

# The Auckland Rowing Club Code of Conduct

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## 1. Title

### 1.1 The Code:

- (a) Is made by the Executive Committee under clause 33.1(j) of the Constitution;
  - (b) Shall be called be The Auckland Rowing Club Code of Conduct (“the Code”).
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## 2. Definitions

### 2.1 In this Code, the following words have the following meanings:

- (a) **Anti-Doping Rule Violation** has the meaning given by the Sports Anti-Doping Rules;
  - (b) **ARA** means the Auckland Rowing Association Inc or any successor organisation responsible for rowing in the Auckland region;
  - (c) **Club** means the Auckland Rowing Club;
  - (d) **Constitution** means the constitution of the Club in force from time to time;
  - (e) **FISA** means Federation International Societe D’Aviron, the international governing body of rowing;
  - (f) **GM** means a general meeting of the Club called in accordance with the Constitution, where an AGM or SGM;
  - (g) **Panel** means the panel formed by the Executive Committee under clause 7.1
  - (h) **RNZ** means New Zealand Rowing Inc;
  - (i) **ST** means the Sports Tribunal of New Zealand.
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## 3. Objectives

### 3.1 The Objectives of the Code are:

- (a) To ensure that Member comply with their responsibilities as set out in clause 9 of the Constitution;
  - (b) To promote the principles of sportsmanship and ethical conduct;
  - (c) To encourage an appropriate standard of behaviour amongst Members and provide redress for Members where their legitimate interests have been damaged by others.
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## 4. When the Code Applies

- 4.1 **Relationship to Constitution:** This Code must not be interpreted as restricting or limiting the powers of the Executive Committee or Captain as provided for in the Constitution.
- 4.2 **Relationship to law:** Any action taken under this Code shall be without prejudice to any right or remedy the Club may have in law.
- 4.3 **Doping:** Subject to clause 4.5, this Code does not apply to Anti-Doping Rule Violations for which the provisions of:
- (a) Any FISA or RNZ anti-doping rules; and
  - (b) The Sports Anti-Doping Rules;
- Shall apply to Members.
- 4.4 Where any sanction is imposed by the ST in relation to an Anti-Doping Rule Violation, then it shall be a breach of this Code for any Member not to comply with such sanction.
- 4.5 In addition to any sanction imposed by the ST, the Club may impose its own sanction as prescribed by this Code but only after first hearing from the Member in accordance with clause 7.
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## 5. Breach of this Code

- 5.1 A Member must at all times during the course of his/her membership of the Club comply with:
- (a) The Constitution;
  - (b) Any Rules made by the Executive Committee under powers given by the Constitution;
- And any breach of the above shall be a breach of this Code.
- 5.2 **Misconduct:** A Member must not in the course of his/her involvement as a member of the Club:
- (a) Engage in any conduct which would be contrary to any of the prohibited grounds of discrimination pursuant to the Human Rights Act 1993;
  - (b) Participate in any form of harassment or victimisation against another Member or person involved with rowing;
  - (c) Verbally or physically abuse any Member or person involved with rowing;

- (d) Wilfully or negligently cause damage to the Club's equipment or premises;
- (e) Knowingly make slanderous or libellous statements or publications against the Club or its Members;
- (f) Knowingly make any statement in public which is disparaging of the Club, a race official or sponsor of the Club;
- (g) Knowingly act in a manner which will be prejudicial to the interests of the Club or which will bring the Club into disrepute;
- (h) Knowingly induce, aid, or abet any Member to breach this Code.

5.3 **Compliance with sanctions:** All Members must perform, observe and carry out any mediated settlement or determination made in accordance with this Code, any determination of the ST, or any sanction imposed by the ARA or RNZ, failing which the Member may have his/her membership rights suspended or revoked.

