

CODE OF CONDUCT AND GRIEVANCE MANAGEMENT POLICY

OVERVIEW

This Policy shall be known as the Lake Macquarie Rowing Club Code of Conduct and Grievance Management Policy (the "Code and Policy").

1. POLICY STATEMENT

- 1.1. This policy sets out the Lake Macquarie Rowing Club ("the Club"):
 - 1.1.1. Code of Conduct (LMRC Code of Conduct) that declares the type of behaviour which is encouraged by the Club; and
 - 1.1.2. Policy and procedures of the Club for the management of alleged breaches of the LMRC Code of Conduct and grievances not amounting to breaches of the LMRC Code of Conduct.

2. ACKNOWLEDGEMENT

- 2.1. The Club acknowledges that the New South Wales Rowing Association Code of Conduct ("NSWRA Code of Conduct") governs all persons associated with rowing within New South Wales.
- 2.2. The Club adopts the provisions of the NSW Code of Conduct so far as they can be applied to the Club and to the terms of this Code and Policy.
- 2.3. The Club acknowledges that many of the provisions of this Code and Policy are identical to provisions in the NSWRA Code of Conduct. The Club has set out these provisions for the sake of uniformity and ease of reference for persons to whom this Code and Policy apply.
- 2.4. The Club acknowledges that the Club and its members are bound by the Rowing Australia Membership Protection Policy ("RA Member Protection Policy"), and that some parts of this Code and Policy are drawn from the RA Member Protection Policy.

3. APPLICATION OF THIS CODE AND POLICY

- 3.1. This Code and Policy applies to:
 - 3.1.1. The Club,
 - 3.1.2. All members of the Club, and
 - 3.1.3. All persons or organisations associated in any way with the activities of the Club, or a member of the Club involved in a club activity.
- 3.2. To the fullest extent possible the Club, all members of the Club, and all persons associated in any way with the activities of the Club or a member of the Club (involved in a club activity) agree to be bound by this Code and Policy.

4. LMRC CODE OF CONDUCT

4.1. LMRC Code of Conduct - Key Principles

- 4.1.1. The Club seeks to operate in an environment where people show respect for others and their property. Respect is defined as consideration for the well-being of another's body, emotions and possessions, to ensure no damage or deprivation is caused to any of them.
- 4.1.2. The Club seeks to operate in an environment which is free from harassment. Harassment is defined as any action directed at an individual or group which creates a hostile, intimidatory or offensive environment.
- 4.1.3. The Club seeks to operate in a non-discriminatory environment. By this it is meant that everyone has an equal opportunity and receives a fair go in accordance with the law as well as the Club's and NSWRA Rules, By-Laws and Laws of Boat Racing, policies and procedures.

4.2. LMRC Code of Conduct – Key Elements

- 4.2.1. Each person and organisation to whom this Code and Policy applies shall:
 - 4.2.1.1. not act in a manner unbecoming, or contrary to the interests of the Club;
 - 4.2.1.2. treat people involved in rowing with courtesy, respect and proper regard for their rights and obligations;
 - 4.2.1.3. not make improper comments and statements - including use of email or social media / networks;
 - 4.2.1.4. treat another person's property with respect and due consideration of its value;
 - 4.2.1.5. demonstrate a positive commitment to the Club's policies and rules (Lake Macquarie Rowing Club Inc. Rules), RNSW Rules By-Laws and Laws of Boat Racing and procedures;
 - 4.2.1.6. not misuse funds or property belonging to third parties;
 - 4.2.1.7. respect the confidentiality of information which comes to that person in the course of duty or association;
 - 4.2.1.8. uphold and not injure or compromise, the standing and reputation of rowing; and assist fellow club members as necessary, and promote safe practices, both on and off the water.

4.3. LMRC Code of Conduct – Unsuitable Behaviour

- 4.3.1. This list describes examples of behaviour each of which constitute unsuitable behaviour, is not in the best interests of sport, and is a breach of the LMRC Code of Conduct:
 - 4.3.1.1. 'Sledging' other rowers, scullers, officials or event organisers. Sledging is defined as a statement which is deemed to denigrate and/or intimidate another person.
 - 4.3.1.2. Excessive use of alcohol, acting in a way that becomes a public nuisance or creates a public disturbance.
 - 4.3.1.3. Causing damage to another person's property during the conduct of a regatta, or when representing this Club, or depriving that person of that property.

