



DISCIPLINARY PROCEDURES POLICY

23 October 2018

1) CYCLING NEW ZEALAND'S VISION

- a) Cycling New Zealand has the vision of "Inspiring New Zealanders to Ride"

2) CYCLING NEW ZEALAND'S KEY TARGETED OUTCOMES

- a) Cycling New Zealand has the following key targeted outcomes:
 - i) Increased medal success internationally
 - ii) Growth in participation and membership
 - iii) More role models for New Zealand and cycling
 - iv) A strong, healthy, and sustainable organisation

3) CORE VALUES

- a) Cycling New Zealand's core values are:
 - i) We are proud of who we are, what we do, and the sport and organisation we represent
 - ii) We care equally about people and performance
 - iii) We are inspired and inspiring
 - iv) We are humble and engaging
 - v) We are driven by the legacy we will leave

4) GUIDING PRINCIPLES FOR THIS DISCIPLINARY PROCEDURES POLICY

- a) Cycling New Zealand is committed to upholding the organisation's core values and creating a safe, fair and inclusive environment for everyone associated with the sport.
- b) Cycling New Zealand is committed to addressing any Misconduct or breach of policy by individuals that is brought to its attention, as being contrary to the ethics and spirit of cycling and fair play.
- c) This disciplinary procedures policy is not intended to impinge on commissaires' and/or other race officials' duties/roles of adjudicating within the competition environment in line with the designated rules of racing. However if it is deemed that there is a breach of Cycling New Zealand policy within a race environment, Cycling New Zealand reserves the right to take additional action on a matter regardless of whether a sanction has been administered by commissaires or race officials.
- d) Cycling New Zealand will take into account the need for natural justice and appropriate transparency for all affected parties.

5) WHO THIS POLICY APPLIES TO

- a) This policy applies to the following (unless they have varied their agreement with Cycling New Zealand by consenting to be bound by a Policy or contract which compliments or supersedes this policy, whether they are in a paid or unpaid/voluntary capacity);
 - i) Persons appointed or elected to Cycling New Zealand's Board;
 - ii) Employees, contractors and volunteers of Cycling New Zealand, member organisations, centres/regions, clubs, and school cycling teams and programmes, affiliated to Cycling New Zealand;
 - iii) High Performance Sport New Zealand and Sport New Zealand employees or contractors operating within the sport of cycling;
 - iv) Any other support personnel appointed or elected to Cycling New Zealand teams and squads;
 - v) All Cycling New Zealand licensed riders, including national representative and Performance Hub athletes;
 - vi) Technical Officials, including coaches, commissaires and other officials involved in the sport;
 - vii) Athletes, coaches, officials and other personnel participating in or assisting in events recognised or sanctioned by Cycling New Zealand;
 - viii) Athletes, coaches, officials and other personnel participating in or assisting in other activities including camps and training sessions, held or sanctioned by Cycling New Zealand; and
 - ix) Spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy.

6) DEFINITIONS AND INTERPRETATION

- a) In this Policy:
 - i) **Affiliate** means any member organisation, club, association or other entity in New Zealand that is affiliated to Cycling New Zealand or the UCI;
 - ii) **Alleged Individual** means the person alleged of Misconduct;
 - iii) **Cycling New Zealand** means Cycling New Zealand Incorporated. The national sports organisation (NSO) for all cycling codes in New Zealand, as recognised by the UCI, Sport New Zealand, High Performance Sport New Zealand (HPSNZ), the New Zealand Olympic Committee (NZOC) and the New Zealand Paralympic Committee (NZPC), representing the interests of Road & Track, Mountain Bike, BMX, and Schools Cycling.
 - iv) **Disciplinary Panel** means persons appointed by Cycling New Zealand described in clause 11;
 - v) **Formal Complaints Form** means the formal notification to Cycling New Zealand of any alleged Misconduct by an Alleged Individual via the completion of the Formal Complaints Form outlined in Appendix 1 of this policy;
 - vi) **Misconduct** means conduct or behaviour of the nature described in clause 7.a.;
 - vii) **Policy** means any policies adopted by Cycling New Zealand;
 - viii) **Relevant Authority** means the Disciplinary Panel, the Sports Disputes Tribunal of New Zealand or other government agency including the New Zealand Police where necessary;

- ix) **Technical Official** means any coach, commissaires, team manager, administrator or other person acting in a non-riding capacity on behalf of Cycling New Zealand or Affiliate;
- x) **UCI** stands for the Union Cycliste Internationale, which is the world governing body for sports cycling. One of their roles is to oversee international competitive cycling events.
- xi) **Working day** means days of the week excluding Saturdays and Sundays and designated New Zealand public holidays.

