

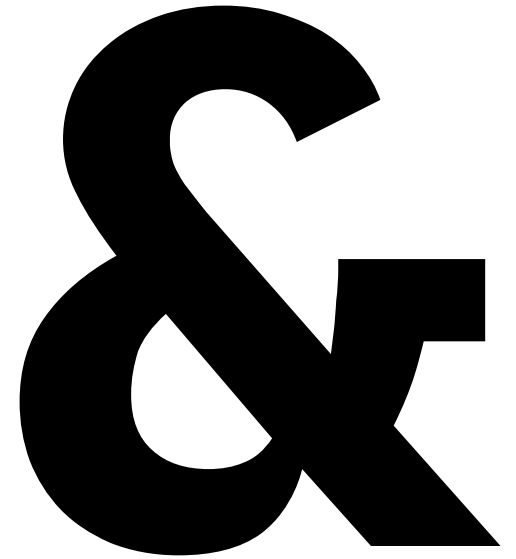
# ***Managing the National Integrity Framework and other Conduct Policies***

*NSW Office of Sport  
SSO Professional Development Webinar*

**26 July 2023**

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**LANDER  
& ROGERS**



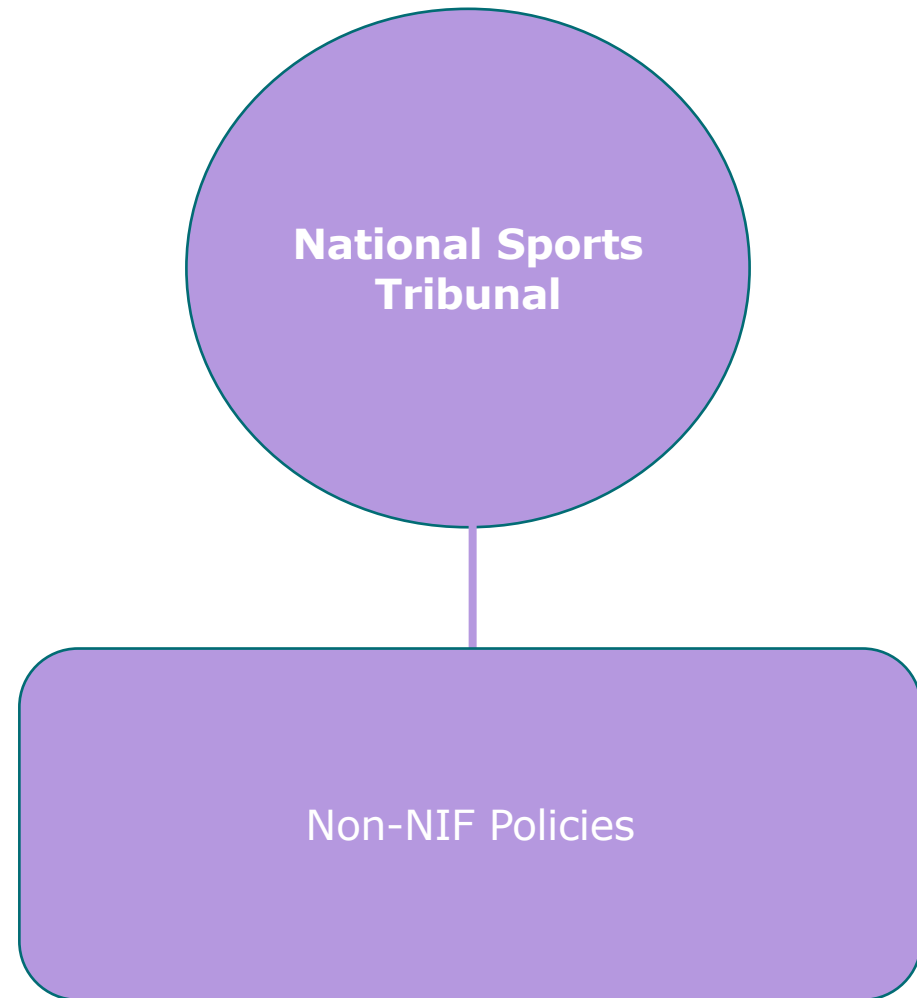
# OVERVIEW



This presentation will provide NSW SSOs with guidance on how to implement processes for handling dispute resolution, complaints and disciplinary action under the National Integrity Framework (**NIF**) and other policies developed by the National Sports Tribunal for misconduct outside the NIF (**Non-NIF Policies**).

