

SQUASH WAIKATO
MEMBER RIGHTS & RESPONSIBILITIES POLICY
(Final -November 2010)

Forward

1. Squash Waikato Contact Details

PART 1.0 – Squash Waikato Rights and Responsibilities Policy

- 1.1. Squash Waikato Core Values
- 1.2. Purpose of Policy
- 1.3. Who does the policy apply to?
- 1.4. Organizational Responsibilities
- 1.5. Individual Responsibilities
- 1.6. Policy Position Statements
 - 1.6.1. Child Protection
 - 1.6.2. Anti-discrimination & Harassment
 - 1.6.3. Gender Identity
 - 1.6.4. Pregnancy
- 1.7. What is a breach of this policy?
- 1.8. Definitions

PART 2.0 – Complaints and Suspension or Termination of Membership.

- 2.1 Who can complain?
- 2.2 Board rights in dealing with complaints
- 2.3 Process for dealing with complaints
- 2.4 Board Special Rule

PART 3.0 – Screening and vetting. Personal or police.

- 3.1 Self Vetting
- 3.2 Police Checks
- 3.3 Privacy and Confidentiality
- 3.4 CONSENT TO DISCLOSURE OF INFORMATION Form

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FORWARD

The outcome and future of any sport is dependant upon the members, volunteers and administrators. The values of sportsmanship and fair play are vital to ensuring a enjoyable experience.

Squash Waikato wishes to acknowledge the hard work that each club in the Waikato brings to Squash. The experience, enthusiasm and diversity that each club brings to Squash is so vital and important for the future of Squash.

The enjoyment of squash is for all people and discrimination and discriminatory acts are discouraged. Squash should be a safe and enjoyable sport for all to participate.

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PART 1.0 – Squash Waikato Members Rights and Responsibilities Policy

Part 1.0 of this policy covers Squash Waikato core values, purpose of this policy, Roles and Responsibilities and Policy statements.

1.1. Squash Waikato Core Values

Mission: To promote, foster, and develop squash in the greater Waikato Region through a coordinated and professional approach.

In our approach to all matters and dealings with our members, affiliates and each other, we will:

- be open, honest and maintain transparency of all matters;
- communicate respectfully and effectively;
- accept all responsibility for our decisions and actions;
- endeavour to be responsive to the needs;
- make every effort to reach a common understanding through mediation;
- do our utmost for excellence, effectiveness and efficiency to perform our best;
- be cooperative and foster the team environment;
- strive for continuous improvement; and
- always value the well being and diversity of all our players

1.2. Purpose of Policy

This Rights & Responsibilities Policy was established to emphasise our core values, maintain our good reputation and to promote positive behaviours and attitudes. It is used to ensure that every person involved in our sport is treated with dignity and respect, feels safe and is protected from abuse or harassment. It is also to ensure that all parties involved in our sport are aware of their legal and ethical rights and responsibilities.

The policy position statements provide the procedures that have been established to ensure our support and commitment to eliminating discrimination, harassment, child endangerment and other forms of inappropriate behaviour from squash. Squash Waikato pledges to take disciplinary action against any person or organization bound by this policy upon violation.

1.3. Who does the policy apply to?

The Squash Waikato Member Rights & Responsibility policy applies to the following individuals, whether they are paid, unpaid or volunteers. Organizations participating in or under the affiliation of Squash Waikato:

- Elected or appointed Individuals to boards, committees and sub-committees;
- Employees (paid or unpaid) and volunteers;
- Coaches and assistant coaches (District and Club);
- Support personnel (managers, physiotherapists, masseurs, sport trainers);
- Referees and other officials involved in the control or operation of Squash;
- Athletes and players;

- Members (Competitive & Social), including life members;
- Affiliated clubs and organizations such as Coach or Referees Associations;
- Any organization participating in Squash Waikato sanctioned events;
- Any other person or organization that is a member of or affiliated to Squash Waikato;

and

- Other persons including parents, guardians, spectators and sponsors, who or which agrees in writing (entry form, contract or otherwise) or by implied consent by obtaining entry to any event or organization affiliated to Squash Waikato to be bound by this Policy.

