



USNZ Disciplinary Policy

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1. EVENT COMMITTEES FOR USNZ EVENTS

All University Sport New Zealand (USNZ) events at both a national and regional level must ensure an appropriate Committee structure is put in place to deal with any disciplinary matters that occur during an event. The Committee will enable any incident to be dealt with swiftly and fairly in accordance with the USNZ Constitution and Policy. This page is a summary of the Committees' functions and should be read in conjunction with section 2 of this document, which clearly outlines the powers of the respective Committee.

DISCIPLINARY COMMITTEE (DC)

The USNZ Disciplinary Committee (DC) can deal with all alleged breaches of the USNZ Code of Behaviour.

A report regarding breaches of the Code of Behaviour must be submitted to the Headquarters for the event within two (2) hours of the incident occurring or, if the Headquarters is closed, within two (2) hours of the Headquarters re-opening. A report may be dealt with if it is lodged outside the two (2) hour time limit at the absolute discretion of the Convenor of Committees in consultation with the Chairperson of the Committee. Any decision by the USNZ Disciplinary Committee can be appealed.

APPEALS COMMITTEE (AC)

The USNZ Appeals Committee (AC) can deal with appeals from all committees. An appeal against a decision of the DC must be made in writing to the Games HQ and accompanied by a \$100 lodgement fee. The fee is refunded should the AC find in favour of the appellant.

An appeal of a decision of the DC must be lodged at the Games HQ within one (1) hour of the relevant Team Manager being informed of the decision of the DC. An appeal can be made after one (1) hour at the absolute discretion of the Convenor of Committees in consultation with Chair of the AC. There is no appeal of the decision of the USNZ AC.

2. USNZ Disciplinary Committees' Structures

a) *USNZ Disciplinary Committee (DC)*

Composition: (Minimum of 3 maximum of 6 members)

- # USNZ Appointee (Chair)
- # Games Partner Appointee
- # Independent Team Manager
- # Up to 2 others
- # Convenor of Committees (USNZ Staff without voting rights)

The Convenor of Committees will be responsible for organising the members of the USNZ Disciplinary Committee.

Voting Rights:

- Each member of the USNZ Disciplinary Committee has one (1) vote with the exception of the Convenor.
- Decisions of the USNZ Disciplinary Committee will be by majority vote.
- In the event of a tied vote the Chair will have a second and casting vote.

Scope of the USNZ Disciplinary Committee:

The USNZ Disciplinary Committee can only adjudicate on alleged breaches of the USNZ Code of Behaviour.

Powers of the USNZ Disciplinary Committee:

- The USNZ Disciplinary Committee has the authority to request any person to make comment on an incident or to report on any such matter that may come before the Committee.
- The USNZ Disciplinary Committee is empowered by the USNZ Constitution and Code of Behaviour.

Rights of the Parties involved in the Report:

- A participant, team (no more than two (2) representatives) or party involved in the dispute has the right to appear before the Disciplinary Committee to state their case.
- The Convenor of Committees has the responsibility of informing the parties of the time and place of the Disciplinary Committee meeting.
- Failure to attend at the informed time and place, without prior notification acceptable to the Disciplinary Committee in its absolute discretion will mean an automatic forfeit of this right of appearance and a decision will be made without the appearance before the Disciplinary Committee taking place.

Who can report a breach to the USNZ Disciplinary Committee:

- A report can only be lodged by:
 - (a) the referee and other game officials (can include officials not officially appointed to the particular match) ;
 - (b) team officials (University Team Managers or their Appointee).
 - (c) USNZ officials (USNZ Executive, Advisory Group Members and USNZ Staff); event officials (USNZ Staff, Competition Manager, and other key volunteers)

Lodging a report on a breach:

The following procedure must be adhered to:

1. **Submitting a Breach:** A report regarding breaches of the Code of Behaviour at an USNZ regional or national event must be submitted to the Headquarters for the event within two (2) hours of the incident occurring or, if the Headquarters is closed, within two (2) hours of the Headquarters re-opening.
2. **Late Submission:** A report may be dealt with if it is lodged outside the two (2) hour time limit at the absolute discretion of the Convenor of Committees in consultation with the Chairperson of the Committee.

