

Disciplinary Procedure Policy

The Nelson Bays Tennis Association is committed to the principles of Partnership, Protection and Participation.

Values

Everyone involved in our 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.

The Nelson Bays Tennis Association knows everyone involved in our sport is here because of a shared passion for the game, active recreation and care for the people involved.

The Nelson Bays Tennis Association is committed to supporting everyone, including participants, 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 our sport, or to ensure the safety and wellbeing of those involved in it, it can become a serious issue.

The Nelson Bays Tennis Association 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 Policy is centred on equity, dignity, respect and maximising the potential of all people.

Purpose

The purpose of this Disciplinary Procedure Policy is to provide a process to deal with alleged breaches of The Nelson Bays Tennis Association Code of Conduct and all other policies.

It aims to:

- give clear guidance for dealing with alleged breaches.
- ensure the approach taken to dealing with alleged breaches is fair.

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There is an appeal's process. If you are unhappy with the outcome of the disciplinary procedure, you can apply for a review or an appeal to the NBTA. All appeals will then be directed to Tennis Canterbury along with all relevant documentation. It is important to understand that the relevant review or appeal body cannot reinvestigate this issue. It can only assess whether the handling or the final outcome was reasonable and proportionate.

If the complaint involves children and young people in any way, The Tennis NZ's guidelines for safeguarding children and vulnerable people must be followed.

Formal disciplinary procedure

Introduction

Where a satisfactory outcome can't be reached informally, or there is a serious alleged breach of The Nelson Bays Tennis Association Code of Conduct or any of their policies, it should be raised as soon as possible to the regional coordinator maria@tennisnelson.co.nz

The regional coordinator will confirm they have received the complaint/ allegation within three working days of receiving it.

Details of the complaint/alleged breach will be entered into a Complaints Register. When considering the complaint/allegation, a sub-committee will consider:

- what the complaint/allegation is about
- how serious or urgent the complaint/allegation is
- whether there is a set process for the type of complaint/allegation
- whether the complaint/allegation may indicate a broader problem
- what risks the complaint/allegation raises for The Nelson Bays Tennis Association
- what kind of resolution the complainant is seeking
- any other relevant information.

The Sub-Committee will then decide whether:

- there is no clear basis for the complaint/allegation and no action can be taken (and an explanation given to the complainant)
- the complaint/allegation can be resolved informally
- a formal process is needed.

All processes for resolving matters will be run in good faith. This includes not reaching conclusions before 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:

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- the person complained about, or allegedly in breach, should be told details of the allegation(s) as soon as possible.
- The person complained about, or allegedly in breach, should be given a reasonable opportunity to respond to the allegation.
- Their 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.

Investigation

The committee members will meet separately with the parties. These meetings will be held at a time and place and run according to a protocol/agenda that suits everyone, to the extent possible. Both parties can have a support person(s) (including family) at any meeting.

The committee can request an interview with any person and request any evidence they think is relevant.

If anyone declines to participate in the investigation process, the committee will make a finding of fact based on all of the information available to them at the time.

Where a party wants to rely on documents, these must be sent to the committee who will provide them to the other party.

All information discussed in the course of the investigation will be confidential.

Decision

General justice and fairness.

After investigating, a decision will be made in the following way:

- Consistent with a fair process
- Based on the evidence presented
- Reflective of the seriousness of the findings.

Written decision

The president will provide a written decision to both parties, which sets out the reasons for the decision, as soon as possible.

Sanction

Sanctions available

The committee can impose one or more of the following sanctions:

- (a) Issue a written warning.
- (b) penalty, such as loss of points, ban from representative fixtures



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- (c) fines
- (d) suspension for a stated period.
- (e) Suspend the person from participating in any related activity which is run by the NBTA
- (f) Any other form of discipline the NBTA committee considers appropriate.

In determining what sanction to impose, the NBTA Committee 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, 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.

