

Gymnastics New Zealand (GNZ)

Sport Integrity Unit Regulation

Commencement Date
August 2020

Gymnastics New Zealand Sport Integrity Unit Regulations

1. Regulation Statement

- 1.1 Scope: This Regulation aims to ensure that all incidents of Sport Integrity misconduct in a Gymnastics New Zealand context which occur at national or international level are dealt with, and that the processes for making complaints and dealing with them are clearly specified, fair, and consistent. This Regulation should be read in conjunction with the Gymnastics New Zealand Constitution, Membership Protection Regulation and Disputes and Disciplinary Policy.
- 1.2 This Regulation forms the governing policies of the Sport Integrity Unit. It sets out how the Sport Integrity Unit at Gymnastics New Zealand will address such issues as they arise.
- a. The five (5) key areas of Sport Integrity are broken down as follows:
- i. member protection, i.e. ensuring participation in sport involves no undue risks to mental or physical health
 - ii. child protection, i.e. ensuring protection from abuse for children given their vulnerabilities, and creating an environment conducive to fostering a lifelong enjoyment of sport
 - iii. anti-doping, i.e. the use of prohibited substances and methods in contravention of the World Anti-Doping Code
 - iv. protecting against corruption, i.e. fraud, bribery, bid rigging etc.
 - v. protecting against match-fixing, i.e. action to inappropriately predetermine the result of a match, or part of a match, for gambling purposes.

2. Purpose and Status of Regulation

- 2.1 The purpose of this Regulation is to set out the composition, powers, roles and functions of the Sport Integrity Unit ("SIU") established under Rule 15.15r of the Constitution.
- 2.2 This Regulation was adopted by the Board on 4 August 2020 in accordance with Rule 24 of the Constitution.

- 2.3 For clarity, throughout this document Gymnastics New Zealand (GNZ) refers to the organisation's legal entity, that being GymSports New Zealand Incorporated, trading as Gymnastics New Zealand.

This Regulation shall take effect and come into force on 4 August 2020 with all subsequent revisions superseding the previous versions.

3. Definitions

- 3.1 Every reference to the Constitution shall mean the GymSports New Zealand Constitution unless specified otherwise.
- 3.2 The words and phrases used in this Regulation shall have the same meanings as defined in the Constitution unless otherwise specified.

4. Application of Regulation and Amendment

- 4.1 **Application:** This Regulation applies to all Members of the SIU and those subject to its authority.
- 4.2 **Amendment:** This Regulation may be amended by the Board in accordance with Rule 24 of the Constitution provided such amendments are not inconsistent with the Constitution.

5. Composition and Performance of Sport Integrity Unit

- 5.1 To be read in conjunction with the SIU Terms of Reference. There will be five appointed Members of the SIU, unless the Board deems otherwise, in accordance with Rule 15.15q of the Constitution. If there are insufficient applications or the Board decides there are no suitable applicant(s), the Board may appoint a person(s) temporarily to comprise a full SIU. Such a temporary person(s) could be an employee of Gymnastics New Zealand or a Member of the Board.
- 5.2 The SIU will be comprised of six (6) Members, as follows:
- a. a Chairperson, ratified by the Board, who has independent legal qualifications
 - b. the Chief Executive Officer (CEO) of Gymnastics New Zealand

- c. a representative from the Board of Directors
- d. a representative from the Gymnastics New Zealand community
- e. an athlete's representative, this is defined as an athlete retired from international competitive gymnastics.
- f. an independent representative with a background in sport integrity and ethics
- g. three of the SIU members will be designated SIU Complaints Officers whose role will be to record, read and recommend referral to the SIU Committee as described in [clause 8.1a](#) along with clause 4 of the Gymnastics New Zealand SIU Terms of Reference.

