



# **Gymnastics New Zealand**

## **Disputes and Disciplinary Policy**

“Growing great New Zealanders through gymnastics”

Commencement Date: 4 August 2020

Issued: 4 August 2020

## 1. Introduction

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- 1.1 Gymnastics New Zealand is committed to supporting people associated within our sport to make and resolve any complaints they may have in a fair, timely and effective way.
- 1.2 We will endeavour to deal with complaints on a confidential basis. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us disclose this information or it is necessary to properly deal with the complaint.
- 1.3 We will provide informal and formal procedures to deal with complaints. Individuals and organisations can also make complaints to external organisations under anti-discrimination, child protection and other relevant laws.
- 1.4 This policy sets out the procedure for disputes and disciplinary matters that Gymnastics New Zealand will follow for breaches of the Gymnastics New Zealand Judicial Regulation and Member Protection Regulation.

## 2. Definitions

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- 2.1 Every reference to the Constitution shall mean the GymSports New Zealand Constitution unless specified otherwise.
- 2.2 The words and phrases used in Policy and the Judicial Regulation shall have the same meanings as defined in the Constitution unless otherwise specified.
- 2.3 The following words and phrases used in this Policy and the Judicial Regulation shall mean as follows:
  - “**Day**” means any weekday but does not include Saturday, Sunday or any day that is a public holiday.
  - “**Decision**” has the meaning specified in [clause 7.2](#) of this Policy.
  - “**Gymnastics Context**” has the meaning specified in clause 7.6 of the Gymnastics New Zealand Judicial Regulation.
  - “**Minute**” has the meaning specified in [clause 6.1](#) of this Policy.

**“Misconduct”** has the meaning specified in clause 7.2 of the Gymnastics New Zealand Judicial Regulation.

**“Natural justice”** incorporates the following principles:

- both the Complainant and the Respondent must know the full details of what is alleged against them and have the opportunity to respond;
- all relevant submissions must be considered;
- no person may determine the outcome of his or her own case;
- the decision maker/s must be unbiased, fair, and just; and
- the penalties imposed must be fair.

**“Non-Sanctioned Event”** means a Gymnastics event held by or on behalf of a Club or Clubs which has not been sanctioned by the Board as such.

**“Sanctioned Event”** means a Gymnastics event held by or on behalf of a Club or Clubs which has been sanctioned by the Board as such. The criteria for a sanctioned event shall be determined by the Board and notified to Member Clubs annually.

**“Serious Misconduct”** has the meaning specified in clause 7.5 of the Gymnastics New Zealand Judicial Regulation.

**“SIU”** has the meaning Sport Integrity Unit (“SIU”) established under Rule 15.15r of the Constitution.

**“Sports Tribunal”** means the Sports Tribunal of New Zealand established by Sport New Zealand.

### **3. Complaint Procedure**

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- 3.1 **Making a complaint:** A complaint should set out, in as much detail as possible: the nature of the incident; the persons involved; the date(s) and time(s) on which the alleged Misconduct occurred; and the impact of the incident on the complainant or other persons (“Complaint”). A Complaint may be made using the Complaint format ([Appendix 1](#)) or any other written form

(including email) or using Complaints Form (**Appendix 2**) of Gymnastics New Zealand Judicial Regulation.

3.2 **Confidentiality:** Gymnastics New Zealand will endeavour to deal with complaints on a confidential basis, unless required by law to disclose details of the Complaint, and as set out in clause 9.6 of Gymnastics New Zealand Judicial Regulation.

3.3 **Receipt and Procedure when a Complaint is received**

- a. Complaints may be received electronically, in writing or in person.
- b. On receipt of a Complaint made in accordance with this Policy and clause 9 of the Gymnastics New Zealand Judicial Regulation, SIU Complaints Officers together can document and filter:
  - i. minor Misconduct as described in clause 7.2 of Gymnastics New Zealand Judicial Regulation. (Complaints Officers must list, record and report all filtered minor Misconduct to the SIU Committee at the next available SIU Committee meeting.)
- c. The SIU may make such enquiries and undertake such investigations as it sees fit, and shall determine the following:
  - i. whether the person against whom the allegation is made is a Member or Other Person;
  - ii. whether the Complaint has been made in accordance with this Regulation; and:
  - iii. whether Gymnastics New Zealand has jurisdiction to hear the Complaint.
- d. The SIU will create and maintain a record of the Complaint, in the form set out in [Appendix 2](#).
- e. If a Complaint is about any member of the SIU, the Complaint shall be referred to the Chairperson of the Gymnastics New Zealand Board, who shall either step down the implicated member of the SIU for all matters relating to this complaint OR undertake the responsibilities of the SIU as specified in this Policy and the Judicial Regulations, as decided by the board
- f. **If** [clauses 3.3a to 3.3d](#) of this Policy are met, the SIU shall follow the procedure for resolution of the Complaint which shall be one of the following:

