



WESTERN AUSTRALIAN INSTITUTE *of* SPORT

Western Australian Institute of Sport

WAIS Athlete Code of Conduct Policy

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1. Introduction

The Western Australian Institute of Sport (WAIS) promotes the development of athletes in all aspects of elite sporting life to add to the sporting and cultural history of Western Australia (WA) and more generally, Australia. WAIS is justifiably proud of the history and reputation of producing outstanding athletes since its inception in 1984. The staff members of WAIS are dedicated to the development of athletes from a global perspective. The athletes of WAIS provide the most striking representation of the alliance forged between athletes and staff. Athletes act as leading ambassadors for the Institute. It is both the athletes' performance and behaviour by which WAIS is known.

Athletes from WAIS represent the Institute, WA, and at times Australia, during training and competition performances. This representation carries with it great opportunities and commensurate responsibilities and obligations. Ignorance of those responsibilities can damage the individual, the organisation and the team the athlete represents. Athletes who understand their responsibilities and obligations are likely to contribute in a manner positive to their own personal reputation and that of WAIS.

This Code of Conduct (Code) has been prepared to provide a clear framework for WAIS athletes within which to act responsibly and with honesty and dignity in the pursuit of athletic excellence. The Code demands high standards of WAIS athletes. The Code provides sanctions for unacceptable behaviours and attitudes. The Code provides a means where concerns about the conduct of athletes can be addressed. Any person may make a written complaint about any athlete's behaviour. The standards are expressed, in some instances, in general terms in order that they can be applied to athletes engaged in a variety of sports.

In this Code, "athlete" represents an individual or squad member duly appointed with a WAIS scholarship and/or membership to a WAIS program. The governance of the Code will extend throughout the entirety of an athletes' appointment at WAIS as indicated by the athlete scholarship. When representation of other sports organisations occurs (i.e. Australian Olympic Committee, National Sporting Teams) it is the responsibility of the athlete to be aware of that organisations code of conduct (or ethical standards) and the Code and observe that which will afford the highest standard.

The Code is prepared in conjunction with existing documentation and athletes are encouraged to be aware of details including the WAIS Athlete Agreement and the WAIS Anti-Doping policy.

The material in this code of conduct is based in part on previously developed guidelines by: the WAIS Board Members Code of Conduct, the WAIS Code of Conduct for Sport Coaches, the Code of Conduct for Travelling on Queensland Transport, and the Australian Psychological Society College of Sport Psychology Ethics Statement. The ethical codes of a large number of sporting organisations (i.e. both professional and amateur) and organisations from outside the sporting sector were examined in the preparation of this document.

2. Guiding Principles for Elite Athlete Conduct

WAIS as outlined in its organisational guiding principle, *Community Values*, is committed to ensuring our athletes enhance the community they live within and are supported by. Athletes are in a position of great opportunity and responsibility where performances during training and competition will affect the reputation and success of WAIS (sporting and otherwise). The *values of WAIS* place an expectation on athletes to ensure their behaviour is *excellent* and at the same time respectful to the dignity of *people*. The four key principles below provide the framework of the Code.

Athletes will:

Principle 1: Pursue Athletic Excellence and Development with Pride and Sportsmanship.

- Obey the officials, rules, and spirit of the rules for one's chosen sport.
- Treat team members and opponents with respect.
- Perform and react with dignity regarding decisions of officials. When appropriate, and with due respect, follow the appropriate avenues for appeal.
- Comply with the WAIS Anti-Doping Policy.
- Recognise the importance of partnerships between WAIS and other sporting organisations (i.e. National Sporting Associations, State Sporting Associations). Athletes should seek to positively participate in the building and maintenance of partnerships by the quality of their interactions with WAIS partners.
- Compete fiercely with a characteristic of humility in the face of all outcomes.

Principle 2: Treat People with Respect

- Maintain respect for oneself as this will form a strong basis for respecting others.
- Observe, and learn, that respect for others changes according to cultural and contextual boundaries.
- Treat people involved in sport with courtesy, respect, and proper regard for their rights and reputation.
- Work cooperatively with fellow athletes, coaches, staff, sponsors, and key stakeholders and supporters of WAIS.

