



Incident and Dispute Resolution Policy at Waitemata Synchro Club

24/11/2020

Conflict is natural in any organisation where diverse passions and cultures come together. Disagreements can relate to substantive issues such as the goals or the allocation of resources or can arise at an individual level in the form of disputes or complaints.

Note there is a material difference between a 'complaint', an 'incident' and a 'dispute'. For the purposes of Waitemata Synchro Club, the definitions are as follows:

'Incident' - an individual occurrence or event.

'Complaint' - an expression of discontent, regret, pain, resentment. Could be related to an incident.

'Dispute' - a debate, involves controversy or a difference of opinion

An incident or complaint can develop into a dispute if it is not handled quickly, fairly and professionally.

Regardless of the nature or the magnitude of the conflict, WSC aims to address all complaints, incidents and disputes transparently, fairly and as quickly as possible to avoid escalation. If it can't be resolved using the steps below, external support may be sought.

Disagreement, if entered into with an open-mind where members **listen** to each other can:

- Promote discussion around different views and present alternatives
- Enhance awareness around the perceptions of others
- Assist in identifying issues that could arise
- Initiate change for better Club operations and relationships

Below is Waitemata Synchro Club process for resolving complaints, incidents and disputes.

Note, if the Club Chairperson cannot be impartial, or is unable to lead discussions impartially, a replacement Chair for the meeting is required to stand in.

Protocol for Complaint /Incident resolution:

A complaint may be received by a Coach or committee member verbally. In the first instance they should:

1. Discuss with the Head Coach/Committee the nature of the complaint/incident.
2. Document via email, the complaint to waiitemata.synchro@gmail.com and circulate to the committee, OR if a committee meeting is imminent, inform the person complaining of the timeline for feedback, and discuss the matter at a committee meeting, which is minuted.
3. If an easy fix is possible, this can be agreed via email using best judgement and corrective action made.
4. Importantly, the person making the original complaint needs to be informed of corrective action taken to resolve the issue causing concern or deal with the incident.



Protocol for Dispute resolution:

In all disputes, an impartial Case Manager should be elected to lead the discussion (this may not be the Chair of the committee). In dispute situations, it is agreed to collude to achieve a 'Club' decision. The overall decision should not rest with the Committee, or the Coach or any other member independently. It is worthwhile from time to time reminding Committee members that disagreement is healthy provided it doesn't involve personal attacks or is not too emotionally charged. The Case Manager needs to be diligent in directing members' attention to issues and not people.

Dispute request

1. Disputes with swimmers, coaches, parents or Committee members (when related to synchro) should in the first instance be recorded via email or reported to the Head Coach, who should email the Committee to record the dispute. A claim must be in writing and must be filed within 30 days of the alleged incident. The Claim should be submitted to waitemata.synchro@gmail.com.
2. A dispute process requested outside of the 30 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the request outside of the 30 day timeframe will be at the sole discretion of the Club Committee. This decision may not be appealed.

Case manager, quorum and procedures

3. A special meeting should be called to discuss the situation around the dispute with as many committee members and the Head coach/coaches involved. This should be done within **21** days after the incident.
4. The Case Manager of this discussion should be appointed for this meeting.
 - Club Chair should be a Case Manager if She/He is not involved in the incident.
 - If Club Chair involved in the incident or can not be impartial, then the Case Manager should be impartial and chosen by agreement of the conflict parties.
 - If this agreement is not reached, then appropriate qualified person should be invited. All costs associated with this are to be discussed upfront and may be shared equally between the parties.
5. There should be a quorum of minimum 5 people apart Case Manager of this Panel (who are not involved in the incident) attending the special meeting.
 - As many Committee Members and the Head Coach/Coaches should be invited if they are not involved to the dispute or can not be impartial.
 - If the Club Chair involved in the dispute or can not be impartial, the quorum should be chosen by Case Manager from the list offered by parties of the dispute (qualified and impartial person)
 - If the Head Coach involved in the dispute or can not be impartial, the quorum should be chose by Case Manager from the list offered by parties of the dispute (qualified and impartial person).



6. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion. The Case Manager has a responsibility to:
 - Appoint the Discipline Panel;
 - Coordinate all administrative aspects and set timelines;
 - Provide administrative assistance and logistical support to the Panel;
 - Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
7. The Panel will make its determinations in the following manner:
 - by reference to considerations of general justice and fairness;
 - consistently with any contractual or employment rules which may apply;
 - based on the evidence presented to the Panel and the seriousness of the breach.