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## 6. Investigation of Breaches of the Code

- 6.1 The Executive Committee has sole responsibility for enforcing the Code and investigating breaches of the Code.
  - 6.2 Any Member may report a breach of the Code to the Executive Committee, but any subsequent action in relation to that complaint shall be in the Executive Committee's sole discretion.
  - 6.3 The Executive may postpone investigation of any alleged breach or enforcement of the Code pending any separate investigation by an outside agency.
  - 6.4 The Executive Committee may only enforce provisions of this Code and invoke any remedies provided for under clause by providing the person alleged to have breached the Code with 14 days notice of each and every particular of the alleged breach (together with any relevant documents) and the opportunity to make submissions in respect of the alleged breach, or where the Member elects, the opportunity to be heard.
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## 7. Hearing

- 7.1 **Appointment of Panel:** the Executive Committee shall appoint a panel of enquiry comprised of no less than three Executive Committee Members to determine whether there has been a breach of this Code.
- 7.2 **Procedures to be adopted:** In hearing any allegation of a breach of this Code, the Panel will have the right to determine all procedures to be adopted.

- 7.3 **Non attendance by Member:** Once a hearing is convened, the Panel has power to make a determination upon the available evidence on the date set for the hearing, or such later date, irrespective of whether the Member concerned attends the hearing or makes written submissions.
- 7.4 **Documents:** any documents upon which either the Panel or the Member wishes to rely must be sent to the other party at least two business day prior to the date convened for the hearing. The Panel may exclude any documents not sent to them in accordance with this clause.
- 7.5 **Witnesses:** The Panel may in relation to any hearing, require the attendance of any person and ask any questions and call any evidence as the Panel, in its absolute discretion, thinks fit. It is acknowledged that the Panel has no legal power to compel such witnesses to attend, other than Members who are contractually bound to do so.
- 7.6 **Written submissions:** Any party to a hearing may make any written submissions to the Panel provided that copies of such written submissions are provided to the Panel prior to their presentation.
- 7.7 **Representation:** At any hearing the Member may be represented by a support person.
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## 8. Determination

- 8.1 **General justice and fairness:** The Panel will determine all allegations of breaches of this Code by reference to considerations of general justice and fairness.
- 8.2 **Written Reasons:** The Panel will with as little delay as possible after the conclusion of a hearing, contemporaneously provide a written Determination to the Member, which sets out the reasons for the Determination.
- 8.3 **Determinations final and binding:** Subject only to the right of appeal set out in clause 10, all Determinations of the Panel will be final and binding.
- 8.4 **Manifest error:** The Panel may at any time correct, vary or set aside a Determination where there is a manifest error in the Determination.
- 8.5 **What the Panel may determine:** After hearing the evidence of the Member, the Panel 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 Member 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 impose a sanction;

- (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 allegation be dismissed.

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## 9. Sanctions

- 9.1 If a Member is found to have breached any part of this Code, the Panel may impose one or more of the following sanctions:
- (a) Issue a caution;
  - (b) Suspend the Member's membership rights for a period;
  - (c) Suspend the Member from participating for the Club in a named regatta or regattas;
  - (d) Require an apology, or order reparation or compensation to any Member affected by the misconduct;
  - (e) Require the Member to pay for any damage sustained by the Club arising from the Member's breach of this Code;
  - (f) Recommend the expulsion of the Member to the GM of the Club;
  - (g) Enforce any sanction imposed by the ARA, RNZ or ST in addition to any sanction of its own which it thinks appropriate in the circumstances;
  - (h) Decline to take any further action.
- 9.2 Without limiting the generality of the remedies available to the Panel and this clause, the Panel may suspend the enforcement of any such remedy on such terms and conditions as it thinks fit.
- 9.3 **Costs:** Each party will be responsible for bearing its own costs in relation to the Hearing.

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## 10. Right of Appeal

- 10.1 Any Member against whom a determination has been made under this Code may appeal that determination to the full Executive Committee.
- 10.2 Such appeal must be lodged with the Executive Committee of the Club within 7 days.
- 10.3 In the event of an appeal, the Executive Committee shall review the Panel's decision and may substitute its own decision in place of that of the Panel.

10.4 Until such review, any sanction imposed by the Panel shall remain in place.

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**Chairman**  
**By order of Executive Committee**  
**Dated:**