3. **Receipt of Report:** Upon receipt of the Report USNZ will:
 - (a) give written notice to the person stating:
 - (i) the nature and details of the alleged breach
 - (ii) the dates, time and place for a hearing
 - (iii) the person's/persons'/team's right to representation
 - (iv) the composition of the Disciplinary Committee
 - (v) providing a copy of this code
 - (b) give written notice to the University from which the person represents stating the details in (a) above
 - (c) appoint a Disciplinary Committee to determine the matter within 24 hours of giving notice in (a)
4. **Disciplinary Committee Decision:** The USNZ Disciplinary Committee shall give its decision as soon as possible after the completion of the hearing. It is not required to give reasons or record its decision in writing.

Appealing the Decision of the USNZ Disciplinary Committee:

- A decision of the Disciplinary Committee may be appealed by the lodging of an Appeal Form by the University Team Manager within one (1) hour of notification of the decision made by the DC. If the DC decision has been made out of Games HQ opening hours it must be lodged within one (1) hour of the HQ re-opening. The Appeal Form must be accompanied by the lodgement fee of \$100.

b) Appeal Committee (AC)

Composition: (Must have all three representatives)

- # USNZ Appointee 1, usually the USNZ President (Chair)
- # USNZ Appointee 2, usually a member of the USNZ Executive
- # Games Partner Appointee
- # Convenor of Committees (USNZ Staff without voting rights)

The Convenor of Committees will be responsible for organising the members of the USNZ AC. All members of this Committee must be different individuals than those on the DC from which the appeal comes, with the exception of the non-voting Convenor.

A Report may be lodged after the one (1) hour deadline (and may be heard) only at the absolute discretion of the Convenor of Committees.

Voting rights:

- Each member of the USNZ Appeals Committee has one (1) vote.
- In the event of a tied vote, the Chair will have a second and casting vote.

Scope of the USNZ Disciplinary Appeals Committee:

The USNZ Disciplinary Appeals Committee can adjudicate on appeals from the Disciplinary Committee ONLY.

Powers of the USNZ Disciplinary Appeals Committee:

The USNZ Disciplinary Appeals Committee has the authority to call any person to make comment on an incident or to report on any such matter that may come before the Committee to assist in making their decision.

The USNZ Disciplinary Appeals Committee may refer the appeal back to the original Committee to hear any new evidence or to correct any procedural irregularities.

Rights of the Parties in the Appeal:

A participant, team (no more than two (2) representatives) or party involved in the appeal has the right to appear before the USNZ Sports Disputes Appeals Committee to state their case.

The intention to appear must be noted on the Appeal Form.

The Convenor of Committees in consultation with the Chair of the USNZ Disciplinary Appeals Committee shall decide whether or not a procedural irregularity has occurred or new evidence has been brought forward.

The Convenor of Committees has the responsibility of informing the parties of the time and place of the USNZ Disciplinary Appeals Committee meeting, and as to when the party will appear. Failure to attend at the agreed time and place, without prior notification, will mean an automatic forfeit of this right of appearance and a decision will be made without the appearance of the applicant before the USNZ Disciplinary Appeals Committee taking place.

The Decision of the USNZ Disciplinary Appeals Committee:

Decisions of the USNZ Disciplinary Appeals Committee will be by majority vote.

The USNZ Disciplinary Appeals Committee may:

- i) uphold or dismiss the decision of the DC;
- ii) refer the matter back to the DC;
- iii) substitute a new decision; and/or
- iv) vary the penalty imposed by the DC if they feel such action is warranted.

The USNZ Disciplinary Appeals Committee may adjourn or defer a meeting in its absolute discretion.

Appeals of the decision of the USNZ Disciplinary Appeals Committee:

The decision of the USNZ Disciplinary Appeals Committee is final.

3. USNZ Code of Behaviour

1 What is the Code of Behaviour?

- 1.1 This Code sets out the types of behavior that will not be acceptable during an USNZ endorsed event and the consequences for such behaviour occurring.
- 1.2 This Code is established to ensure that the highest possible standard of inter university competition occurs during the event.
- 1.3 This Code supports USNZ's desire to encourage and promote excellent sportsmanship and appropriate standards of behaviour, including fair play on and off the field.
- 1.4 This Code is not intended to restrict or hinder person's/persons'/team's having fun and participating in a competitive manner in the event.
- 1.5 It is important to note that this Code may apply in addition to any Code or other disciplinary requirements of the person's/persons'/team's University, sport governing body and will be referred to the police where appropriate.

