



Submerge Aquatics Policy on Misconduct and Disciplinary Procedure

Objective:

Submerge Aquatics is committed to enforcing the relevant Codes of Conduct relating to its members. Breaches considered to have been made by a member then this document is designed to guide Submerge Aquatics and inform parents/ guardians of the discipline process. The primary objective is to encourage members to comply with the Code of Conduct and fulfil their obligations as set out in the club's policies.

Four Stages of Disciplinary Action:

Stage 0 – Normal Coaching Intervention/Interaction:

It is anticipated that most coaching, training, and behavioural issues can be appropriately, effectively, and quickly dealt with through normal and informal intervention, interaction, and discussion by the Coaches with the parties responsible. This will always be the first action taken by the Coaches and whilst it does not require observation or verification by any other persons, the respective Coach may inform or consult with the parents / guardians / Directors / and any other coach if considered appropriate for the situation or behaviour that has taken place. Coaches have the authority to exclude a swimmer from the session where the incident takes place, and to invite the swimmer to a 'Performance Review' meeting with the Coach(es), and the parents / guardians should they deem it necessary. Coaches may use their discretion and judgment to initiate and repeat Stage 0 on any number of occasions prior to moving to Stage 1, which should always be the next step once it is clear that normal coaching interventions or interactions are not resolving the matter.

Stage 1 - Verbal Warning:

Where a swimmer's breach of the Code of Conduct is persistent and/or is not resolved at Stage 0 then the responsible coach will report the matter to the Head Coach (if not already in consultation). The Head Coach may call a meeting with the swimmer, parents / guardians, and coaches, and may issue a verbal warning, a note of which will be entered into the incident report file, copied to them in writing and may be referred to should there be any further incidents. To help the swimmer resolve their problems a Swimmer Behaviour Contract may be issued.

Summary Outcome:

- Formal verbal warning, of which a written record will be kept.
- The member, or parent/guardian if under 18 years of age, will be informed in writing and a Swimmer Behaviour Contract may be issued.
- Stage 2 of the disciplinary procedure will be considered.

Stage 2 - Written Warning:

In the case of a more serious incident(s), or if a further offence occurs (whether of a similar or different nature) a written warning will be issued to the swimmer and parents / guardians by Submerge Aquatics Directors. This will give reasons for the warning, the improvement required and the date when the warning expires – it will warn that action under Stage 3 of the disciplinary procedure will be considered if there is no satisfactory improvement or further acts of misconduct occur and will advise of rights of appeal. Similar to Stage 1 a note will be entered into the incident report file, copied to them in writing and may be referred to should there be any further incidents.

Summary Outcome:

- A written warning will be issued to the member and parent/guardian.
- A swimmer Behaviour Contract may be issued.
- Stage 3 of the disciplinary procedure will be considered.

Stage 3 – Suspension or Termination of Membership:

If conduct is still unsatisfactory and the member still fails to reach the prescribed standards despite receiving a written warning, or if the member has committed an act of gross misconduct, suspension and/or termination of a swimmer's membership by Submerge Aquatics may occur. Suspension or termination of membership may also result from a serious breach of any of Submerge Aquatics codes of conduct / policies and those of Selwyn Swim Club, Swimming Canterbury West Coast and Swimming New Zealand. The Head Coach and Directors have full authority over the population of training squads and if Stage 3 has been reached, access may be withdrawn to any or all squad(s) training sessions or club sessions for the swimmer concerned.

Before termination of a swimmer's membership is made, a full investigation will be carried out.

Any appeal against termination of membership must be submitted to Submerge Aquatics within 7 days by formal letter. Upon receiving an appeal Submerge Aquatics will organise an independent assessment of the case and report within 28 days to the person who submitted the appeal, unless there is good reason to extend the time frame.