- i. if the SIU considers the allegations in the Complaint do not appear to be Serious Misconduct and the SIU considers that the Complaint appears to be capable of being resolved by agreement between the complainant and the relevant parties, it will contact the relevant people concerned and seek to resolve the Complaint by agreement (see [clause 5.1](#));
  - ii. if the Complaint is not resolved under clause 3.3.fi, or the allegations in the Complaint do not appear to be Serious Misconduct and the SIU considers the Complaint may be resolved by mediation, it will refer the parties to the Complaint to an independent mediator to attempt to agree on resolution of the allegation (see [clause 5.2](#));
  - iii. if the Complaint is not resolved under clause 3.3.fi or 3.3.fii, or the allegations in the Complaint do not appear to be Serious Misconduct and the SIU does not consider it possible or desirable that the Complaint be resolved by the procedures in [clause 5.1 and 5.2](#), it shall refer the Complaint to the Gymnastics New Zealand Judicial Committee for hearing and determination in accordance with this Policy and the Judicial Regulation; or
  - iv. if the Complaint appears to be an allegation of Serious Misconduct, then in all cases, the SIU shall refer the Complaint to the Gymnastics New Zealand Judicial Committee for hearing and determination in accordance with this Policy and the Judicial Regulation.
- g. If the SIU considers that Gymnastics New Zealand does not have jurisdiction to deal with the Complaint, the SIU shall inform the person that filed the Complaint accordingly.
- h. Nothing in this Policy prevents or limits those seeking to resolve matters arising out of alleged Misconduct from referring the complaint to the Police (or other relevant authorities) or trying to resolve the allegation by agreement prior to a Complaint being made. This includes, for example, participating in informal proceedings to deal with Harassment, Discrimination, or Child Abuse in accordance with the Membership Protection Policy.

3.4 **Withdrawal of Complaints:** A complainant may withdraw a Complaint at any time. If a Complaint has already been referred to the Gymnastics New Zealand Judicial Committee, or the SIU considers the Complaint should still be referred to the Gymnastics New Zealand Judicial

Committee, the withdrawal of the Complaint may not prevent the matter from being investigated by the Gymnastics New Zealand Judicial Committee.

#### **4. SIU**

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4.1 **Powers:** For the purposes of this Regulation the SIU follows powers in accordance with rule 15.15q of the Constitution and as set out in clause 8 of the Gymnastics New Zealand SIU regulation.

#### **5. Process for resolution of Complaint**

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##### **5.1 Agreement:**

- a. if the SIU considers that a Complaint is capable of being resolved by agreement between the complainant and the relevant parties (under [clause 3.3.fi](#)), they may contact the relevant people concerned and seek to resolve the Complaint by agreement;
- b. if the SIU considers clause 5.1a applies, the SIU shall use best efforts to contact the relevant parties involved in the allegation as soon as practicable after receiving the Complaint, and arrange a meeting between all the parties (and their representatives, if any), to try to resolve the matter by agreement;
- c. the meeting described in clause 5.1b, which may be held in person or by telephone, shall be held as soon as possible and in any event no later than fourteen (14) Days after the date the Complaint was received by the SIU, unless an alternative period is allowed by the SIU;
- d. any meeting conducted under this clause 5.1 shall be held on a confidential and without prejudice basis, and the content of any matters discussed during the meeting may not be used by any party in any proceedings before any court or tribunal (including the Gymnastics New Zealand Judicial Committee) unless otherwise agreed by the parties in writing; and
- e. if agreement is reached at this meeting it shall be recorded in writing at the meeting and signed by the complainant and all other parties involved, and a copy retained by the SIU. The parties may agree to formalise their written agreement after the meeting with the agreement of the SIU, but such period shall not be longer than ten (10) Days after the meeting.