5.3 **Appointed SIU Members:** In determining the appointed SIU Members, the Board shall take into account the following factors in considering potential appointees:

- a. their prior experience in an advisory role at national or regional level in New Zealand, whether generally or related to sport or gymnastics;
- b. their knowledge of, and experience with legal matters
- c. their occupational skills, abilities, experience and competency in direct correlation to the role descriptor being applied for;
- d. any declared or perceived conflicts of interest

5.4 **Process for appointing SIU Members:** Gymnastics New Zealand Board shall call for applications for all positions on the SIU. Applications shall close when a suitable candidate has been found or such other date as determined by the Gymnastics New Zealand Board. The SIU shall be gender-diverse not having less than 40% representation of identified male and or female.

5.5 Upon the receipt of any application/s, the Gymnastics New Zealand Board shall commence consideration. The Board shall make their decisions as soon as is practical, or such other date as determined by the Board. Subsequently, the Board shall notify all current Members of the SIU of any new persons who have been appointed.

The Gymnastics New Zealand Board shall appoint the following SIU members:

- a. the CEO of Gymnastics New Zealand;

- b. a representative from the Board of Directors and;
- c. a person appointed by the Board who is independent of Gymnastics New Zealand (not a member as defined by the Constitution – Part II Membership, clause 4.1) and who is suitably skilled, qualified and/or experienced to carry out the functions of the appointments, taking into account the skills, qualifications and experience of the other Panel members;
- d. the quorum for a meeting of the Gymnastics New Zealand Board Panel shall be four (4) members;
- e. any decision of the Gymnastics New Zealand Board regarding the appointment of SIU Members must be met with a majority

5.6 SIU Member Eligibility Requirements:

- a. Any person who wishes to apply to be a Member of the SIU shall demonstrate a strong personal commitment to maintaining integrity and a high ethical standard. Members will have the capacity to objectively analyse sensitive legal documents and information and recommend appropriate courses of action resulting from collected evidence. They agree and are aware of the requirements to act impartially and with discretion whilst handling evidence, interview content and other confidential information.

5.7 No person shall be eligible for appointment or remain in office as a member of the SIU, if any of the circumstances stated in Rule 15.6 of the Constitution apply to them.

5.8 Vacancies of SIU Members: If there is a vacancy as described in clause 5.9 of this Regulation of any position of the SIU, that position shall be filled as follows. If a vacancy is created, the CEO in consultation with the Chair of the SIU and the Chair of the Board may replace the position with a suitable candidate.

5.9 Vacancy: A vacancy arises if:

- a. a Member of the SIU resigns from office prior to the expiry of their term of office;
- b. a Member of the SIU dies;
- c. a Member of the SIU is removed under [clause 5.11](#) of this Regulation;

- d. a Member of the SIU is absent from more than two successive meetings without reasonable excuse unless leave of absence is granted by the Chairperson of the SIU;
- e. a SIU Members' circumstances significantly changes and this change significantly comprises their ability to effectively perform their role;
- f. a position on the SIU is not filled by the Gymnastics New Zealand Board either because there were insufficient applications; or
- g. the Gymnastics New Zealand Board decided in its discretion that there were no suitable applicants.

5.10 **Ineligibility:** Persons that cannot participate in SIU decisions where they have a conflict:

- a. a person who has been elected a member of the SIU
- b. a person who has an interest in the matter before the SIU

5.11 **Removal of SIU Members:** The SIU chair and/or Gymnastics New Zealand Chief Executive may recommend to the Board the removal of any Member of an SIU Member for any of the following reasons:

- a. the SIU Member has failed, neglected or breached any one or more of their duties as a SIU Member as outlined in these Regulations and/or the SIU Terms of Reference; and/or
- b. the SIU Member has brought the Gymnastics New Zealand Board, any employee of Gymnastics New Zealand, or any other Gymnastics New Zealand official or Gymnastics New Zealand generally into disrepute; and/or
- c. the SIU member has failed to perform their role in an honest and ethical manner, failed to work effectively and productively and failed to work collaboratively

6. Procedures of Sport Integrity Unit meetings

6.1 **Scheduled Meetings:** SIU meetings shall proceed a minimum of one week prior to every scheduled Board Meeting. Except to the extent specified in this Regulation the SIU shall regulate its own procedure ensuring the meeting is documented. Minutes are to be treated as confidential or sensitive information.

