to any sanction of its own which it thinks appropriate in the circumstances;
- (xii) Refer the dispute to the Disputes Committee;
- (xiii) Decline to take any further action.

Without limiting the generality of the remedies available to the Board and this clause, the Board may suspend the enforcement of any such remedy on such terms and conditions as it thinks fit.

### 6.3 Payment of fines

All fines payable under any part of this Code must be paid by the person obliged to make the payment within fourteen days after the date on which the fine is notified to the Member unless:

- (a) Otherwise agreed by the Board;
- (b) The person obliged to make the payment has referred the purported action taken against him to the Disputes Committee under clause 6.1(b) of this Code;
- (c) Where the person is obliged to make payment pursuant to a decision of the Disputes Committee, that person has appealed the decision to the SDT, in which case payment must be made in accordance with any decision of the SDT.

### 6.4 The Disputes Committee

If a Member refers any purported action taken against him or her to the Disputes Committee under clause 6.1(b) of this Code, the Disputes Committee must deal with that reference in accordance with the Disputes Regulations.

#### 6.5 What may the Disputes Committee decide?

After hearing the evidence of the Member and any Intervener, the Disputes Committee may find the alleged breach of this Code or any part of it proven and make one or more of the following orders:

- (a) An order that the person found to have breached this Code refrain from committing any further breach this Code;
- (b) Find the alleged breach of this Code to have been proven and confirm any sanction ordered by the Board;
- (c) Find the alleged breach of this Code or any part to be proven, but decline to take any further action in the matter;
- (d) Find the alleged breach of this Code or any part of it not proven and make an order that the matter be dismissed;
- (e) Find the alleged breach proven and substitute its own sanction (in accordance with clause 6.2) for that of the Board.