## 5.2 Mediation:

- a. If:
  - i. a Complaint handled under [clause 5.1](#) is not resolved through the process specified, or
  - ii. the Misconduct is not Serious Misconduct and the SIU considers the Complaint is capable of being resolved by mediation;

the SIU shall appoint an independent mediator within fourteen (14) Days of receiving the Complaint, or if [clause 5.1](#) applies, within fourteen (14) Days of the end of the meeting at which an attempt to seek agreement was unsuccessful;
- b. the mediator shall facilitate mediation (which shall usually be held in person) and seek to resolve the matter by agreement;
- c. the mediation shall be held as soon as practicable (and usually within twenty (20) Days of the mediator being appointed) at a location that is most convenient to the complainant or as otherwise agreed;
- d. the cost of the mediator shall be shared equally between the complainant and the person(s) against whom the Complaint has been made. Each party shall be responsible for their own costs and expenses;
- e. Gymnastics New Zealand may choose to attend the mediation if the SIU consider it appropriate;
- f. if an agreement is not reached at mediation, the SIU shall refer the Complaint to the Gymnastics New Zealand Judicial Committee for determination; and
- g. if agreement is reached as a result of mediation it shall be recorded in writing and signed by the complainant, the other parties involved, and the mediator, and a copy shall be sent by the mediator to the SIU email address; [siu@gymnasticsnz.com](mailto:siu@gymnasticsnz.com). Any such agreement shall be in full and final settlement of the Complaint and no further action under this Regulation may be made. This clause does not prevent a claim or proceedings being made in accordance with the law.

5.3 **Referral:** If a Complaint is not able to be, or is not resolved through the processes specified in [clauses 5.1 and 5.2](#) the SIU shall refer the matter to the Gymnastics New Zealand Judicial Committee for determination in accordance with this Policy and the Judicial Regulation.

## **6. Procedure of the Gymnastics New Zealand Judicial Committee**

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6.1 **Regulate on Procedure:** In performing its functions the Gymnastics New Zealand Judicial Committee should follow the procedures set out in this Policy but may depart from these procedures where the Gymnastics New Zealand Judicial Committee considers it necessary and appropriate to do so. The Gymnastics New Zealand Judicial Committee (or the Chairperson alone) shall determine matters of procedure and may issue written minutes in response to any question, application, or request from the parties regarding procedure (“Minutes”). Issues of the Gymnastics New Zealand Judicial Committee regarding jurisdiction shall be notified by way of a written Decision rather than a Minute.

6.2 **Natural Justice:** The Gymnastics New Zealand Judicial Committee shall observe the rules and principles of natural justice.

6.3 **Commencement of Proceedings:** If:

- a. a Complaint is not resolved by agreement (under [clause 5.1](#)) within twenty-eight (28) Days of the Complaint being received by the SIU (or such other period as agreed); or
- b. a Complaint is not resolved by mediation within thirty (30) Days of the mediator being appointed under [clause 5.2](#) (or such other period as agreed); or

the SIU shall, with the complainant’s agreement, refer the matter to the Gymnastics New Zealand Judicial Committee for determination in accordance with this Policy and the Judicial Regulation. If the complainant does not agree, the Complaint shall be deemed to have been withdrawn and will proceed no further. This does not prevent a direct referral without agreement (under [clause 3.4](#)).

- c. If the Misconduct is not Serious Misconduct but the SIU does not consider it possible or desirable that the Complaint be resolved by agreement or mediation, the SIU shall refer the matter to the Gymnastics New Zealand Judicial Committee for determination in accordance with this Policy.

6.4 **On receipt of a referral:** Upon receiving a referral from the SIU, the Chairperson of the Gymnastics New Zealand Judicial Committee shall notify the complainant and the Member or Other Person against whom the Complaint is made, and any other relevant parties of:



- a. the names of the people who will be serving on the Gymnastics New Zealand Judicial Committee for the proceedings;
- b. the right of all parties to be represented (as set out in [clause 6.5](#));
- c. the requirement to submit a statement in accordance with [clause 6.14](#).
- d. the date and time of any pre-hearing conference (if the Chairperson considers a pre-hearing conference is necessary) as in accordance with [clause 6.15](#).
- e. at the discretion of the Gymnastics New Zealand Judicial Committee, the matters to be discussed and determined at the pre-hearing conference.