Principle 3: Relate to Staff and Use the Sporting Facilities and Equipment with the Highest Consideration

- Accept that the staff, facilities, and equipment of WAIS are provided to a significant degree at the expense of the public purse and through private sector sponsorship. The resources of the Government (State and Federal) are provided to support public interest and as such it is this interest that must be regarded. The private sector supports WAIS and in doing so extends their public reputation. Consequently, athletes are not only ambassadors for WAIS, but also the sponsors who support WAIS.
- Take care of WAIS facilities and equipment to ensure their use is with the highest regard for safety of one-self, others, the facility and equipment.
- Use the WAIS facilities and equipment with diligence to ensure other WAIS athletes have the same level of access to resources that support their sporting goals.
- Avoid wasteful and misuse of financial resources that are made available through the WAIS sport programs, scholarship and direct athlete support schemes.

Principle 4: Understand and Observe the Expectations of being a Community Role Model

- Promote the integrity of WAIS during training, competition and public engagements.
- Exhibit the highest standards of behaviour at WAIS functions or whenever representing WAIS
- Conduct one-self in a manner beneficial to WAIS and in a way that brings credit to WAIS.
- Recognise and act in a manner responsible for safeguarding the reputation (performance and otherwise) of WAIS in the perception of all people’s and organisations external to WAIS.
- Take reasonable care when travelling and wearing WAIS apparel to ensure the highest reputation is upheld.
- Behave in a respectful manner in one’s private life. At all times consider the required discretion and make judgements in all regards to ensure your sport, WAIS, staff, sponsors, key stakeholders, and supporters of WAIS are not undermined and/or brought into disrepute by one’s actions.

3. Examples of Acceptable and Unacceptable Behaviour

The illustrations outlined in this section are not exhaustive, and the fact that a conduct is not addressed by these examples does not indicate that WAIS endorses it as either complying with or contravening the Code. These examples are offered as an illustration of the Code in practise. It is strongly encouraged that the individual always aspires to the highest possible standards of conduct.

BEHAVIOUR	EXAMPLES OF HOW TO MEET THE CODE
<p>Principle 1 Pursue excellence with pride and sportsmanship</p>	<p>Athletes must:</p> <ul style="list-style-type: none"> • Attend and comply with drugs in sport seminars. • Give acknowledgement and encouragement for the performance of other competitors. • Work cooperatively with the National Sporting Organisations appointed coaching and administration staff as they lead and manage your chosen sport. <p>Athletes must avoid:</p> <ul style="list-style-type: none"> • Inappropriate and/or excessive complaints to umpires and/or officials during the entire competition and selection phase. • Behaving in excessively haughty and arrogant ways towards other competitors and/or spectators.

BEHAVIOUR	EXAMPLES OF HOW TO MEET THE CODE
<p>Principle 2 Treat people with respect</p>	<p>Athletes must:</p> <ul style="list-style-type: none"> • When requested by members external to WAIS always seek to provide a positive and encouraging public comment on WAIS, the staff, and the organisation more generally. • When engaging in social events maintain a high level of discretion and good judgement in regards to the use of alcohol and other drugs. <p>Athletes must avoid:</p> <ul style="list-style-type: none"> • Behaving in a manner that becomes unlawful, creates a public nuisance, and/or public disturbance. • Non-compliance with the cultural norms and expectations of others.
<p>Principle 3 Relate to staff and use the facilities and equipment with the highest consideration</p>	<p>Athletes must:</p> <ul style="list-style-type: none"> • Comply with the expected behaviours (e.g. use of footwear, use of equipment) and directions provided by the staff. • Be congruent and transparent in the use of scholarship and other financial resources which have been provided to support involvement and development of elite sport activities. • Consult with staff of WAIS regarding, and working towards, the attainment of athletic excellence and your highest potential.
<p>Principle 4 Understand and observe the expectations of being a role model</p>	<p>Athletes must:</p> <ul style="list-style-type: none"> • Abide by both the rules and the spirit of their sport. • Be prepared to behave in a positive light when travelling to and from competitions when representing WAIS. • Exhibit the highest standards of behaviour at WAIS functions or whenever representing WAIS. <p>Athletes must avoid:</p> <ul style="list-style-type: none"> • The intentional, or unintentional, display of excessive dissent with the decisions made by officials. • The engagement in, and/or exposure of, damaging private behaviour that has the capacity to detract from the reputation of WAIS as an elite sport organisation.

