



south west  
academy  
of sport

## Athlete Code of Conduct Policy

**Owner:** SWAS

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**Version:** 2.0

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**Approved by:** SWAS CEO

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# 1. Introduction

The South West Academy of Sport (SWAS) promotes the development of young athletes in all aspects of sporting life in preparation for being able to compete at higher levels and hopefully progress to elite competition at State, National and International level. The Board and Staff of SWAS are dedicated to providing this opportunity for athletes in the South West region of Western Australia.

The athletes of SWAS provide the most striking representation of the alliance forged between athletes and staff. Athletes act as leading ambassadors for the Academy. It is both the athletes performance and behaviour by which SWAS will be known.

Athletes from SWAS will represent the South West region, WA, and hopefully 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 SWAS.

This Code of Conduct (Code) has been prepared to provide a clear framework for SWAS athletes within which to act responsibly and with honesty and dignity in the pursuit of athletic excellence. The Code demands high standards of SWAS 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 SWAS support funding and/or membership to a SWAS Partner Sports Program. The governance of the Code will extend throughout the entirety of an athletes appointment at SWAS as indicated by the athlete agreement. When representation of other sports organisations occurs 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 SWAS Athlete Agreement and the SWAS Anti-Doping policy.

The material in this code of conduct is based in part on previously developed guidelines and ethical codes of a large number of sporting (i.e. both professional and amateur) and non-sporting organisations that were examined in the preparation of this document.

## 2. Guiding Principles for Elite Athlete Conduct

SWAS is committed to ensuring its athletes enhance the community they live within and are supported by SWAS to do so. Athletes are in a position of great opportunity and responsibility where performances during training and competition will affect the reputation and success of SWAS (sporting and otherwise). The *values of SWAS* 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 behave in accordance with the following 4 principals:

### **Pursue Athletic Excellence and Development with Pride and Sportsmanship.**

- Obey the officials, rules, and spirit of the rules for ones 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 SWAS Anti-Doping Policy.
- Recognise the importance of partnerships between SWAS 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 SWAS partners.
- Compete fiercely with a characteristic of humility in the face of all outcomes.

### **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 SWAS.

### **Relate to Staff and Use the Sporting Facilities and Equipment with the Highest Consideration**

- Accept that the staff, facilities, and equipment of SWAS are provided to a significant degree at the expense of the public purse and through private sector sponsorship. The resources of the Government (State) are provided to support public interest and as such it is this interest that must be regarded. The private sector supports SWAS and in doing

so extends their public reputation. Consequently, athletes are not only ambassadors for SWAS, but also the sponsors who support SWAS.

- Take care of SWAS facilities and equipment to ensure their use is with the highest regard for safety of one-self, others, the facility and equipment.
- Use the SWAS facilities and equipment with diligence to ensure other SWAS 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 SWAS sport programs, funding and direct athlete support schemes.

### **Understand and Observe the Expectations of being a Community Role Model**

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

PRINCIPAL	EXAMPLES OF HOW TO MEET THE CODE
Pursue excellence with pride and sportsmanship	<p>Athletes must:</p> <ul style="list-style-type: none"> <li>• Attend and comply with drugs in sport seminars.</li> <li>• Give acknowledgement and encouragement for the performance of other competitors.</li> <li>• Work cooperatively with the SWAS &amp; State Sporting Organisations appointed coaching and administration staff as they lead and manage your chosen sport.</li> </ul> <p>Athletes must avoid:</p> <ul style="list-style-type: none"> <li>• Inappropriate and/or excessive complaints to umpires and/or officials during the entire competition and selection phase.</li> <li>• Behaving in excessively haughty and arrogant ways towards other competitors and/or spectators.</li> </ul>
Treat people with respect	<p>Athletes must:</p> <ul style="list-style-type: none"> <li>• When requested by members external to SWAS always seek to provide a positive and encouraging public comment on SWAS, the staff, and the organisation more generally.</li> <li>• When engaging in social events maintain a high level of discretion and good judgement in regards to the use of alcohol and other drugs.</li> </ul> <p>Athletes must avoid:</p> <ul style="list-style-type: none"> <li>• Behaving in a manner that becomes unlawful, creates a public nuisance, and/or public disturbance.</li> <li>• Non-compliance with the cultural norms and expectations of others.</li> </ul>
Relate to staff and use the facilities and equipment with the highest consideration	<p>Athletes must:</p> <ul style="list-style-type: none"> <li>• Comply with the expected behaviours (e.g. use of footwear, use of equipment) and directions provided by the staff.</li> <li>• Be congruent and transparent in the use of funding and other financial resources which have been provided to support involvement and development of elite sport activities.</li> <li>• Consult with staff of SWAS regarding, and working towards, the attainment of athletic excellence and their highest potential.</li> </ul>
Understand and observe the expectations of being a role model	<p>Athletes must:</p> <ul style="list-style-type: none"> <li>• Abide by both the rules and the spirit of their sport.</li> <li>• Be prepared to behave in a positive light when travelling to and from competitions when representing SWAS.</li> <li>• Exhibit the highest standards of behaviour at SWAS functions or whenever representing SWAS</li> </ul> <p>Athletes must avoid:</p> <ul style="list-style-type: none"> <li>• The intentional, or unintentional, display of excessive dissent with the decisions made by officials</li> <li>• The engagement in, and/or exposure of, damaging private behaviour that has the capacity to detract from the reputation of SWAS as an elite sports organisation.</li> </ul>

