

## NSWIS Athlete Code of Conduct

Policy endorsed by Board: 3<sup>rd</sup> March 2020

CEO: \_\_\_\_\_  
(signature)



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**Policy Author and  
Contact person for more information:**

Manager, People and Culture

**NOTE:** Any amendments to this document must be approved by the NSWIS Board. The current version of this document is available at: [www.nswis.com.au](http://www.nswis.com.au)

# NSWIS Athlete Code of Conduct



## Revision History

Date	Version	Reviewed by	Changes made
17 February 2020	Version 1.0	Kirsten Thomson	Drafted

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## Introduction

This Athlete Code of Conduct (**Code**) establishes the standards of behaviour required, by the New South Wales Institute of Sport (**NSWIS**), of each athlete (**Athlete**) who is a party, together with NSWIS, to a NSWIS Athlete Agreement or a NSWIS Training Agreement (each an **Agreement**).

The provisions of the Code may be amended, modified, repealed or replaced from time to time by a resolution of the NSWIS Board. This version of the Code may not be the current version. The current version of the Code is available at <http://www.nswis.com.au>

The overriding purpose of the Code is to ensure that Athletes abide by NSWIS's cultural values of leadership, integrity, excellence, passion and teamwork. NSWIS believes that developing a great culture is the responsibility of everyone at NSWIS; the NSWIS Athletes included. NSWIS's values are explained in the table below:

Value	Behaviours
Leadership	<p>We:</p> <ul style="list-style-type: none"> <li>• Ensure that Athletes are at the forefront of every decision we make;</li> <li>• Take responsibility for our decisions and actions;</li> <li>• Focus on efficient and effective use of resources;</li> <li>• Approach our roles with clarity and confidence.</li> </ul>
Integrity	<p>We:</p> <ul style="list-style-type: none"> <li>• Aspire to always do what is right;</li> <li>• Take a zero-tolerance approach to unethical behaviours;</li> <li>• Keep our people and visitors safe.</li> </ul>
Excellence	<p>We:</p> <ul style="list-style-type: none"> <li>• Take pride in our performance – we never settle, and we look to the future;</li> <li>• Earn trust by delivering the highest standards of service delivery;</li> <li>• Make the complex simple, and be innovative in our approach;</li> <li>• Have a genuine belief in our brand and our ability to deliver results;</li> <li>• Achieve results and celebrate our success.</li> </ul>
Passion	<p>We:</p> <ul style="list-style-type: none"> <li>• Are always learning and growing, and we strive to be better at what we do every day;</li> <li>• Are unwavering in our pursuit to provide world-class services to Athletes;</li> <li>• Challenge the status quo, and find a way to do things better.</li> </ul>
Teamwork	<p>We:</p> <ul style="list-style-type: none"> <li>• Welcome people from all walks of life to our organisation, to work and participate in elite sport;</li> <li>• Care about the wellbeing and development of our people;</li> <li>• Collaborate to achieve results and overcome challenges and trust each other to deliver.</li> </ul>

## Jurisdiction and Interpretation

### Jurisdiction

The Code applies to the fullest extent possible, to each Athlete who is a party to an Agreement.

Unless expressly stated to the contrary, this Code applies to Athletes' conduct and behaviours regardless as to whether or not that conduct, or that behaviour, is undertaken or happens in connection with the Athlete's sporting activities. The central rationale for this wide application of the Code is that the Athlete is a representative and ambassador of NSWIS, and the Athlete's behaviours and conduct can easily have an effect on NSWIS regardless as to whether or not that conduct happens in circumstances directly connected to NSWIS.

### Interpretation

In this Code, the following terms have the corresponding meanings:

**Abuse** means without limitation the use of crude or abusive language and gestures which are insulting, threatening or intimidatory.

**Adverse Public Comment** means any statement or comment, made by or on behalf of an Athlete in the public domain, which is or is likely to:

- a) Be detrimental to;
- b) Bring into disrepute or censure;
- c) Be inconsistent with;
- d) Be contrary to; or
- e) Be prejudicial to;

the person or organisation about which the statement or comment is made.

**Breach Notice** means a notice issued by the Chief Executive Officer to an Athlete pursuant to this Code, in relation to an alleged breach of the Code by the Athlete.