Squash Waikato will ensure this policy will continue to apply to a person even after they have stopped their association or employment with Squash Waikato if disciplinary action, relating to an allegation of child abuse against that person, has been instigated.

1.4. Organizational Responsibilities

Squash Waikato, its affiliated clubs and support organizations must:

- Adopt, comply and enforce the Squash Waikato Members Rights and Responsibilities policy;
- enforce and comply with any penalty imposed under this policy;
- educate by all possible means and otherwise promote this policy and the consequences for breaching it;
- encourage and promote appropriate standards of conduct at all times;
- quickly and appropriately deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner;
- apply this policy consistently to all parties with out prejudice;
- ensure that a copy of this policy is available or accessible to all whom this policy applies;
- Squash Waikato will appoint or have access to appropriately trained people to receive and handle complaints and allegations (Members Rights Officers (MRO's) and/or Complaint Managers) and display the names and contact details in a way that is readily accessible; and monitor and review this policy at least annually;
- member associations are required to adopt and implement this policy and to provide proof to Squash Waikato of the approval of the policy by the relevant board in accordance with its constitution. Member associations must also undertake to ensure that its affiliated Clubs are bound by this policy and are made aware of this policy and what it says;

1.5. Individual Responsibilities

Individuals bound by this policy are responsible for:

- maintaining awareness of this policy and the policies outlined within and complying with the policy position statements outlined in this policy;

- consenting to a police vetting check if the individual holds or applies for a District Level role that involves unsupervised direct contact with people under the age of 16 years;
- understanding and maintaining all other requirements of this policy;
- co-operating in providing a discrimination, child abuse and harassment free sporting environment; and understanding the possible consequences of breaching this policy.

1.6. Policy Position Statements

This section covers the statements regarding Squash Waikato commitment towards child protection, anti-discrimination and harassment.

1.6.1. Child Protection

Squash Waikato acknowledges that our staff and volunteers provide a valuable service to the positive experiences of our juniors. Squash Waikato strives to ensure these positive experiences will continue and to protect the safety and welfare of all the junior participants.

Squash Waikato requires that all affiliated clubs, associations and individuals, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and make certain that the parent knows the way the image will be used. For the protection of children and others we always remember images of children can be used inappropriately or illegally. We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing rooms, showers and toilets.

If Squash Waikato uses an image of a child it will avoid displaying any personal information such as residential address, email address or telephone numbers. Names will only be used with written consent from the parent/guardian.

We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons.

Every affiliated organization, club or person bound by this policy must always place the safety and welfare of children above all other considerations.

Several measures will be used to achieve this such as:

- Providing opportunities for our juniors to provide feedback in our development of programs;
- Carefully vetting and screening people whose role requires them to work and or have regular contact with and direct and unsupervised contact with children. (*Vetting procedures are in Part 3.0*);
- Ensuring our codes of conduct, especially the roles associated with junior squash, are educated, promoted, enforced and reviewed;

- Providing procedures for raising concerns or complaints (Squash Waikato has established a complaints procedure is outlined in Part 2.0 Complaints of this policy);
- Providing education and/or information to those involved in our sport on child abuse, child endangerment and child protection:
- Squash Waikato requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the local police or the ministry of social development and the designated contact person of the organization responsible (MRO or President/CEO). Descriptions of the sorts of activity, which may be abuse, are in Section 1.8 definitions.
- All allegations of child abuse will be quickly and appropriately dealt with in an impartial, sensitive, fair, timely and confidential manner. A person will not be victimized for reporting an allegation of child abuse and the privacy of all persons concerned will be respected in accordance to the Privacy Act 1993.
- If anyone covered by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the local police or the ministry of social development

1.6.2. Anti-discrimination & Harassment

Squash Waikato aims to foster and encourage an environment where all those involved in its activities are treated with respect, dignity and without harassment or discrimination.