6.5 **Appearances:** Parties may present their case via papers, in person, or through a representative of their choice (including a lawyer). A party may choose not to appear or make written submissions, and if this occurs then, before making any decision in that party's absence, the Gymnastics New Zealand Judicial Committee must be satisfied that the party concerned was aware of the date, time, and location of the hearing and that they had been requested to participate in accordance with this Regulation.

6.6 **Evidence:** The Gymnastics New Zealand Judicial Committee may receive as evidence any statement, document, information, or material that the Gymnastics New Zealand Judicial Committee considers may assist it to deal effectively with a Complaint before it, whether or not it would be admissible in a court of law and may attach such weight to that evidence as it considers appropriate.

6.7 **Witnesses:** Parties are entitled to call witnesses. Witnesses may be questioned on their evidence by members of the Gymnastics New Zealand Judicial Committee and the Other Parties to the matter, in accordance with any directions of the Chairperson. Where a person is requested to appear as a witness, and that person fails to attend or participate in the hearing without reasonable excuse or explanation for that failure, the Gymnastics New Zealand Judicial Committee may draw inferences from that failure to attend.

6.8 **Attendees:** The Gymnastics New Zealand Judicial Committee shall determine who is entitled to be present at the hearing. The Gymnastics New Zealand Judicial Committee has the power to request the attendance of any Member, Other Person, Party, or their representative at any proceedings before it. Where a person who is requested to attend fails to attend or participate

in the hearing without reasonable excuse or explanation for that failure, the Gymnastics New Zealand Judicial Committee may draw inferences from that failure to attend.

- 6.9 **Standard of Proof:** The standard of proof on all questions to be determined by the Gymnastics New Zealand Judicial Committee shall be whether, on the balance of probabilities, the Member or Other Person, Party, that is the subject of the Complaint, committed Misconduct or Serious Misconduct.
- 6.10 **Confidentiality of Proceedings:** Subject to [clause 7.5](#) (Public Decisions) all proceedings before the Gymnastics New Zealand Judicial Committee (including the Complaint, any statements of the parties or any witnesses, Minutes, any record of the hearing, and any other documents or material submitted to the Gymnastics New Zealand Judicial Committee) are confidential to the parties unless the Gymnastics New Zealand Judicial Committee directs otherwise.
- 6.11 **Media:** the Gymnastics New Zealand Judicial Committee shall not allow media to be present at the hearing.
- 6.12 **Costs:** As a general principle, Gymnastics New Zealand shall bear the costs of holding all hearings before the Gymnastics New Zealand Judicial Committee. The person(s) that are the subject of any such hearing shall pay their own costs to attend and be represented at any hearing. Notwithstanding this general principle, the Judicial Committee shall have complete discretion to impose such cost orders as it considers appropriate having regard to the circumstances.
- 6.13 **Compliance with Rules:** The Gymnastics New Zealand Judicial Committee shall at all times comply with any applicable rules, policies, and/or procedures of Gymnastics New Zealand which apply to any matter contained in a Complaint before the Gymnastics New Zealand Judicial Committee, provided they are not inconsistent with the Constitution or this Policy or Gymnastics New Zealand Judicial Regulation.
- 6.14 **Statements:**
- a. **Complainant's Statement:** The complainant may file a statement with the Gymnastics New Zealand Judicial Committee, and if so, it shall be filed no later than five (5) Days after the date the Chairperson notifies them of the proceeding (unless otherwise agreed with the Gymnastics New Zealand Judicial Committee). The statement shall set out: the facts relating to the Complaint, a submission setting out the outcome sought and why, and an outline of all the evidence (including statements from any witnesses) and

documents on which the complainant intends to rely on in the proceeding. The complainant may choose to rely on his or her original written Complaint without a further written statement.

- b. **Copy to Defendant:** On receipt of a statement by the complainant (if any), the Registrar shall immediately forward a copy to the person(s) against whom the allegation of Misconduct is made. If no statement is made by the complainant, the Registrar shall inform the person(s) against whom the allegation of Misconduct is made accordingly.
- c. **Defendant's Statement:** The person(s) against whom the Complaint is made shall file a statement with the Gymnastics New Zealand Judicial Committee no later than ten (10) Days from the date the Chairperson notifies them of the proceeding (unless otherwise agreed with the Gymnastics New Zealand Judicial Committee). The statement shall set out: the facts in response to the Complaint and the complainant's statement (if any), a submission responding to the outcome sought by the complainant, and an outline of all the evidence (including statements from any witnesses) and documents on which the party intends to rely on in the proceeding.