**Bullying** means any systemic unreasonable behaviour directed towards a person or group of people that may cause harm, including without limitation behaviour that a reasonable person would consider to be offensive, humiliating, threatening, insulting, demeaning or intimidatory.

**Bullying and Harassment Policy** means NSWIS's Bullying and Harassment Policy (howsoever titled or referenced) as amended from time to time, which is located at: [www.nswis.com.au](http://www.nswis.com.au)

**Chief Executive Officer** means the chief executive officer of NSWIS, from time to time.

**Child** means a person who is under the age of 18 years; **Children** has a corresponding meaning.

**Child Abuse** means physical, emotional or psychological harming of a Child or Children, whether in person, online, via the use of social media, via the use of any telecommunications or mobile communications device or otherwise, and includes without limitation:

- a) Derogatory behaviour;
- b) Bullying and harassment of a sexual nature;
- c) Non-accidental injury to a Child;
- d) Physical, emotional, psychological or sexual abuse including the grooming, forced or coerced involvement in sexual behaviour, verbal or physical conduct or gestures of a sexual nature; and

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- e) Insensitivity towards Children with cultural or religious differences.

**Coach** means any sporting coach and any other person who coaches or assists the Athlete in connection with the services provided by NSWIS under the terms of the Agreement.

**Discrimination** means where a person treats another person:

- a) less favourably on the grounds of the second person's race, sexuality, disability, marital status, religious beliefs, religion and religious activities or age;
- b) than the first person would treat a person in the same or similar circumstances without or in the absence of the race, sexuality, disability, marital status, religious beliefs, religion and religious activities or age.

**Harassment** means conduct, including one-off or single incidence conduct, that a reasonable person would consider to be offensive, humiliating, threatening, insulting, demeaning or intimidatory.

**Minor** means a person who is aged under 18 years.

**NSWIS Staff Member** means any employee, contractor or agent of NSWIS.

**Privacy Policy** means NSWIS's privacy policy (howsoever titled or referenced) as amended from time to time, which is located at: [www.nswis.com.au](http://www.nswis.com.au)

**Social Media** is a broad and dynamic collective term, that is a reference to applications or tools that enable the creation and exchange of content over the Internet, computer networks or other digital platforms. For the purposes of this Code, the term means and includes without limitation:

- a) Social networking pages (e.g. Facebook, Twitter, LinkedIn, IBM Connections);
- b) Video and photo sharing webpages or apps (e.g. YouTube, Instagram, Tik Tok, Flickr, Vimeo);
- c) Blogs and micro-blogging platforms (e.g. Tumblr, Twitter, WordPress, Blogger);
- d) Forums and discussion boards (e.g. Trove Forum, Yahoo! Groups, Google Groups);
- e) Live broadcasting apps (e.g. Periscope, Meerkat, Teams, Facebook LIVE);
- f) Review pages (e.g. Yelp, Urban Spoon);
- g) Vod and podcasting (e.g. iTunes, Stitcher, Sound cloud);
- h) Geo-spatial tagging (e.g. Foursquare, Yelp);
- i) Online encyclopedias (e.g. Wikipedia);
- j) Instant messaging (e.g. Skype, Snapchat, WhatsApp, Viber, Teams).

**Vilification** means the public act of inciting hatred, contempt or ridicule towards a person or group of people based on the person's/groups race, sexuality, disability, marital status, religious beliefs, religion and religious activities or age. However, for the avoidance of doubt "Vilification" does not include a public act done reasonably in the public interest.

## Meanings of "prohibited" and "required"

Further, the following provisions apply in the interpretation of this Code:

1. Where in this Code an Athlete is prohibited from doing something, the Athlete shall be taken to have failed to comply with that provision if the Athlete:
  - a) Does the thing that is prohibited;
  - b) Attempts to do the thing that is prohibited; or
  - c) Aids, abets, counsels or procures another person or organisation to do, or attempt to do the thing that is prohibited.

2. Where in this Code an Athlete is required to do something, the Athlete shall be taken to have failed to comply with that provision if the Athlete:
  - a) Fails to do the thing required;
  - b) Aids, abets, counsels, or procures another person or organisation to not do the thing that is required.