- 4.3.1.4. Sexual relations between a coach or support person and a rower or sculler who is less than eighteen years of age, irrespective of the wishes and desires of that rower or sculler, are absolutely forbidden.
- 4.3.1.5. The use or encouragement of drugs and banned substances to enhance or inhibit performance is prohibited. The banned substances list is as outlined under the Australian Sports Commission's Doping Policy.
- 4.3.1.6. Statements which are deemed to denigrate the group that an individual is representing.
- 4.3.1.7. Harassment, sexual or otherwise.
- 4.3.2. Other behaviours also considered unsuitable are contained in the RA Member Protection Policy and the NSWRA Code of Conduct. Such behaviour are breaches of the LMRC Code of Conduct.
- 4.3.3. A breach of the LMRC Code of Conduct may be deemed to be a persistent and wilful action prejudicial to the interests of the Club and able to be dealt with under rules 11 and 12 of the rules of the Club (Lake Macquarie Rowing Club Inc. Rules).

5. POLICY RELATING TO, AND PROCEDURES FOR MANAGEMENT OF, GRIEVANCES AND ALLEGED BREACHES OF THE LMRC CODE OF CONDUCT.

5.1. Policy - Definitions

5.1.1. For the purposes of this Code and Policy:

- 5.1.1.1. A grievance is a written or oral statement regarding a perceived unfairness, inequity, or wrong within the Club's activities, not necessarily amounting to a breach of the LMRC Code of Conduct. Examples include, but are not limited to, matters relating to interpersonal conflict; boat allocation; interpretation of Club rules, policy, and procedures. The grievances will usually involve some concern or personal distress and will usually, though not always, involve other people.
- 5.1.1.2. A breach of the LMRC Code of Conduct is as set out in 4. "LMRC Code of Conduct" (above).
- 5.1.1.3. A "serious matter" is a matter within the Club's activities involving allegations of substantial breaches of legal rights and allegations of criminal or quasi-criminal nature or any other matter that the Committee considers to be so serious as to deem it to be inappropriate for the Club to manage it. Examples include but are not limited to, incidents of violence to persons or property; serious bullying, harassment or discrimination; child protection related matters; serious maladministration, serious misconduct; fraud; or corruption.

5.2. Policy - Key Principles

- 5.2.1. The Club recognises that, viewed objectively, both grievances and alleged breaches of the LMRC Code of Conduct may involve differing degrees of seriousness.
- 5.2.2. The Club encourages early notification of grievances and alleged breaches of the LMRC Code of Conduct to ensure, so far as is possible, speedy, effective and satisfactory resolution at the lowest reasonable level of management and processes.
- 5.2.3. Grievances and alleged breaches of the LMRC Code of Conduct shall be managed promptly and, in a way, most appropriate to the particular circumstances.

- 5.2.4. Grievances and allegations of breaches of the LMRC Code of Conduct shall be managed with procedural fairness and in accordance with principles of natural justice. The Committee will work to protect the rights of all parties involved in the matter.
- 5.2.5. Until the provisions of Rule 11 of the rules of the Club may be invoked, the Committee or Committee member managing the matter shall do so as confidentially as is possible in the circumstances.
- 5.2.6. Serious matters as defined in 5.1 "Policy - Definitions" are not managed as grievances or alleged breaches of the LMRC Code of Conduct but are to be referred to the appropriate authorities or organisations for management.

5.3. Procedures for management of grievances and alleged breaches of the LMRC Code of Conduct.

- 5.3.1. There are three (3) levels of procedures available for the resolution of grievances and alleged breaches of the LMRC Code of Conduct. These levels and the provisions that apply to them are as follows:

5.3.1.1. Level 1

- 5.3.1.1.1. In the case of a grievance that, viewed objectively, would be reasonably regarded as being at a low level of seriousness, a member having a grievance is encouraged to resolve the matter of the grievance personally if that is at all possible.
- 5.3.1.1.2. If the member is uncomfortable about resolving the grievance personally, or believes that an attempt to do so is not appropriate or possible, or having tried to resolve the matter personally, has failed to resolve it, the member should follow the procedure available under Level 2 or Level 3.
- 5.3.1.1.3. The procedure under Level 1 is not to be followed in matters of alleged breach of the LMRC Code of Conduct which may only be dealt with under the Level 2 or 3 procedure.