4. Categories of Breaches of the Code

To promote consistency in responding to breaches of the Code, breaches have been divided into three categories of behaviour.

Level One - Nuisance Behaviour

This includes behaviours that are irritating, unpleasant but not physically dangerous or likely to cause significant damage to the reputation of WAIS. Additionally, when considering the incidents this category will reflect those behaviours that appear to have an unintentional aspect. Examples include, but are not limited to the following:

- Rude behaviour when travelling with a WAIS squad on a bus from the competition venue.
- Excessive and inappropriate complaints towards others while training.
- Inappropriate use of training facilities where behaviour will disrupt the training opportunities of other athletes.

Level Two - Offensive Behaviour

This includes behaviours where there may be some physical danger to individuals or property and/or where the behaviour is likely to lead to some damage of the reputation of WAIS. Offensive behaviours may also reflect repeat incidents of nuisance behaviours, which in spite of attempts to highlight and make changes, the athlete continues to behave in a manner that breaches the Code. The behaviours in this category will include those that appear to have a negligent aspect. Examples include, but are not limited to the following:

- Damage caused to accommodation that requires the accommodation management to intervene and notify WAIS.
- Deliberate marking or damaging WAIS property/equipment such that the intended use of that property/equipment is significantly reduced.

Level Three - Serious Misconduct

This includes behaviours that may be dangerous to individuals or property and are highly likely to lead to significant damage of the reputation of WAIS. The behaviours in this category will include those that appear to have a reckless and/or intentional aspect. Examples include, but are not limited to the following:

- Any behaviour that is found to be harassment or discriminates unfairly against any other person.
- Wilfully participating in any behaviour, which is by law illegal whilst representing WAIS.
- Any wilful act such as destruction/obstruction/interference in an activity sponsored and or conducted by WAIS.
- Excessive use of alcohol and/or other drugs that leads to behaviour that is deemed unlawful and is made public through various mediums.

5. Procedures For Responding To A Breach Of The Code

The procedures for responding to breaches of the Code provide a framework. WAIS and the athlete should use this framework to manage the case of inappropriate behaviour as governed by the Code. The following general comments are made in relation to these procedures:

- The rules of evidence do not apply to these investigations.
- Investigation of complaints is not a process of Australian Law.
- Where investigation of an alleged breach is of a serious nature (level 3 breaches and some level 2 breaches), the athlete shall have the opportunity to have legal representative if he/she so desires, the athlete shall notify the investigative panel of the legal representation at least seven days prior to the hearing commencing.
- Where an athlete elects to have legal representation, the investigative panel shall have the discretion to also be represented.
- Where permission is given to lodge an appeal, the determination of the panel shall be final.

A breach is defined as any behaviour which, when reviewed by WAIS, is deemed to have contravened any clause contained within the Code. In the application of the Code, there will be three levels of a breach ranging from minor (i.e. Nuisance behaviour) to intermediate (i.e. Offensive behaviour), to major (i.e. Serious misconduct). The differentiation between levels will determine the processes that will be commenced and give some indication as to the severity of sanctions.

Specific factors to consider as part of determining the appropriate response to an alleged breach of the Code include:

- The nature of the behaviour and the level of incident.
- The impact of the behaviour on the well being of the athlete and those affected by the behaviour.
- The extent to which the incident will threaten the reputation of WAIS.
- The level of disruption to staff members and/or use of the facility and equipment of WAIS.
- The competition, training, and natural age of the elite athlete.
- Historical and personal characteristics of the elite athlete and the incident.
- Whether the alleged behaviour was a first or one of a series of repeated incidents where a pattern appears to emerge to describe the motives of the elite athlete.