6.15 **Pre-hearing Conference:** The Gymnastics New Zealand Judicial Committee may hold a pre-hearing conference prior to any hearing of a Complaint and give such directions as it considers appropriate for the just, speedy, and inexpensive determination of the Complaint. This may include the Gymnastics New Zealand Judicial Committee making any determination (in its discretion) as to whether the Complaint is within the jurisdiction and authority of the Gymnastics New Zealand Judicial Committee. There may be further pre-hearing conferences prior to a hearing as determined by the Gymnastics New Zealand Judicial Committee Chairperson.

6.16 **Interested Parties:** If any other person is identified at any pre-hearing conference as being likely to have an interest in the proceeding, or as being required to provide evidence in the proceeding, the Registrar shall send to such party copies of any documents filed by the parties and a copy of the directions made at or after any pre-hearing conference and request the interested party to advise the Gymnastics New Zealand Judicial Committee as to whether or not they wish to be involved in the proceedings by a specified date. Any interested parties are bound by this Regulation, and for the avoidance of doubt the obligations of confidentiality referred to in [clause 3.2](#), [7.5](#) of this policy and specified in clause 9.6 of the Gymnastics New Zealand Judicial Regulation

#### 6.17 **Hearing:**

- a. A Complaint before the Gymnastics New Zealand Judicial Committee shall usually be determined by way of a hearing of the parties in such manner as the Gymnastics New Zealand Judicial Committee determines appropriate (which may include a hearing by teleconference, videoconference, in person, or a combination of such means). However, if the Chairperson and the parties agree, a Complaint may be determined by reference only to the written documents filed with the Gymnastics New Zealand Judicial Committee;
- b. the Gymnastics New Zealand Judicial Committee shall determine the date for the hearing as soon as practicable after any pre-hearing conference(s). The hearing date should be scheduled for a date arising as soon as practicable after the date by which the defendant must file their statement;
- c. the hearing shall be held at a venue and location which is most convenient to all the parties and the Committee Members, as determined by the Chairperson; and
- d. the procedure for a hearing before the Gymnastics New Zealand Judicial Committee shall be determined by the Gymnastics New Zealand Judicial Committee as it considers appropriate, and according to the principles of natural justice.

### **7. Record of Hearing and Decisions**

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- 7.1 **Record of Hearing:** The Gymnastics New Zealand Judicial Committee shall keep a record of the hearing including all evidence presented, in the form determined by the Gymnastics New Zealand Judicial Committee.
- 7.2 **Decisions:** In addition to issuing Minutes (described in [clause 6.1](#)), the Gymnastics New Zealand Judicial Committee may issue written decisions regarding matters before it (“Decisions”).

- 7.3 **Timing:** Decisions of the Gymnastics New Zealand Judicial Committee should be issued to the parties as soon as practicable after conclusion of the proceedings and consideration by the Gymnastics New Zealand Judicial Committee.
- 7.4 **Notification of the Decision:** The Gymnastics New Zealand Judicial Committee must provide written reasons for its Decisions and give notice of any appeal rights (if applicable). Copies of all Decisions shall also be provided to the SIU and the Board.
- 7.5 **Public Decisions:** Decisions of the Gymnastics New Zealand Judicial Committee shall be made public at the discretion of Gymnastics New Zealand.
- 7.6 **Consequences of Decision:** If the Gymnastics New Zealand Judicial Committee finds that Misconduct has not been committed, it shall advise the SIU as soon as possible following the hearing and dismiss the matter. If the Gymnastics New Zealand Judicial Committee finds that Misconduct has been committed it may impose, in its discretion, any appropriate penalty (or penalties) on the person or entity concerned in accordance with [clause 8.1](#) (Recommendations & Penalties).
- 7.7 **Recommendations:** In addition to announcing its Decision, the Gymnastics New Zealand Judicial Committee may report any of its findings to the SIU and provide such recommendations to the Gymnastics New Zealand Board as it considers appropriate.
- 7.8 **Status of Decisions:** Subject to any right of appeal ([clause 9](#)), all Decisions of the Gymnastics New Zealand Judicial Committee shall be final and binding on all parties.
- 7.9 **Failure to Adhere to Decisions:** Any failure to adhere to a Decision of the Gymnastics New Zealand Judicial Committee is Serious Misconduct and may result in the affected person/entity (or its members) being suspended or terminated from Gymnastics New Zealand membership or from participating in Gymnastics New Zealand events in accordance with the Constitution, and/or such other steps being taken as set out in the Constitution or the constitution of the relevant Member Club or Associate Member.