## Operative Provisions Relating to Conduct

### General Behaviours

1. No Athlete shall engage in any conduct which, whether publicly known, publicly disclosed or not:
  - a) Is detrimental to;
  - b) Brings, or would have the tendency to bring into disrepute or censure;
  - c) Is inconsistent with, or which has the tendency to be inconsistent with;
  - d) Is, or would be likely to be contrary to; or
  - e) Is prejudicial to;the best interests, image and values of NSWIS, NSWIS's sponsors and commercial partners, NSWIS's sport partners, the Athlete's sport, or the Athlete.
2. Athletes must:
  - a) Only engage in conduct which upholds the reputation, best interests and image of NSWIS;
  - b) Abide by the terms of any Agreement between the Athlete and NSWIS;
  - c) Abide by the terms of any rules, regulations and policies made by NSWIS which apply to the Athlete, either as a term of the Agreement or otherwise;
  - d) Always act in an ethical, honest and responsible manner;
  - e) Not make any improper use of any information acquired by reason of their involvement with NSWIS;
  - f) Always be accountable for their actions and decisions; and
  - g) As far as is practicable, always do all things reasonably necessary to promote the best interests, image and values of NSWIS, NSWIS's sponsors and commercial partners, NSWIS's sport partners and the Athlete's sport.
3. Athletes must not at any time be convicted of or charged with any serious criminal offence:
  - a) Involving violence;
  - b) Involving alcohol;
  - c) Involving illegal or illicit drugs or substances;
  - d) Constituting a sex offence;
  - e) Involving any gambling or wagering activities on sport; or
  - f) Which is punishable by imprisonment.

### Specific Behaviours

#### Abuse

4. No Athlete shall at any time:
  - a) Abuse any Coach, NSWIS Staff Member, any member of the media or any other person.
  - b) Engage or participate in the:
    - i) Discrimination;
    - ii) Harassment;

- iii) Bullying; or
- iv) Vilification;  
of any person.

Further and for the avoidance of any doubt, all Athletes are also bound by and must comply with the Bullying and Harassment Policy.

- c) By any act or omission engage in, participate in or be in any way involved in Child Abuse or any related behaviour or conduct.

## *Alcohol*

- 5. Athletes must, when representing NSWIS, conduct themselves in any public setting in a sober, courteous and professional manner.

## *Doping*

- 6. Athletes are bound by and must at all times act strictly in accordance with the applicable doping policies enacted and enforced by NSWIS, Athlete's sport and which otherwise apply by reason of the Athlete's participation in sport in Australia and elsewhere.

## *Gambling, Match-Fixing and Integrity*

- 7. Athletes must not at any time participate in, or be involved in any way in gambling or wagering in relation to the sport(s) in which the Athlete participates (whether in relation to the outcome of any result in that sport, its course, anything which happens in the course of the sport or the playing of the sport, or otherwise).
- 8. Athletes must not provide, either directly or indirectly, any information which is not in the public domain in relation to their sport(s) (whether in relation to the outcome of any result in that sport, its course, anything which happens in the course of the sport or the playing of the sport, team lists, information as to selection and strategy or any other information of any kind similar to any of the foregoing categories) which might assist any other person to gamble or wager on that sport.
- 9. No Athlete shall enter into any contract, agreement or understanding with any person or organisation, relating to the sponsorship, employment or engagement of the Athlete, where that person or organisation is a provider of gambling or wagering services in Australia or elsewhere.
- 10. No Athlete shall offer or accept any bribe or inducement in any way connected to the fixing or attempted fixing of any outcome of any result in that sport, its course, anything which happens in the course of the sport or the playing of the sport, or otherwise.

## *Media and Public Comments*

- 11. Without limiting the provisions of this Code, Athletes must, in all dealings with the media, behave and conduct themselves in a courteous, respectful, responsible and cooperative manner.
- 12. Athletes must not at any time make Adverse Public Comments in relation to NSWIS, NSWIS's sponsors and commercial partners, NSWIS's sport partners, the Athlete's sport or any other Athlete.