Investigation:

Serious misconduct will be subject to investigation. The purpose of an investigation is to establish the facts of a case and to record them. The level of investigation into a complaint or incident must be decided by Submerge Aquatics and must be based on a judgement of its nature, seriousness and how much is known about the circumstances of the misconduct. It is important to remember that it is the purpose of any subsequent disciplinary hearing to make a judgement on the facts presented, so the investigation must focus on relevant facts. In the event that the investigation reveals further incidents, these may also be subject to investigation.

Timing:

Investigations that may lead to disciplinary action must take place as soon as reasonably possible after any misconduct is alleged. Investigations should be conducted as early as possible and within 28-days of a complaint being received unless there are justifiable reasons for extending the time frame. Any extension to the time limit must be fully documented and agreed in writing by Submerge Aquatics. Submerge Aquatics

must inform the member or parent/guardians of the member under investigation in writing of the extension and the reason for it.

Members of Submerge Aquatics who do not respond, without good reason, to a statement of alleged misconduct and/or do not attend a disciplinary hearing must be made aware that they may have their case decided in their absence.

Possible outcomes following a disciplinary hearing:

- No action
- Written warning.
- Behaviour contract. This will remain in place for an agreed period of time with conditions attached.
- Final written warning.
- Temporary suspension.
- Permanent termination of membership.
- Matter referred to Police/Swimming Canterbury/ Swimming New Zealand.

Recording:

The member will be notified in writing of the details of any disciplinary outcome and the reasons for the outcome using the 'outcome of disciplinary hearing' letter. This will be sent to the member/parent/guardian within 10 days of the conclusion of the disciplinary hearing unless there are good reasons for an extension to the time frame.

Following a Disciplinary Hearing:

Disciplinary outcomes will remain in force for an agreed period of time except in the case of permanent termination of membership.

Termination of Membership:

This outcome will only be used in cases where either a continued pattern of misconduct or an individual act has meant termination of membership is the only option.

Right of Appeal:

- First right of appeal is to Submerge Aquatics the appeal must be received within 7 days unless there is good reason to extend the time frame.
- Submerge Aquatics will organise an independent assessment of the case and report within 28 days unless there is good reason to extend the time frame.
- A final right of appeal is possible through Selwyn Swim Club, and Swimming Canterbury West Coast.

Training / Competition:

In the first instance of a swimmer failing to uphold reasonable and respectable behaviour or the required standards during training sessions or competitions, or where a swimmer is in obvious breach of the Policy on Misconduct and Disciplinary Procedure contract or Selwyn Swim Club Code of Conduct, the following procedures should be enacted.

Firstly, the Coach in charge of the session/group/squad where the incident or behaviour occurred will endeavour to deal with the situation at the time through informal intervention, interaction and discussion with the swimmer, also notifying parents/ guardians where considered to be appropriate.

This situation is defined as Stage 0 (as above) of the disciplinary procedure and may also result in the swimmer being excluded from the session where the inappropriate behaviour takes place, and/or invited to a performance review meeting with their parent/guardian, Head Coach and any other coach required. If the swimmer continues to fail to meet the expectations of the squad, escalation to Stage 1 of the disciplinary procedure may take place.

Summary Outcome:

- The Coach attempts immediate informal intervention/interaction/discussion to try and resolve the problem or substandard performance.
- The swimmer may be excluded from the session concerned or subsequently invited to a Performance/Behaviour Review Meeting with parent/guardian, Head Coach, Director and any other coach required
- For a second breach, or short-term repeated breaches of agreed behaviours/standards, a verbal warning may be issued by Submerge Aquatics (Stage 1 of the disciplinary procedure).
- Stage 2 of the disciplinary procedure will be considered.

Coaching Concerns:

Where a swimmer, parent/guardian or any other member of Submerge Aquatics has concerns about the coaching staff and their behaviour or conduct, in the first instance the issue should be raised with the coach directly, outside of squad programme hours (within reason). If a sufficient outcome is not reached, or the misconduct is of a serious nature, a Submerge Aquatics Director can be contacted as a mediator. Following this, or if the Head Coach is responsible for the misconduct, the Selwyn Swim Club can be contacted.