6.2 **Unscheduled Meetings:** The Chairperson of the SIU shall call any unscheduled

meeting of the SIU to deal with matters immediately arising.

- 6.3 **Reporting:** The SIU Chair, at the conclusion of each scheduled meeting, shall provide a written report for inclusion in the Board Papers for the next scheduled Board Meeting.
- 6.4 **Notice:** The Chairperson of the SIU shall ensure that reasonable written notice is given to each SIU Member, the Chief Executive, of the agenda, dates, times and venues that SIU meetings are to be held.
- 6.5 **Attendees:** The Chairperson of the Board may attend any meeting of any SIU but shall not be regarded as a Member of the SIU and shall have no voting rights.
- 6.6 **Quorum:** The quorum for an SIU meeting shall be four (4) SIU Members.
- 6.7 **Voting:** Each SIU Member shall have one vote at SIU meetings. In the event of a deadlock, the Chairperson of the SIU shall have the casting vote. Voting shall be by voices, or upon request of any SIU Member, by a show of hands or by a ballot. Proxy and postal voting are not permitted.
- 6.8 **Resolutions:** A resolution in writing signed or consented to by e-mail, or other forms of visible or other electronic communication by a majority of the SIU shall be valid as if it had been passed at a meeting of the SIU. Any such resolution may consist of several documents in the same form each signed by one or more Members of the SIU.
- 6.9 **Meetings using Technology:** Any SIU Member may participate in any meeting of the SIU and vote on any proposed resolution at a meeting of the SIU without being physically present. This may only occur at meetings by telephone, through video conferencing facilities or by other means of electronic communication provided that prior notice of the meeting is given to all SIU Members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by a SIU Member in this manner at a meeting shall constitute the presence of that SIU Member at that meeting.
- 6.10 **Expenses:** SIU Members shall be reimbursed by Gymnastics New Zealand for their actual and reasonable expenses incurred in the conduct of Gymnastics New Zealand's business. Such reimbursement shall be by agreement.
- 6.11 **Matters Not Provided For:** If any situation arises that, in the opinion of the SIU, is not provided for in the Constitution, the Regulations, policies or procedures of Gymnastics New Zealand, the matter must be referred to the Chief

Executive Officer.

7. Duties and Responsibilities of Sport Integrity Unit Members

7.1 The duties of the Sport Integrity Unit and its members shall include, but are not limited to the following:

- a. act in accordance with this Regulation, including any protocols and procedures made pursuant to it, and the Constitution;
- b. where an SIU Member may have an interest, (actual or perceived) of a personal or financial nature, the interest is to be disclosed to the Chairperson of the SIU (or in the case of the Chairperson having such conflict to disclose to the Chief Executive), the nature and extent of such interest as soon as the SIU Member becomes aware of the fact. Dependent on the interest, the Chair and/or Chief Executive may determine whether or not, a declared interest is of a conflictual nature. If the interest is determined as a conflict, the Chair and/or Chief Executive may determine without limitation, abstaining the SIU Member from deliberations and/or any vote regarding such interest;
- c. In the capacity of an SIU Member, take all reasonable care in the disclosure of and sensitivity to information particularly where confidentiality is required to be maintained except where disclosure is required by law.
- d. Oversee and regularly monitor and review Gymnastics New Zealand judicial policies and procedures.
- e. Maintaining the Disputes and Disciplinary Policy.
- f. Operating in compliance with anti-doping, child protection, sports match-fixing and related corruption policies as developed and documented by appropriate external agencies and keeping up to date with developments in related legislation.
- g. Oversee the organising of training and raising awareness for members on matters of integrity within clubs.
- h. Regularly reporting to the Gymnastics New Zealand Board.
- i. Acting as the main contact for member protection matters.

j. Assist Gymnastics New Zealand Board with engagement and liaising with appropriate agencies if an incident occurs.

k. Maintaining confidential records of reported cases and any action taken.