## *Dress and Appearance*

13. Athletes must wear the NSWIS uniform in a clean and neat way when in training, competition, when travelling and at other functions and appearances at which the Athlete is directed or required to wear the NSWIS uniform.
14. Athletes are required to genuinely participate in all promotional and similar activities reasonably required by NSWIS pursuant to the Agreement and otherwise, for the promotion of NSWIS and the Athlete's sport.

## *Social Media*

15. Athletes must not in any circumstances use; acquiesce to the use of; or assist, aid, abet, counsel or procure another person or organisation to use Social Media (including any Social Media account registered in the name of the Athlete or any other person or organisation) in any way which constitutes the engaging in of conduct which is prohibited by this Code.
16. Without limiting the application of the preceding rule and the requirements imposed by this Code, Athletes must when using Social Media for any purpose:
  - a) Act responsibly and ethically;
  - b) Consider the confidentiality and appropriateness of all information published or shared;
  - c) Comply with all applicable laws if engaging in any communication via social media with any other person who is a Minor.
  - d) Consider the partnerships NSWIS has with other organisations, such as program partners, sponsors and providers;
  - e) Clearly state that any opinion published by you is your opinion, and not the opinion of NSWIS or any third party. Unless authorised to speak on behalf of NSWIS, you must state that the views expressed are your own, and never in any circumstances purport to speak on NSWIS's behalf;
  - f) Honour our differences – as made clear by this Code, NSWIS has a zero-tolerance for discrimination, bullying or harassment;
  - g) Protect yourself - be circumspect and vigilant about what personal information you share online.
17. There is no such thing as "private" Social Media, regardless as to the privacy settings used by an Athlete when using any Social Media account or channel. Athletes must assume that anything which they publish on Social Media constitutes the making of a public comment, which is able to be accessed publicly, republished and shared, and reported on by third parties.
18. In any circumstance where an Athlete believes that they may have published, posted or shared any material or content on Social Media in breach of any of the obligations imposed on Athletes by this Code (or if the publication, posting of or sharing of that material or content is otherwise potentially inappropriate for whatever reason) the Athlete must report the publication to NSWIS's Manager, Marketing & Communications.
19. Whenever using Social Media, Athletes should always act in a manner which is open, responsible, respectful and appropriate:
  - a) **Open:** Use social media to share, be transparent and accountable:
  - b) **Responsible:** You are accountable for your activity online.
  - c) **Respectful:** Show empathy and understanding and be aware of how your own actions and behaviour may be perceived by others.
  - d) **Appropriate:** Use social media in a manner that is consistent with the Code

## Investigating Breaches

1. The Chief Executive Officer has the full jurisdiction and power to investigate suspected breaches of this Code, by any Athlete bound by the Code. These powers of the Chief Executive Officer include the power to delegate his or her powers, or any part thereof, to any person.
2. Investigations into any suspected breach of this Code shall be conducted confidentially, impartially, fairly, without fear or favour and without ill will, and in accordance with the Privacy Policy and any other applicable NSWIS policy.
3. Every Athlete bound by this Code shall cooperate with any investigation conducted under this Code, to the fullest extent possible, and to whatever extent required in the circumstances by the Chief Executive Officer (including any delegate of the Chief Executive Officer).
4. The process to be followed in any particular investigation shall be determined by the Chief Executive Officer (or the delegate of the Chief Executive Officer) in his or her absolute discretion subject to applicable laws and regulations, bearing in mind the standards of confidentiality, impartiality and fairness required by this Code.
5. Where a breach of this Code is alleged to have occurred, and the conduct constituting the breach is also the subject of a police investigation or criminal proceedings, the Chief Executive Officer will not proceed against the Athlete in terms of issuing a Breach Notice or imposing sanctions until the conclusion of the police investigation or criminal proceedings, unless the Chief Executive Officer forms the opinion in his or her absolute discretion that it is otherwise necessary or appropriate to do so, including for reasons of protecting the name, image and best interests of NSWIS.
6. No person involved in an investigation conducted in connection with an alleged breach of this Code shall be required to answer questions, produce documents or provide information as a part of that investigation if to do any of those things might tend to incriminate that person or expose that person to a civil penalty.