## **8. Recommendations and Penalties**

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- 8.1 The Gymnastics New Zealand Judicial Committee may impose any one or more of the following penalties, and make any recommendations, as it thinks fit:

- a. a warning or reprimand;
- b. suspension from such activities of Gymnastics New Zealand and/or its Members, including competitions, events, meetings, and other functions, for such period(s) and on such terms and conditions as it thinks fit;
- c. exclusion from a particular competition activity, meeting, event, or events of Gymnastics New Zealand and/or its Members;
- d. demotion from any position or function granted by Gymnastics New Zealand or as a representative of Gymnastics New Zealand;
- e. the cancellation of results of a competition or event (including team results if the Gymnastics New Zealand Judicial Committee considers it appropriate to do so);
- f. reparation and/or compensation by way of monetary payment to the complainant and/or other parties involved in the matter, in an amount and in such manner as the Gymnastics New Zealand Judicial Committee thinks fit;
- g. fines imposed in such manner, and in such amount(s), as the Gymnastics New Zealand Judicial Committee thinks fit;
- h. suspension or termination of membership of Gymnastics New Zealand;
- i. such other penalty as the Gymnastics New Zealand Judicial Committee considers commensurate with the offence; and/or
- j. such combination of any of the above penalties as the Gymnastics New Zealand Judicial Committee thinks fit.

8.2 **Compliance:** Every person to whom this Policy and the Gymnastics New Zealand Judicial Regulations applies must comply with and enforce any penalty imposed on it/them or any other person under this Regulation.

8.3 **Penalty Decisions:** The Gymnastics New Zealand Judicial Committee may deliver its Decision on penalty orally at the conclusion of the hearing or in a subsequent Decision after the substantive Decision. However, in all proceedings, it shall also deliver its Decision on penalty in writing including giving reasons. The Gymnastics New Zealand Judicial Committee shall deliver its Decision on penalty as soon as practicable after the conclusion of the proceedings but may request submissions on penalty from the parties prior to making a Decision on penalty if it considers it appropriate to do so.

## **9. Appeals to the Sports Tribunal**

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9.1 **Grounds of Appeal:** The grounds of appeal are those set out in the Rules of the Sports Tribunal.

9.2 **Form of Appeal:** Any appeal made under this clause may be heard de novo (afresh) or otherwise, as determined by the Sports Tribunal.

9.3 **Timing:** Any appeal filed under this clause 9 must be filed within twenty-eight (28) Days of the appellant being notified of the Decision against which the appeal is made.

9.4 **Procedure:** Except to the extent set out in this Regulation, the Rules of the Sports Tribunal apply to any appeal made under this clause.

## **10. Club Level Appeals**

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10.1 **Ability to hear Club level appeals:** The Gymnastics New Zealand Judicial Committee may hear appeals from decisions of a Member Club or Associate Member regarding Misconduct provided that all rights to a hearing or appeal under the Member Club or Associate Member's constitution have already been exhausted. An appeal may be made using the Appeal Form ([Appendix 3](#)) or any other written form (including email).

10.2 **Fee:** There is an appeal fee of \$750 for Club level appeals to the Gymnastics New Zealand Judicial Committee.

10.3 **Process for Lodging Appeals:** Where a party wishes to submit an appeal to the Gymnastics New Zealand Judicial Committee, it must file a notice of appeal to Gymnastics New Zealand within twenty (20) Days after being notified of the decision against which the appeal is made, or such extended time period as allowed by the Gymnastics New Zealand Judicial Committee. A copy of the notice of appeal must be served on the other parties (at the same time as the notice of

appeal is filed with Gymnastics New Zealand) and the appellant must provide the Gymnastics New Zealand Judicial Committee with proof of service.