Squash Waikato recognizes that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, sexuality, gender identity, religion or political belief.

Squash Waikato is against all forms of discrimination, harassment and bullying. This includes treating or proposing to treat someone differently because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behavior that is offensive, abusive, threatening, intimidating, or belittling. This could be done face-to-face or through communication technologies such as mobile phone and computers.

Some forms of harassment, discrimination and bullying, based on personal characteristics such as those listed in Section 1.8 definitions, are against the Human Rights Act 1993.

If any person feels they are being harassed or discriminated against by another person or organization bound by this policy, please refer to our complaints procedure outlined in Part 2.0 Complaints of this policy. This will explain what to do about the behavior and how the relevant organization or Squash Waikato will deal with the problem.

1.6.3. Gender Identity

Squash Waikato is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. Squash Waikato expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Squash Waikato recognizes that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Squash Waikato will facilitate transgender or transsexual persons participating in our sport in the sex with which they identify.

Squash Waikato also recognizes there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. Squash Waikato is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual person intends competing at a graded level in the Waikato, Squash Waikato will assist with the understanding of the set requirements.

Gender transition before puberty

- Individuals undergoing gender transition from male to female before puberty should and will be regarded as girl and/or women.
- Individuals undergoing gender transition from female to male before puberty should and will be regarded as boys and/or men.

Gender transition after puberty

Individuals undergoing gender transition from male to female or female to male after puberty are eligible for participation in their transitioned genders sport under the following conditions:

- Surgical anatomical changes have been completed, including external genitalia changes and removal of the testes or ovaries.
- Eligibility should begin no sooner than 2 years after removal of testes or ovaries.
- Hormone therapy having been administered by a qualified medical professional for an appropriate amount of time to minimize gender identified advantages in competition. Minimum of 5 years and hormone levels are at "Normal" levels when tested over a measurable time.
- Legal recognition of their re-assigned gender has been granted and accepted by the official authorities. (Legal Name Change)

- Squash Waikato may on occasion deal with the questioning of a player's gender and their eligibility to play. Squash Waikato will perform a discrete and confidential investigation if warranted. The privacy of the individual being investigated will be paramount. All findings will be confidential between Squash Waikato and the investigated party.
- If Squash Waikato incurs any expense in the testing of questioned players, the cost will be charged to the individual or individuals who bring the complaint forward.

Squash Waikato notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a Prohibited Substance or Method, as described on the Squash New Zealand Prohibited List, should provide a Therapeutic Use notice from their treating physician.

Descriptions of some of the types of behavior which could be regarded as transgender or transsexual discrimination or harassment are provided in Section 1.8 of this policy.

If any person feels they are being harassed or discriminated against by another person or organization bound by this policy, please refer to our complaints procedure outlined in Part 2.0 of this policy. This will explain what to do about the behavior and how Squash Waikato will deal with the problem.

1.6.4. Pregnancy

Squash Waikato is dedicated to providing an inclusive environment for pregnant women involved in squash and its activities. Squash Waikato expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove all unreasonable barriers to participation in our sport which may put them at a disadvantage.

Squash and many other sporting activities are safe for women to participate in while they are pregnant. Some women may be at risk during pregnancy and those risks will depend on the nature of the particular sport, the level of activity and the particular pregnant woman's circumstances.

We encourage all pregnant women to consult with their qualified medical professional and make themselves aware of the facts about pregnancy in sport. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children.

We will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant. Descriptions of some of the types of behavior which could be regarded as pregnancy discrimination or harassment are provided in Part 1.8 Definitions.

If any person feels they are being harassed or discriminated against by another person or organization bound by this policy, please refer to our complaints procedure outlined in Part 2.0 of this policy. This will explain what to do about the behavior and how Squash Waikato will deal with the problem.