2 Who does the Code apply to?

- 2.1 This Code applies to:
 - (a) all persons competing in the event
 - (b) spectators at the event including officially accredited supporters;
 - (c) all persons officially appointed to any team or individual competing in the event, such as coaches, managers and health professionals
 - (d) all officials appointed by USNZ who are involved in the event, including umpires, referees
 - (e) all employees or agents of USNZ, collectively referred to as *persons* in this Code.
 - (f) Employees, contractors, officials or agents of USNZ member Students' Associations or Universities attending, spectating or supporting the Games (whether accredited or not).
- 2.2 The Code applies from the time of the commencement of the event on day 1 to the conclusion of organised activities on the last day including:
 - (a) during games and competitions in the event
 - (b) all official and unofficial social functions of, or associated with, the event.

3 What happens if this Code is breached?

3.1 If USNZ receives information which they consider may be in breach of this Code, USNZ shall:

- (a) investigate the alleged breach, and if satisfied that a breach may have occurred, refer the matter to a hearing.
- (b) The hearing will be conducted by the USNZ Disciplinary Committee.

4 What Behaviour is in Breach of this Code?

4.1 Any person/persons/team who does, or is involved in, any of the following types of behaviour shall be in breach of the Code:

- (a) consuming alcohol unless in an approved area, in line with relevant liquor licensing regulations.
- (b) being unduly intoxicated at any event Venue or official and unofficial social functions of, or associated with, the event.
- (c) using any illegal drug during the event
- (d) failing to comply with a reasonable direction of an event Official
- (e) harassing any other person
- (f) acting in an unlawful manner
- (g) acting in any other manner which brings the event, USNZ, and/or the Hosts or Partners (including any employee, official or agent of such organisations) into disrepute
- (h) unacceptable team uniforms, official or non official. Team uniform designs that will not be acceptable include, but are not restricted to, those uniforms which have:
 - » Derogatory or offensive comments including explicit sexual overtones and expletives
 - » Derogatory or offensive graphics
 - » Any comments or graphics which are deemed harassment on the basis of gender, sexual orientation, race, nationality, religion, politics, age, occupational group or disability
 - » Any comments or graphics that overtly promote excess use of alcohol.

5 How are Hearings Conducted?

5.1 Upon the steps in clause 3.1 being satisfied, USNZ will:

- (a) give written notice to the person/person/team stating:
 - (i) the nature and details of the alleged breach
 - (ii) the date, time and place for a hearing
 - (iii) the person's/persons'/team's right to representation
 - (iv) the composition of the Disciplinary Committee
 - (v) providing a copy of this Code
- (b) give written notice to the person's University stating the details in (a) above
- (c) appoint a Disciplinary Committee to determine the matter within 24 hours of giving the notice in (a).

5.2 In addition to the steps in clause 6.1, if the USNZ Executive Director considers the alleged breach serious, it may suspend or ban the person from further participation in the event, until the determination of the matter by the Disciplinary Committee.

5.3 At the hearing, the Disciplinary Committee will determine:

- (a) whether the person/persons/team has breached this Code, as alleged in the notice (sent in clause 4.1(a)); and
- (b) if so, what sanction, if any, shall apply

5.4 The Disciplinary Committee may determine the hearing at it considers fit, and with as little formality and technicality and as quickly as proper consideration of the matter permits.

5.5 The onus is on USNZ to prove that the alleged breach of this Code occurred.

5.6 The Disciplinary Committee shall give its decision as soon as possible after the completion of the hearing. It is not required to give reasons or record its decision in writing.

6 What Penalties can be imposed?

- 6.1 If the Disciplinary Committee is satisfied the person/persons/team did breach the Code it may impose any one or more of the following penalties:
- (a) suspend the person/persons/team from the next game or fixture in the event in which s/he is due to compete
 - (b) suspend the person/persons/team from competing in the event for one or more days of the event
 - (c) suspend the person/persons/team from competing in the event for the balance of the entire event
 - (d) Suspend the person/persons/team from future USNZ events
 - (e) withdraw any or all awards, placings and records obtained by that person or that person's team, during the event
 - (f) ban the person/persons/team from being involved in the event in any form whatsoever including being present at event Venues, and official functions of the event
 - (g) fine the person/persons/team
 - (h) withhold all or a percentage of the team bond
 - (i) reprimand the person/persons/team
 - (j) recommend to the person's/persons'/team's University and / or sport governing body that a penalty or additional penalties be imposed by it
 - (k) any other penalty the Disciplinary Committee thinks appropriate in all the circumstances.
- 6.2 In addition the person/persons/team may be disciplined by the University, which they represent, and/or be prosecuted by the Police.

Convenor of Committees

This will usually be the Games Director or USNZ Executive Director.