- 10.4 **Response:** Within seven (7) Days after the serving of notice of appeal, the other party (or parties) must file and serve a statement in response. If the respondent fails to file such statement within the prescribed time, or such extended time period as given by the Gymnastics New Zealand Judicial Committee, it may proceed with the appeal and issue its decision.
- 10.5 **Pre-Hearing Conference:** As soon as practicable after the filing of the statement of response the Chairperson of the Gymnastics New Zealand Judicial Committee may convene a pre-hearing conference to make all necessary and appropriate directions to bring the matter to an early hearing. There may be more than one pre-hearing conference.
- 10.6 **Hearing:** Any appeal hearing made under this clause 10 may be heard de novo (afresh) or as otherwise determined by the Gymnastics New Zealand Judicial Committee.
- 10.7 **Procedure:** Any appeal hearing under this clause 10 shall be conducted in accordance with [clauses 6](#) (Procedure of the Gymnastics New Zealand Judicial Committee) to [8](#) (Recommendations & Penalties) inclusive, unless otherwise directed by the Gymnastics New Zealand Judicial Committee.
- 10.8 **Penalty and/or Recommendations:** On an appeal hearing, the Gymnastics New Zealand Judicial Committee may impose any one or more of the penalties or recommendations listed in [clauses 8.1a to 8.1j](#) as it sees fit.
- 10.9 **No further Appeal right:** There is no further right of appeal to Gymnastics New Zealand from a decision made by the Gymnastics New Zealand Judicial Committee under this clause 10.



## **Appendix 1**

### **Filing a Complaint with Gymnastics New Zealand**

**1. Details of the Complainant**

The following details are required: name, contact address, telephone/mobile number, email address, club affiliation, Gymnastics New Zealand membership type (if applicable).

**2. Nature of the Complaint**

Please describe, in as much detail as possible, the nature of the Misconduct being alleged, and the date(s) and time(s) on which the alleged Misconduct occurred.

**3. Persons involved in the Complaint**

Please provide details of all persons involved in the Complaint and the names any relevant Member Clubs or Associate Members.

**4. Applicable Rules/Policies**

Please provide a copy of any rules or policies that you consider apply to the Complaint.

**5. Impact of the Alleged Misconduct on the Complainant**

Please provide details of the impact the alleged Misconduct has had on the Complainant.

**6. Outcome Sought**

Please specify the outcome from Gymnastics New Zealand

**7. Signature**

The complaint should be signed and dated. Should you be doing so on behalf of a party, you undertake that you are duly authorised to file the complaint with Gymnastics New Zealand.

Once completed and signed, the Complaint should be sent to the Gymnastics New Zealand SIU by email to [complaints@gymnasticsnz.com](mailto:complaints@gymnasticsnz.com) or by post to Gymnastics New Zealand, PO Box 9485, Newmarket, Auckland.

## Appendix 2 Record of Complaint

Complainant's Name and age	Name: Age:	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's role/position	Athlete Coach Volunteer Other:	
Name and age of person subject to complaint (respondent)	Name: Age:	
Respondent's role/position	Athlete Coach Volunteer Other:	
Date and location/event of alleged incident	Date: Location:	
Description of alleged incident		
Nature of complaint		
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	Less than 3 months to resolve Between 3 – 8 months to resolve More than 8 months to resolve
Completed by	Name: Position: Signature: <span style="float: right;">Date / /</span>

Signed by:	Complainant:  Respondent:
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**This record and any notes must be kept confidential and secure.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to Gymnastics New Zealand and a copy kept with the organisation where the complaint was first made.

## Appendix 3

### Filing an Appeal to the Gymnastics New Zealand Judicial Committee

#### 1. Details of the Appellant

The following details are required: name, contact address, phone number, email address, club affiliation, Gymnastics New Zealand membership type (if applicable).

#### 2. Appeal

The Appellant wishes to appeal the decision of the Member Club or Associate Member (the "Respondent") identified as:

#### 3. Facts Supporting the Appeal

Please set out your version of events leading up to the decision of the Respondent and surrounding the decision itself. You must also provide a copy of the decision(s) being appealed against.

#### 4. Grounds of Appeal

By referring to the grounds of appeal specified in clause 17 of the Judicial Regulation, please make submissions on why and how you consider the decision of the Respondent was wrong or incorrect.

#### 5. Outcome Sought

Please specify the outcome or relief you are seeking from the appeal.