6. Process For Investigating Complaints

Where WAIS receives information that an athlete may have committed a breach of the Code, the Program Manager in conjunction with any other WAIS staff will investigate the matter. The Program Manager may consult affected/interested parties about their participation in any investigation. In consultation with the Program Head Coach, Executive Director, and any other senior staff, the Program Manager will determine the severity of the breach and commence the process as outlined following.

The Program Manager will commence a process in accordance with specific procedures if the Program Manager

- receives a formal complaint or reasonably believes that an athlete may have committed a breach of the Code, OR
- receives a notice from a National Sporting Organisation (NSO) or State Sporting Organisation (SSO) of a breach of the WAIS Code or that body's Code,

The Program Manager will send the athlete a notice (infraction notice) via registered mail with a confirmation receipt which:

- notifies the athlete of the alleged breach of the Code and the basis of such allegations
- clearly stipulates the level and implied seriousness by which WAIS views the breach
- outlines the process for investigating the matter
- advises the athlete when and where the matter shall be heard and allows the athlete at least 14 days notice before hearing the matter
- advises the athlete that, should they fail to attend the hearing or to make alternative arrangements within 3 days of receiving the notice, a Athlete Code of Conduct panel may hear the matter in absentia or alternatively, WAIS may apply a sanction in accordance with clauses 6.2, 6.4, or 6.6.
- encloses a copy of the Code.

6.1 Level 1 Breach - Nuisance Behaviour

6.1.1 The Program Manager prepares documentation including:

- a report of the alleged breach
- a letter of advice to the athlete outlining the alleged breach and proposed time to hear the matter
- a copy of relevant information to be forwarded to the Head Coach (or appropriate athlete coach).

6.1.2 The athlete, together with a support person (other than a legal representative), the Head Coach and the Program Manager agree to meet and complete the disciplinary meeting no less than 14 days from the athlete receiving notice of the breach (unless the athlete elects to waive this period). The disciplinary meeting will explore the incident. The meeting environment will encourage the athlete to express their opinion of the incident and the ramifications for WAIS and themselves personally.

6.1.3 The Program Manager and the Head Coach review the disciplinary meeting and reach agreement on the proposed sanctions and interventions.

6.1.4 The Program Manager communicates the outcome of the disciplinary meeting to the athlete.

6.1.5 The Program Manager collates a copy of the investigation, which reflects the main points covered in the process and files a copy, signed by all parties, in the athlete's personal file.

6.2 Sanctions For Level 1 Breaches

Where the Program Manager and the Head Coach determine the athlete is guilty of a level one breach of the Code they will recommend one or more of the following sanctions:

- Dismiss the meeting with an oral reprimand and no further action
- Issue the athlete with a first and final written warning
- Suspend access to scholarship for a specified period
- Except for counselling purposes, ban the athlete from using the WAIS facilities and services for not longer than a specified period
- Order the athlete to undergo counselling for a specified period.

6.3 Level 2 Breach – Offensive Behaviour

6.3.1 Program Manager prepares documentation including:

- a report of the breach
- a letter of advice to the athlete outlining the alleged breach and proposed time to hear the matter
- a copy of relevant information to be forwarded to the Head Coach, Staff Psychologist and Executive Director.

6.3.2 The athlete with a support person, other than a legal representative (unless the panel approves otherwise), the Head Coach, the Program Manager, the staff Psychologist and if requested an independent consultant with pertinent expertise in the area, agree to complete the disciplinary hearing no less than 14 days from the athlete receiving notice of the alleged breach. The disciplinary hearing will explore the incident and attempt to identify the antecedents, motivations and underlying factors maintaining the potentially unacceptable behaviour. The disciplinary hearing environment will encourage the athlete to express their opinion of the incident and the ramifications for WAIS and themselves personally.

6.3.3 The group who convened the disciplinary hearing will prepare a report of the hearing and forward this to the Executive Director with recommendations for proposed sanctions and interventions.

6.3.4 After reviewing the report, the Executive Director will communicate their approval for the proposed sanctions or offer an alternative.