7) APPLICATION OF POLICY

- a) The procedures set out in this Policy apply where Cycling New Zealand receives a completed Formal Complaint Form alleging that an Alleged Individual has:
 - i) Failed to comply with any standards of behaviour, including but not limited to a breach of any policies adopted by Cycling New Zealand, its member organisations, or the UCI; and/or
 - ii) Behaved in a manner that reflects or is likely to reflect badly on Cycling New Zealand, its member organisations, or the UCI; and/or
 - iii) Acted in any other way that has brought or is likely to bring Cycling New Zealand, its member organisations, or the UCI into disrepute.
- b) The formalities, procedures and deadlines set out in this Policy are intended to ensure the proper conduct of hearings. However, a procedural error by Cycling New Zealand that is not deemed to affect the result of the hearing will not invalidate it.
- c) This Policy is subject to any other policies adopted by Cycling New Zealand or other Relevant Authority that contain procedures and sanctions including but not limited to any relevant employment disciplinary procedures, Anti-Doping Policy, or other legal process. Cycling New Zealand reserves the right to execute sanctions against the Alleged Individual under this policy irrespective of actions taken by another Relevant Authority.

8) NOTIFICATION OF ALLEGED MISCONDUCT

- a) Any alleged Misconduct must be submitted in writing using the Formal Complaint Form to the Cycling New Zealand CEO. However if alleged Misconduct involves the Cycling New Zealand CEO then it should be directed to the Cycling New Zealand Board Chairperson.
- b) Cycling New Zealand must, as soon as possible after receiving a Formal Complaint Form alleging Misconduct, send to the Alleged Individual's last known email address, either a copy of the Formal Complaint Form or a brief description of the alleged Misconduct. Where possible Cycling New Zealand should confirm that the Alleged Individual has received this formal complaint.
- c) Within ten (10) working days following receipt of the initial communication from Cycling New Zealand, the Alleged Individual may present to Cycling New Zealand a written explanation/defense of the alleged Misconduct.

- d) Cycling New Zealand will review any written explanation/defense, if received, along with any other evidence available at the time, and will determine the next appropriate steps in the process (as outlined in clause 9).

9) OPTIONS FOR CYCLING NEW ZEALAND

- a) Upon receipt of any written explanation/defense from the Alleged Individual, or ten (10) working days following the initial communication from Cycling New Zealand to the Alleged Individual, whichever comes first, the Cycling New Zealand CEO in consultation with the Cycling New Zealand Board Chairperson, may choose one of the following actions:
 - i) Dismiss the allegations;
 - ii) Refer the matter back to commissaires or other race officials, or cycling code specific panels;
 - iii) Refer the matter to another Relevant Authority, noting Cycling New Zealand reserves the right to apply sanctions to the Alleged Individual once the other relevant Authority has dealt with the matter;
 - iv) Depending on Cycling New Zealand's view of the severity or complexity of the allegations, Cycling New Zealand may either:
 - (1) Immediately impose a sanction in accordance with clause 12; or
 - (2) Convene a hearing of the Disciplinary Panel to review the matter.
- b) Where Cycling New Zealand determines the allegation shall be dismissed or imposes an immediate sanction as per clause 9.a.iv.(1) above, Cycling New Zealand must notify via email, the Alleged Individual and the person who submitted the Formal Complaint Form, outlining the decision and the basis for it.

10) CONVENING A HEARING OF THE DISCIPLINARY PANEL

- a) If Cycling New Zealand convenes a hearing of the Disciplinary Panel, a summons will be issued to the Alleged Individual.
- b) The summons will indicate the date, time and place of the hearing and must be sent via email at least five (5) working days before the date on which the hearing is to be held. However, the hearing may be held earlier, if both Cycling New Zealand and the Alleged Individual agree.
- c) The hearing can be in person or via phone or video technology as agreed by Cycling New Zealand and the Alleged Individual.
- d) The Alleged Individual may waive the right to be heard, in which case Cycling New Zealand's investigation can be conducted solely by the Disciplinary Panel by any means agreed by the Disciplinary Panel.
- e) At any hearing conducted by the Disciplinary Panel, the Alleged Individual may be accompanied by a representative of their choosing.