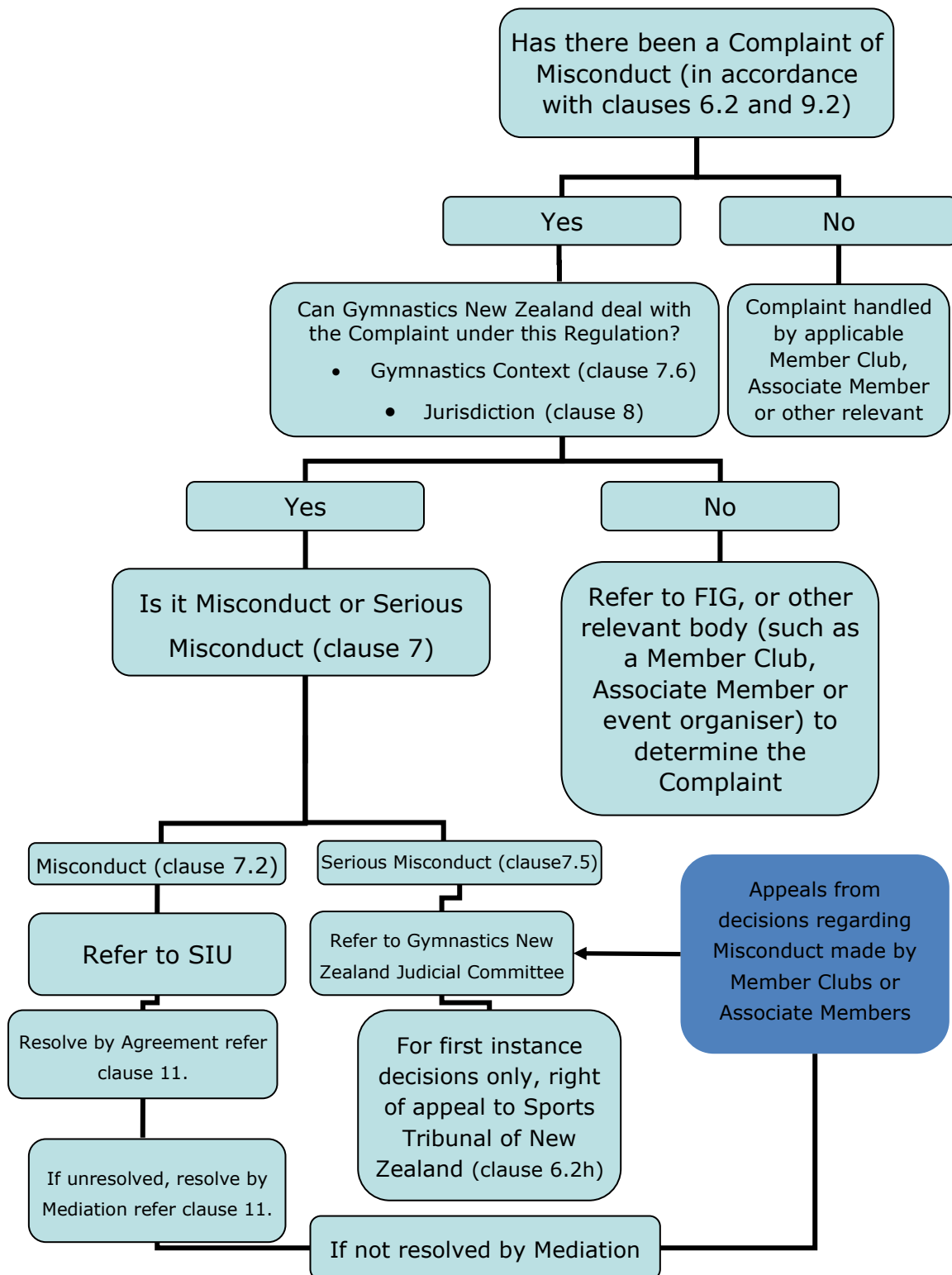
#### 6. Signature

The appeal should be signed and dated. Should you be doing so on behalf of a party, you undertake that you are duly authorised to file the appeal with Gymnastics New Zealand.

Once completed and signed, the Appeal should be sent to the Gymnastics New Zealand SIU by email to <a href="mailto:complaints@gymnasticsnz.com">complaints@gymnasticsnz.com</a> or by post to Gymnastics New Zealand, PO Box 9485, Newmarket, Auckland.
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## Appendix 4

### Diagram of Gymnastics New Zealand Judicial System



This diagram is provided to assist Members as to the procedure to be followed where Misconduct is alleged against a Member of Gymnastics New Zealand. The diagram is not a substitute for reading the full text of this Regulation. In the event of any inconsistency, the text of this Regulation prevails over this diagram.