1.7. *What is a Breach of this Policy?*

This policy has been breached when any affiliated organization or member to which this policy applies, is found to have:

- Violated sections of this policy;
- brought the sport and or Squash Waikato into disrepute;
- failed to follow Squash Waikato regulations, policies and procedures for the protection, safety and welfare of children;
- appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- discriminating against, harassing or bullying (inc cyber bullying) any person;
- retaliated towards or victimized anybody for reporting a complaint;
- made a complaint they knew to be untrue, malicious or improper;
- failed to comply with a penalty imposed after it has been ruled that the individual or organization has breached this policy;
- failing to comply with a direction given to the individual or organization during the discipline process.

1.1 *Definitions*

These Definitions set out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behavior include bullying, humiliation, verbal abuse and insults.

Affiliated club means those clubs or organizations (howsoever described), which are a member of or affiliated to a member association.

CEO means the CEO of an organization, howsoever described (may include the Executive Officer, General Manager or other similar title).

Child means a person who is under the age of 16 years

Child abuse relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. For more information on Child Abuse visit the Ministry of Social Developments website. www.msd.govt.nz

Complaint means a complaint made under Section 2.0 Complaints, of this policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat a person less favorably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Family/caregiver status;
- Gender identity/transgender status;

- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Marital status;
- Physical features;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;

Most forms of discrimination is not permitted in the areas of employment (including volunteer and unpaid employment); and are covered under the Employment Relations Act 2000 and the Human Rights Act 1993.

Discrimination may be direct or indirect.

Direct discrimination is treating, or proposing to treat someone less favorably because of a characteristic (such as race, sex, age, etc) than you would someone else in the same or similar circumstances.

Indirect discrimination is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

Examples of Discrimination: (Note his or her used interchangeably)

Age: A club refuses to allow an older person to coach a team simply because of their age.

Breastfeeding: A member of the club who is breastfeeding her baby in the club rooms is asked to leave.

Disability: A junior player is overlooked because of her mild epilepsy.

Family responsibilities: A club decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

Gender Identity: A transgender contract worker is harassed when employees refuse to call her by her female name.

Homosexuality: An athlete is ostracized from her team after she tells a team mate that she is a lesbian.

Marital Status: A player is deliberately excluded from team activities and social functions because she is single.

Pregnancy: A woman is dropped from her squad when she becomes pregnant.

Race: A referee is not permitted to referee players from one team because of his race.

Sex: Specialist coaching is only offered to male players in a mixed team or visa versa.

Harassment is any type of behavior that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behavior is unwelcome and of a type that a reasonable person would recognize as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Junior means a person 19 years and under who is participating in a Squash activity in the Waikato or under control of Squash Waikato in New Zealand or overseas.

Police check means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

Policy and this policy mean this Members Rights and Responsibilities Policy.

Respondent means the person who is being complained about.

Sexual harassment means unwanted, unwelcome or uninvited behavior of a sexual nature, which makes a person, feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behavior that creates a sexually hostile environment. Sexual harassment is not behavior based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to:

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

Transgender is a general term applied to individuals and behaviors that differ from the gender role commonly, but not always, assigned at birth. It does not imply any specific form of sexual orientation.

Victimization means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

Vilification involves a person or organization doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young People/Person means people in the 13 – 18 year age group.

PART 2.0 – Complaints, Suspension or Termination of Membership.

(As stated in Section 7 Rules 7.1 to 7.4 of Squash Waikato Constitution)

2.1. Who can complain?

ANY Member or Member Club may make a formal complaint in writing to the Board relating to the conduct and behavior of any other Member or to any breach of these Rules or of the Rules of Squash or the Rules and Regulations of Squash New Zealand Incorporated by any member, and unless the Board considers the complaint to be trivial, frivolous or malicious, it shall deal with the complaint under Rule 2.3 (7.3).