Hearing

8. In hearing of the dispute matter under this Disputes Resolution Policy, the Panel will have the right to determine all procedures to be adopted.
9. Non-attendance by party to hearing: Once a hearing is convened, the Panel has power to make a determination upon the available evidence on the date set for the hearing, or such later date, irrespective of whether any party attends the hearing or makes written submissions
10. Any documents upon which any party to the hearing wishes to rely must be sent to the other party and the Panel at least two business days prior to the date convened for the hearing. If there is information missing, a decision must be deferred until the full information has been gathered.
11. The Panel may, in relation to any hearing, require the attendance of any person and ask any questions and call any evidence as the Panel, in its absolute discretion, thinks fit. It is acknowledged that the Panel has no legal power to compel such witnesses to attend, other than Members who are contractually bound to do so.
12. Any party to a hearing may make any written submissions to the Panel provided that copies of such written submissions are provided to the Panel and the other parties prior to their presentation.
13. At any hearing dispute parties can bring a support person each.
14. All hearings before the Panel shall be confidential and any matters discussed shall be held in the strictest confidence between those in attendance at the hearing.
15. .At the hearing:
 - Why, where, how, when (from all sides) should be clearly explained.
 - The first remit is to remind members of the ground rules for discussion, e.g. listening to others, not interrupting others, 'focus on the problem, not people', not to repeat points over and over, no raising of voices.
 - Reference must be made to the Club's constitution, Club's Policies and Club member's signed code of conduct.
 - Whoever is involved in the dispute should be given the opportunity to reflect their position.
 - Swimmers (and or their parents) should be involved in this process if necessary.
 - Open for discussion with an intermittent summary statement from the Case Manager to clarify main point from each side, including any suggestions for resolution for the various parties involved (note there may be various resolutions required).



- Focus on the solution rather than the problem. Strive for a beneficial outcome for both parties. Avoid placing blame, judgement or making excuses. Rather seek clarity, accept responsibility and act.

Decision

16. If a decision cannot be made in the first meeting, or further information is required, the meeting should be adjourned and a follow up time arranged. The swimmer/ coach/ parent/s involved in the dispute may be asked to remain away from the pool/gym during this time. This time frame should be as tight as feasible to minimise disruption amongst other swimmers.
17. When the Panel working on the dispute is ready to resolve the issue, the Case Manager of the discussion should 'put up a Motion' and call for a vote. The Panel should Vote on the motion/s. If Club Chair and/or Head Coach is involved in the dispute then all Club members should vote for the decision.
18. Declare the decision and call for solidarity. 'The Club has decided'. Some empathy is required to those who have lost the argument and a reminder on how everyone is now expected to behave around the issue to gain wider support.
19. The Panel will with as little delay as possible after the conclusion of a hearing, contemporaneously provide a written determination to the parties, which sets out the reasons for the determination.
20. All determinations of the Panel shall be confidential between the parties unless the Panel determines that publication of the determination is in the best interests of the sport (for example, to deter others from similar conduct).

Appeal Process

Should any parties not be satisfied with the decision reached they are entitled to appeal within 21 days after hearing. In the first instance SSNZ may be approached for independent assessment of the issue/incident. The matter may then be referred to the NZ Sports Tribunal for independent assessment.

Should any parties not be satisfied with this decision, they are entitled to seek independent advice and may request a formal arbitration. No action or legal proceeding will be commenced against the Club or its Individuals in respect of a dispute, unless the Club has refused or failed to provide or abide by its governing documents.

Consequences and sanctions

Depending on the severity of the offence a number of consequences may be delivered (to various members involved in the dispute, as is deemed relevant by the committee/coaches) as part of the resolution. Any or all of the following sanctions may be considered, and in some cases multiples of these options may be employed. In the case of legal issues, the Police must be called in. In this instance SSNZ should be informed of the incident as soon as possible. The Panel may apply the following disciplinary sanctions, singularly or in combination:

- Verbal and/or written reprimand.
- Verbal and/or written apology.
- Service or other contribution to the Club (The swimmer/coach/parent or any other member may be asked to do community service for the Club. This is not intended to be



an opportunity for self promotion, but rather promotion of the sport. This can be done in school communities, other sporting groups. It can also include fund raising for the club - target to be agreed by the club)

- Removal of certain privileges.
- Club member may be banned or expelled from the Club.
- Suspension from certain routines, teams, events, practices and/or activities. Fees are still payable during this period.
- Suspension from all Club activities for a designated period of time.
- Withholding of prize money or awards.
- Payment of the cost of repairs for property damage.
- Suspension of funding from the Club or from other sources.
- Expulsion from the Club.
- Any other sanction considered appropriate for the offense

The consequences are not delivered at the sole discretion of one party but agreed following the collective debate through the dispute resolution process.

Improper complaints may be dealt with as misdemeanors themselves.

Approved by Waitemata Synchronised Club Committee
24/11/2020