If escalated as an employment issue, Submerge Aquatics contractual and legal obligations will be followed.

Summary Outcomes:

- When there is a coaching concern, raise it with the coach directly where possible (outside of programme hours).
- Submerge Aquatics Director can act as a mediator if required.
- If the coaching concern is with the Head Coach, or misconduct of a serious nature, the Selwyn Swim Club can be contacted
- If escalated to this point, Submerge Aquatics contractual and legal obligations will be followed.
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Misconduct:

The following are examples of behaviours which are considered to be acts of misconduct. In serious cases they may be deemed to be acts of gross misconduct and can lead to instant suspension or termination of membership. This is a non-exhaustive list:

- Bullying Club Members physically, verbally, in written communication or social media or gaming platforms, either directly or indirectly.
- Inappropriate image capturing or sharing.
- Using the 'Submerge Aquatics' name or other associated names inappropriately or in conflict with the Submerge Aquatics Code of Conduct or any other policy documents.
- Undermining coaching staff either verbally or in written communication either directly or indirectly.
- Acting in conflict with Submerge Aquatics Code of Conduct or any other policy documents.
- Gross breach of safety requirements likely to endanger themselves or other people or the potential to cause damage to owned / hired / public property.
- Smoking or vaping.
- Being under the influence of alcohol while under age
- Use or possession of drugs. (Illegal or performance enhancing)
- Theft, fraud, or other criminal acts.
- Physical assault.
- Causing deliberate damage to owned/hired/ public property.
- Gross negligence which causes unacceptable loss, damage, or injury.
- Sexual or racial harassment or discrimination of any kind.
- Harassment or discrimination on the grounds of sexual orientation or religion or religious belief.
- Showing a lack of respect towards coaches, officials, swimmers, team members, other teams, or any other members of Submerge Aquatics.

General Principles

Submerge Aquatics disciplinary procedures are based on the following principles:

- The disciplinary rules and procedures are designed to be non-discriminatory and are to be applied irrespective of sex, racial group, sexual orientation, disability, religion, age, or any other bias.
- All matters will be dealt with in accordance with Selwyn Swim Club Policies, Swimming Canterbury West Coast and Swimming New Zealand Policies.
- It is expected that most matters, where possible, will be dealt with on poolside or at the point of incidence informally at the time of the event.
- Any behaviour that is considered to be unacceptable by coaching staff or team managers may lead to a 'behaviour contract' being issued.
- All matters relating to disciplinary action will be handled as speedily as possible.
- A person wishing to make a complaint about inappropriate conduct should do so at the time, where possible.
- Persistent or serious breaches of conduct should be reported to Submerge Aquatics Directors – preferably in writing.
- No member will be dismissed or suspended from Submerge Aquatics for a first breach of conduct except in the case of serious or gross misconduct.
- All members will have a right of appeal against any formal disciplinary decision.

Procedure:

Each stage of the disciplinary procedure will be overseen by the Submerge Aquatics Directors and where appropriate, noted on record. On receipt of a complaint, they will decide what action to take. If the matter should be handled formally and a disciplinary investigation is necessary, Submerge Aquatics will investigate the incident.

Serious incidents may be reported to the Submerge Aquatics Directors, and the parents/ guardians of the swimmer/s involved will be informed that the incident has been reported for inclusion in the Incident Record Log.

When an injury has occurred of any nature, this must be recorded on an accident/near miss report form and forwarded to Submerge Aquatics without delay for inclusion in the Incident Report File. Submerge Aquatics Directors must inform the parents/guardians of the swimmer/s accident or near miss as soon as possible. All reports are private and confidential and will only be disclosed to the Submerge Aquatics and Selwyn Swim Club Committee members (as required) and those entitled to see them under law.

Submerge Aquatics will review this procedure at regular intervals to ensure that it is effective and is achieving its stated objectives.

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