6.3.5 The Program Manager, in writing, will confirm the sanctions to the athlete.

6.3.6 The Program Manger collates a copy of the investigation, which reflects the main points covered in the process and files a copy, signed by all parties, in the athlete's personal file

6.4 Sanctions For Level 2 Breaches

Where the group from a disciplinary hearing determine the athlete is guilty of a level two breach of the Code they may recommend any of the level one sanctions and/or any one or more of the following:

- The athlete to have their WAIS scholarship terminated and made ineligible for a future WAIS scholarship
- The athlete have their WAIS awards withdrawn
- Apply any other appropriate sanction

6.5 Level 3 Breach – Serious Misconduct

6.5.1 The Program Manager prepares the documentation including:

- a report of the breach
- a letter of advice to the athlete outlining the alleged breach and proposed time to hear the matter
- a copy of relevant information to be forwarded to the Head Coach and members of the Code of Conduct panel

6.5.2 The Code of Conduct panel members shall consist of any of the following:

- a Senior member of WAIS staff
- External consultants deemed to have pertinent expertise in the area of athlete behaviour
- External consultants who have expertise in an area related to the incident,
- Any other person that the Program Manger believes will assist in the conduct of the disciplinary hearing
- The Program Head Coach
- The Program Manager

6.5.3 The Code of Conduct panel will conform with the following two criteria:

- Will have a minimum of two and will not exceed five members, one of whom shall be a person independent of WAIS.
- No person implicated in misconduct to be involved in the Code of Conduct panel and review of the potential breach other than to provide evidence pertaining to the incident.

6.5.4 The Code of Conduct panel will conduct the hearing with adherence to the following guidelines:

- Will conduct the hearing in such a manner as the panel determines to be appropriate in the circumstances
- Will conduct the hearing in a timely manner with as little formality as is possible in the circumstances
- May conduct the hearing by telephone or other conference facilities as deemed appropriate
- May examine and cross examine witnesses
- May be legally represented if the athlete is to be so represented
- Will allow the athlete alleged to have committed the breach the opportunity to:
 - a. Present oral and written submissions to the Code of Conduct panel;
 - b. Examine and cross examine witnesses;
 - c. Be accompanied by a legal representative and/or other support person;
 - d. Call any witnesses necessary for their defence;
 - e. Be present throughout the hearing except when the Code of Conduct panel retire to consider their decision.

6.5.5 Within 14 days of the hearing, the Code of Conduct panel will forward to the Executive Director a written statement of:

- Their findings and
- The recommended sanctions which should be imposed.

6.5.6 Within 14 days of receiving the report of the Code of Conduct panel, the Executive Director will approve the sanctions recommended or otherwise offer an alternative.

Where an alternative is proposed, the Code of Conduct panel is to reconvene to determine the information provided by the Executive Director.

Where a matter is returned to the investigative panel for further review, the investigative panel's decision shall be final.

6.6 Sanctions For Level 3 Breaches

Where the Code of Conduct panel determines the athlete is guilty of a level three breach of the Code they may recommend any of the level one and two sanctions and/or one or more of any of the following sanctions:

- The athlete is banned from selection to represent WAIS for a specific period of which can include a permanent ban.
- Be made ineligible to receive the direct or indirect (including financial and non financial) assistance from WAIS for a specified period, which may be permanent.
- Except for counselling purposes, be permanently banned from using the facilities and services of WAIS.
- Have their WAIS awards withdrawn permanently.
- Be ordered to repay financial assistance given to the athlete from the date of the breach of the Code.
- Apply any other appropriate sanction.

7. Repeat Breaches Of The Code

Where a breach is deemed to be of the same severity but is committed within 12 months of the previous breach the sanctions available for the subsequent breach will be those available in the subsequent category. For example, where a complaint of a second level 1 breach is received within 12 months, this will permit the investigation panel to impose one or any of the sanctions in level 1 and level 2.

8. Right Of Appeal

An athlete found guilty of a serious breach shall have the right to appeal in writing to the investigate committee within 14 days of being notified of the panel's decision.

Grounds for appeal shall be limited to due process errors.

Where permission is given to hear an appeal a new Code of Conduct panel shall be appointed, where the panel shall consist of at least three members, one of whom shall be independent of WAIS and two of whom shall be different from the members who heard the breach at first instance.