2.2. Board rights in dealing with Complaints.

THE Board of Management may on its own motion deal with any matter/s which have been the subject of a written complaint under Rule 2.1 (7.1) even though the written complaint has not been made, and the Board may furthermore on its own motion deal with any infringement, breach or non compliance with these rules by any member Club as if such infringement, breach or non compliance was the subject of a written complaint.

2.3. Process for dealing with complaints.

When considering a complaint under Rule 2.1 (7.1) the Board shall adopt such disciplinary procedures as it determines to be appropriate. If the conduct of any member of the Association, whether as a member of a Club or otherwise, has adversely affected or might adversely affect the reputation, good name or welfare of the Association, or a member breached these Rules or any regulations or Rules of Squash or a bylaw made by the Board under the powers given to it under these Rules, the Board shall advise the member of details of any alleged conduct or breach and shall consider the alleged conduct or breach at a meeting, the time and place of which shall be also notified to the member in writing. If after considering all information and relevant matters put before it at that meeting the Board decides by a majority of its members present that the conduct has been shown on a balance of probability to be such as to have adversely affected be likely to adversely affect the reputation, good name or welfare of the Association or that the breach by its nature or repeated commission is sufficiently serious to merit serious penalty the Board may impose such penalty of censure, suspension or expulsion from the Association as it considers appropriate. The member shall be entitled to be present at the meeting together with any representative, counsel or solicitor as the member desires to have present to speak or make submissions on behalf of the member, and to bring witnesses to the alleged conduct or breach who shall be entitled to give to the Board such information as they may have about the alleged conduct or breach and may be questioned by the Board Members about these matters. A member who has made a complaint under Rule 2.1 (7.1) shall have the same rights.

2.4. Board special rule.

WHEN the Board exercises its powers under Rule 2.2 (7.2) it may appoint a special sub committee to consider and determine the matter in accordance with the procedures

under Rule 2.3 (7.3) and the Board shall have the same powers to present information and to call witnesses and be represented by one of its members and/or a Solicitor or counsel before the sub committee as are given to a complainant under these Rules.

.PART 3.0 – Screening and Vetting. Personal or Police

Squash Waikato and all affiliated organizations and clubs have a responsibility to meet a duty of care to its members, particularly young and/or vulnerable people. This means making every possible effort to ensure the safety of the club and its community.

1.1 Self Vetting

Self-vetting means volunteers may screen themselves out. Screening is a two-way process. There are ways for potential volunteers to screen themselves out if they think they are not right for the job, or the job is not right for them. For example, if people are made aware that a police check is part of the process before they begin (in advertising or on the application form), and they know that they have a criminal record; they can choose not to apply. By being specific with your advertising of volunteer positions, you enable people to screen themselves out without embarrassment on their part, or unnecessary extra work for you.

3.2 Police checks.

To do a police check, see the [NZ Police vetting service](http://www.police.govt.nz) (www.police.govt.nz). Volunteers must fill out a consent form in which they agree to disclose their information. Part 3.4 Consent to Disclosure of Information form.

3.3 Privacy and Confidentiality.

Your club must respect the confidentiality of potential volunteer or employee. All information obtained in the Vetting process must be destroyed upon end of service or termination of employment.

3.4

**CONSENT TO DISCLOSURE OF INFORMATION
(POLICE CHECK)**

Licensing & Vetting Service Centre
Office of the Commissioner
PO Box 3017
WELLINGTON

.....
(Surname) (First Names)

.....
(Maiden or any other names used)

Sex.....(M/F) Date and place of birth.....

Nationality..... Residential Address

Suburb City

NZ Drivers Licence number

I hereby consent to the disclosure by the New Zealand Police of any information they may have pursuant to this application, toClub

I understand that any record of criminal convictions I might have will automatically be concealed if I meet the eligibility criteria stipulated in Section 7 of the Criminal Records (Clean Slate) Act 2004.

Signed Date

COMMENTS OF THE NEW ZEALAND POLICE