- f) The Disciplinary Panel can choose from the following actions:
 - i) Dismiss the matter; or
 - ii) Apply a sanction(s) as per clause 12.

- g) Within five (5) working days following the hearing, Cycling New Zealand must notify via email, the Alleged Individual and the person who submitted the Formal Complaint Form, outlining the decision and the basis for it.

11) MEMBERS OF THE DISCIPLINARY PANEL

- a) The Disciplinary Panel will include a minimum of three persons. The members will be appointed by Cycling New Zealand CEO in consultation with the Cycling New Zealand Board Chairperson, at their sole discretion, but must consider the knowledge and skill necessary to appropriately hear the case, and the need for impartiality. The Disciplinary Panel can include but not limited to:
 - i) The Cycling New Zealand CEO (convenor of the Disciplinary Panel) or Cycling New Zealand Board Chairperson if Cycling New Zealand CEO is the Alleged Individual;
 - ii) A senior member of staff from Cycling New Zealand; and/or representative from a member organisation; and/or
 - iii) An independent individual.

- b) The Disciplinary Panel reserves the right to involve other persons as and when it deems appropriate to enable the panel to consider all evidence available and/or have specific technical knowledge in an area related to the alleged offence.

12) SANCTIONS

- a) Cycling New Zealand may issue a sanction to the Alleged Individual declared or considered to have engaged in Misconduct as per clause 9.a.iv. (1), or on the recommendations of the Disciplinary Panel.

- b) Within the limits of this Policy, Cycling New Zealand with the recommendations of the Disciplinary Panel if applicable, must apply sanctions that are proportionate to the Misconduct and must take into account:
 - i) The context surrounding the Misconduct of the Alleged Individual;
 - ii) The character, age and experience of the Alleged Individual;
 - iii) The gravity of the consequences of the sanction for the Alleged Individual's social, sporting and financial position;
 - iv) Any other previous occurrences of Misconduct by the Alleged Individual; and
 - v) The risk to a professional career of the Alleged Individual.

- c) The sanctions can include (but are not limited to) the Alleged Individual being:
 - i) Provided with a formal written warning;
 - ii) Ineligible to hold a license with Cycling New Zealand or any Affiliate; and/or
 - iii) Suspended or banned from competing or being involved in any other capacity in any events and competitions conducted by or under the auspices of Cycling New Zealand or any Affiliate; and/or

- iv) Issued and required to pay a fine; and/or
 - v) Required to repay some/all funding and grants received from or through Cycling New Zealand since the occurrence of the Misconduct; and/or
 - vi) Required to apologise (whether publicly or privately) to any person affected by the Misconduct; and/or
 - vii) Required to undergo counselling or other treatment specified by the Relevant Authority; and/or
 - viii) Required to comply with any other sanction imposed by another Relevant Authority;
 - ix) Ineligible for membership of, or selection by Cycling New Zealand, in any New Zealand representative team; and/or
 - x) Ineligible to receive, directly or indirectly, funding or assistance from the Cycling New Zealand or any Affiliate; and/or
 - xi) Have any contract with Cycling New Zealand terminated; and/or
 - xii) Ineligible to hold any position with Cycling New Zealand or any Affiliate.
- d) Cycling New Zealand will communicate to the Alleged Individual via email the specifics of the sanction including all actions required and the timeframe in which to comply. Additionally Cycling New Zealand will share information in relation to any sanctions to any other relevant party at its sole discretion.
- e) Any failure by the Alleged Individual to comply with a sanction(s) imposed by Cycling New Zealand or Relevant Authority will constitute a further offence and Cycling New Zealand may impose a further sanction(s) without the need for a further hearing or enquiry.

13) APPEAL OF DECISION

- a) If the Alleged Individual wishes to appeal against the Disciplinary Panel's decision, their appeal can be directed to the New Zealand Sports Tribunal. For more information please visit <http://www.sportstribunal.org.nz>

14) REVIEW OF THIS POLICY

- a) This policy will be reviewed regularly and updated if required. Changes will be communicated via the Cycling New Zealand website www.cyclingnewzealand.nz

APPENDIX 1 - FORMAL COMPLAINT FORM

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| Complainant's full name: | <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 |
| Complainant's contact details: | Phone: Email: |
| Complainant's role/position: | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official |
| Name of person complained about (respondent): | <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 |
| Respondent's role/position | <input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official |
| Location/event of alleged incident: | |
| Description of alleged incident: | |
| Methods (if any) of attempted informal resolution: | |
| Signed by Complainant and dated: | |