5.3.1.2. Level 2

- 5.3.1.2.1. A member wishing to raise a grievance or report an alleged breach of the LMRC Code of Conduct may notify a Committee member verbally.
- 5.3.1.2.2. That Committee member should be the Committee member within whose range of day to day responsibilities the main subject matter of the notification falls in accordance with the Club's rules, unless the notification is against that committee member or involves him/her in a material way.
- 5.3.1.2.3. That Committee member shall inform himself or herself as much as is reasonably possible as to the subject matter of the notification and then:
 - a). recommend that the member try to resolve the matter under Level 1 if it is a grievance that, viewed objectively, would be regarded as at a low level of seriousness; or
 - b). make a ruling on the grievance or alleged breach of the LMRC Code of Conduct; or
 - c) arrange some appropriate form of mediation between the parties involved in the notification with a view to resolving the matter; or

d) refer the notification to the full Committee of the Club to be dealt with under the Level 3 procedure.

5.3.1.2.4. Any member involved in the subject matter of the notification who is aggrieved by a decision of the Committee member under 5.3.1.2.3 above may, within 14 days of being notified of that decision (which time may be extended by the full Committee, retrospectively if deemed appropriate), by writing or email refer the matter to the full Committee to be dealt with under Level 3 procedure.

5.3.1.3. **Level 3**

5.3.1.3.1. A member wishing to raise a grievance or report an alleged breach of the LMRC Code of Conduct may notify the Committee of the Club by email or in other writing sent or delivered to the Secretary.

5.3.1.3.2. Upon receipt of the notification the Committee will inform itself as much as is reasonably possible as to the subject matter of the notification using whatever means the Committee deems appropriate. In particular the Committee will advise any person against whom the subject matter of the notification is made of the notification and give that person the opportunity to provide the Committee with information regarding the subject of the notification.

5.3.1.3.3. The Committee may then either:

a) Determine that there is no reasonable basis on which to proceed further with the matter and notify all parties accordingly; or

b) Attempt to resolve the matter by any form of dispute resolution such as mediation or facilitation which to the Committee seems reasonable in the circumstance and may make appropriate findings at the conclusion of this process; or

c) Determine that the matter is an appropriate case to be dealt with under Rule 11 of the rules of the Club, treating the notification as a complaint under this Rule 11.

5.3.1.3.4. If the Committee makes a determination as in 5.3.1.3.3 (c) the Committee will apply the provisions of Rule 11, including in particular sub-rules 11, (2) (a), (b), and (c), notwithstanding that the Committee may previously have given the members concerned the opportunity to provide the Committee with information regarding the subject matter of the notification / complaint.

5.3.1.3.5. Rule 12 of the rules of the Club applies to any resolution of the Committee under Rule 11(3).

6. **RELATED PROCEDURES**

6.1. Disputes between members that the Committee determines to have no bearing on the activities of the Club and membership will be resolved externally at the member's own cost as provided by Rule 10 of the rules of the Club.

6.2. A determination by the Committee to the above effect is final and binding on the members concerned.

7. **RESPONSIBILITIES –THE COMMITTEE & CLUB MEMBERS**

7.1. The Committee Must:

- 7.1.1. Ensure that all members have access to a grievance management process;
- 7.1.2. Conduct an initial assessment of a grievance or alleged breach of the LMRC Code of Conduct notified to it.
- 7.1.3. Determine the level at which a grievance or allegation of breach of the LMRC Code of Conduct be sought to be resolved and act accordingly;
- 7.1.4. Resolve issues in a fair, timely, and appropriately confidential way;
- 7.1.5. Ensure that no person involved in the grievance or alleged breach of the LMRC Code of Conduct takes part in the Committee's decision-making deliberations regarding the matter;
- 7.1.6. Refer serious matters to the police or other appropriate external body, where appropriate;
- 7.1.7. Review and amend this Code and Policy as deemed appropriate.

7.2. Club Members must:

- 7.2.1. Ensure that they and their guests comply with all aspects of this policy.
- 7.2.2. Conduct themselves in accordance with the standards outlined in the LMRC Code of Conduct.
- 7.2.3. Recognise their role in harmonious club relations, raise matters of concern at the appropriate level, at an early stage and actively and constructively participate in any grievance resolution process.
- 7.2.4. Attempt to settle matters, where appropriate, with the respective person/s in the first instance.
- 7.2.5. Not raise malicious, vexatious or frivolous complaints.
- 7.2.6. Not release information relating to a grievance to any third parties who have no legitimate involvement in the process.

8. COMPLIANCE

8.1. Compliance with this Code is compulsory.