7.2 **Inferences:** The SIU may make such inferences and draw such conclusions as it considers appropriate from the failure by any person or party to comply with any order made by it.

7.3 **Power to Appoint Independent Experts:** The SIU may, at any time, in respect of any proceeding and either of its own motion or on the application of any party, appoint a person who is independent of the parties to the proceeding and who has expertise in the subject matter of the Complaint, to assist and advise the Gymnastics New Zealand Sport Integrity Unit. Such person may:

- a. be present at any hearing of the Gymnastics New Zealand Judicial Committee;
- b. enquire into and/or report on any question of fact or opinion not involving questions of law or construction; and
- c. at the request of the Gymnastics New Zealand Judicial Committee, give evidence to the committee, and/or advise or assist the committee;

If a person appointed under clause 7.3 provides a report and/or gives evidence in any proceeding all parties shall have the right to question them unless the Gymnastics New Zealand Judicial Committee orders otherwise. Gymnastics New Zealand shall be responsible for any fees and expenses incurred by any such expert(s), but the Gymnastics New Zealand Judicial Committee may, in its discretion, order that any party shall meet or contribute to such fees and expenses.

8. Powers of the Sport Integrity Unit

8.1 In accordance with Rule 15.15q of the Constitution, the SIU shall have all powers within the confines of New Zealand law, the Gymnastics New Zealand Constitution, including but not limited to:

- a. to appoint three Complaints Officers within their Committee in accordance with [clause 5.2g](#).
- b. to enquire into the subject matter of any issue or matter raised under [clause 1](#) which may include:
 - i. investigating and examining any papers, documents, records, or items;

- ii. requesting any person to produce any papers, documents, records, or things in that person's possession or under that person's control;
- iii. requesting any person to furnish, in a form approved by or acceptable to the SIU, any information or particulars that may be required, including any copies or extracts from papers, documents or records; and
- iv. discussions with any persons involved in, or affected by, any Complaint;
- c. to determine the procedure by which a Complaint is to be resolved in accordance with the Disputes and Disciplinary Policy; and
- d. to extend any of the time periods specified in the Disputes and Disciplinary Policy where appropriate to do so.
- e. to, as a result of any investigations or inquiries and subsequent findings, reach any conclusions, recommend any actions and impose any sanctions as it deems appropriate.
- f. refer matters to:
 - i. the Gymnastics New Zealand Judicial Committee; or
 - ii. the New Zealand Police (as per clause 3.3h of Disputes and Disciplinary Policy); or
 - iii. under the direction of the SIU Chair delegate some of its collective powers to individual SIU members.

9. Process for Handling of a Complaint

Process of handling complaints is as described in clause 3 of the Gymnastics New Zealand Disputes and Disciplinary Policy.

10. Record of Hearing and Decisions

The SIU will adhere to the Dispute and Disciplinary Policy, clause 8, as applied to the Judicial Committee for recording procedures, and regarding confidentiality of Hearing and Decision records the SIU will adhere to Clause 9.6 of Gymnastics New Zealand Judiciary Regulation.

11. Appeals to the Judicial Committee

The SIU will adhere to the Dispute and Disciplinary Policy, clause 10, as applied to the Judicial Committee for the appeals procedure.

12. Breach of Regulation

Any breach of this Regulation shall be dealt with in accordance with the Constitution and any relevant protocols or procedures for the SIU.

13. Limit of Liability and Indemnity

Limit of liability and Indemnity of the SIU and its members is as in accordance with clause 14 of Gymnastics New Zealand Judicial Regulation.

14. Urgency

The SIU will adhere to [clause 8](#) and if a situation arises where the SIU needs to determine a matter urgently, the SIU may comprise of two committee members, one of whom shall be a person who fits the description in [clause 5.2a](#).