## Sanctions

An Athlete who breaches a provision of this Code is liable, for each and every such breach, to the imposition of one or more of following sanctions:

1. A reprimand or formal caution;
2. The development, imposition and requirement to follow and carry out a determined behavioural improvement plan;
3. The requirement to attend and complete specified education and training;
4. The requirement to issue a public or private apology to any person affected by the breach;
5. The requirement to attend counselling;

6. The suspension, on such terms to be determined by the Chief Executive Officer, of the provision of rights and benefits which would otherwise be provided under the terms of the Agreement;
7. Termination of the Agreement; and
8. Any other sanction which the Chief Executive Officer considers appropriate in their absolute discretion.

## Enforcement

1. Where, at the conclusion of an investigation into a suspected breach of this Code by any Athlete bound by the Code, the Chief Executive Officer forms the opinion, in his or her absolute discretion, that a breach of this Code has occurred, the Chief Executive Officer may issue a Breach Notice to an Athlete specifying:
  - a) The particulars of the alleged breach;
  - b) The sanctions that the Chief Executive Officer proposes imposing; and
  - c) That the Athlete has a period of ten days (or such other period, determined by the Chief Executive Officer) to provide his or her response in writing to the alleged breach and the proposed sanction(s).
2. The Chief Executive Officer shall at his or her reasonable discretion, have consideration to the following factors when proposing, and imposing sanctions:
  - a) The severity of the alleged breach or breach;
  - b) The consequences, ramifications and effects of the alleged breach or breach;
  - c) Any relevant aggravating factors;
  - d) Any relevant mitigating factors, including any materials submitted by the Athlete in response to a Breach Notice;
  - e) The attitude, experience, knowledge, disciplinary history and past behaviour of the Athlete;
  - f) Precedent sanctions imposed by NSWIS for similar breaches of the Code by other persons; and
  - g) Any other sanctions already imposed on the Athlete in relation to the conduct which is the subject of the alleged breach or breach.
3. After the expiration of a period of ten days (or such other period, determined by the Chief Executive Officer and specified in the Breach Notice) following the service of a Breach Notice on an Athlete, the Chief Executive Officer may, after considering any written response to the Breach Notice from the Athlete, either:
  - a) Determine that the breach of the Code has occurred as alleged, and impose the sanctions proposed in the Breach Notice;
  - b) Determine that the breach of the Code has occurred, and impose a different sanction or combination of sanctions, to that which is set out in the Breach Notice;
  - c) Determine that the breach of the Code has not occurred as alleged (in which case the investigation and the matter generally shall thereafter be concluded by the Chief Executive Officer); or
  - d) Determine that a different breach of the Code, to that which is set out in the Breach Notice, has occurred, in which event the Chief Executive Officer may withdraw the Breach Notice and issue a new Breach Notice to the Athlete (in which case the process set out in this Code shall start again).
4. Any decisions made by the Chief Executive Officer by operation of the preceding rule shall be notified to the Athlete in writing within seven days from the date that the decision is made. The Chief Executive Officer may, but is not compelled to provide reasons for those decisions.

5. NSWIS may disclose information relating to the Breach Notice (including the Breach Notice itself) and any decisions made by the Chief Executive Officer in accordance with the Privacy Policy and applicable laws and regulations.
6. An Athlete aggrieved by a decision by the Chief Executive Officer, concerning any matter detailed in a Breach Notice and which is the subject of a sanction imposed by the Chief Executive Officer may, within seven days of receiving written notice of the decision of the Chief Executive Officer, request in writing that the NSWIS Board review the facts, matters and circumstances relating to the alleged breach, the issuing of the Breach Notice and the imposing of sanctions affecting the Athlete. Any request or application made by an Athlete in accordance with this rule does not operate as a stay of any decision of the Chief Executive Officer which the request or application relates to.
7. At the conclusion of a review undertaken by the NSWIS Board, the NSWIS Board may:
  - a) Affirm the determinations made by the Chief Executive Officer, or any of those determinations; and / or
  - b) Vary the determinations made by the Chief Executive Officer, or any of those determinations; and
8. Any decisions made by the NSWIS Board by operation of the preceding rule shall be notified to the Athlete in writing within seven days from the date that the decision is made. The NSWIS Board may, but is not compelled to provide reasons for those decisions.
9. NSWIS may disclose information relating to any decision of the NSWIS Board in accordance with the Privacy Policy and applicable laws and regulations.