## **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 SWAS. 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 SWAS 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 SWAS. 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 SWAS.
- Deliberate marking or damaging SWAS 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 SWAS. 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 SWAS.
- Any wilful act such as destruction/obstruction/interference in an activity sponsored and or conducted by SWAS.
- 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. SWAS 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 SWAS, 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 then behaviour.
- The extent to which the incident will threaten the reputation of SWAS.
- The level of disruption to staff members and/or use of the facility and equipment of SWAS.
- The competition, training, and natural age of the athlete.
- Historical and personal characteristics of the 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 athlete.



## 6. Process For Investigating Complaints

Where SWAS receives information that an athlete may have committed a breach of the Code, the CEO in conjunction with any other SWAS staff will investigate the matter. The CEO may consult affected/interested parties about their participation in any investigation. In consultation with the CEO and any SWAS Board Members, the SWAS CEO will determine the severity of the breach and commence the process as outlined following.

The CEO will commence a process in accordance with specific procedures:

- 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) State Sporting Organisation (SSO) or a Regional Sports Organisation (RSO) of a breach of the SWAS Code or that body's Code,

The CEO 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 SWAS 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, SWAS 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 CEO 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 CEO 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 SWAS and themselves personally.

- 6.1.3 The CEO and the Head Coach review the disciplinary meeting and reach agreement on the proposed sanctions and interventions.
- 6.1.4 The CEO communicates the outcome of the disciplinary meeting to the athlete.
- 6.1.5 The CEO 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 CEO 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 funding for a specified period
- Except for counselling purposes, ban the athlete from using the SWAS 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 The CEO 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 CEO.
- 6.3.2 The athlete with a support person, other than a legal representative (unless the panel approves otherwise), the CEO 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 SWAS 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 CEO with recommendations for proposed sanctions and interventions.
- 6.3.4 After reviewing the report, the CEO will communicate their approval for the proposed sanctions or offer an alternative.
- 6.3.5 The CEO, in writing, will confirm the sanctions to the athlete.
- 6.3.6 The CEO 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 SWAS funding terminated and made ineligible for a future SWAS funding
- The athlete have their SWAS awards withdrawn
- Apply any other appropriate sanction

## **6.5 Level 3 Breach - Serious Misconduct**

6.5.1 The CEO 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 CEO 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 SWAS 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 CEO believes will assist in the conduct of the disciplinary hearing
- The CEO

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 SWAS.
- 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 CEO 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 CEO 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 CEO.

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 SWAS 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 SWAS for a specified period, which may be permanent.
- Except for counselling purposes, be permanently banned from using the facilities and services of SWAS.
- Have their SWAS 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 if 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 SWAS and two of whom shall be different from the members who heard the breach at first instance.

I realise that if I breach of the Athlete Code of Conduct, it is very likely that I will face expulsion from the South West Academy of Sport. If I am expelled I will accept that I am at fault and I agree to not appeal to SWAS through the legal system.

In the event that I forget any contents of the Code of Conduct, I will re-familiarise myself with the Code and will seek clarification for any areas in which I am uncertain of the meaning. I know that the staff of SWAS will be glad to clarify any terms and to assist me to ensure that I understand the conditions stated within this Code of Conduct.

**Athlete Name:** \_\_\_\_\_

Signature: \_\_\_\_\_ Date : \_\_\_\_\_

Parent/ILegal Guardian where an athlete is under 18 years at the date for signing this Agreement.

**Parent /Legal Guardian Name:** \_\_\_\_\_

Signature: \_\_\_\_\_ Date : \_\_\_\_\_

**Signed for and on behalf of SWAS Duly Authorised Officer:**

Signature: \_\_\_\_\_ Date : \_\_\_\_\_