- We will:
  - Provide an overview of the NIF and non-NIF Policies, including recent and upcoming changes
  - Explain the processes for managing disputes, complaints and disciplinary action under the NIF and Non-NIF policies
  - Provide practical steps to determine the correct process to follow when dealing with complaints and misconduct
  - Illustrate these processes with case studies
  - Provide key recommendations for managing the new conduct regimes

# SPORT INTEGRITY AUSTRALIA | NATIONAL SPORTS TRIBUNAL

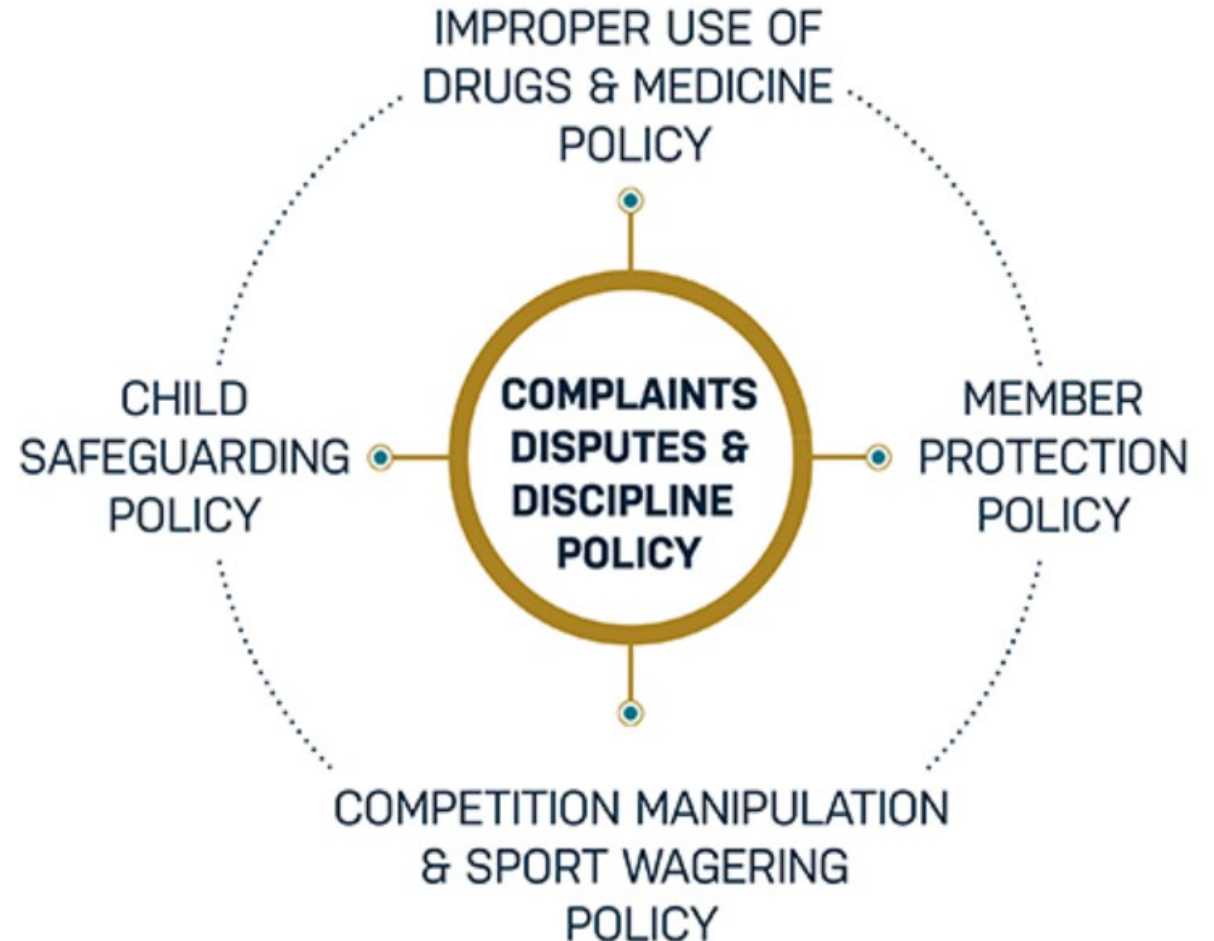


# NATIONAL INTEGRITY FRAMEWORK

*A suite of policies that outlines the broad expectations for the [integrity-related] conduct of all participants in sport.*

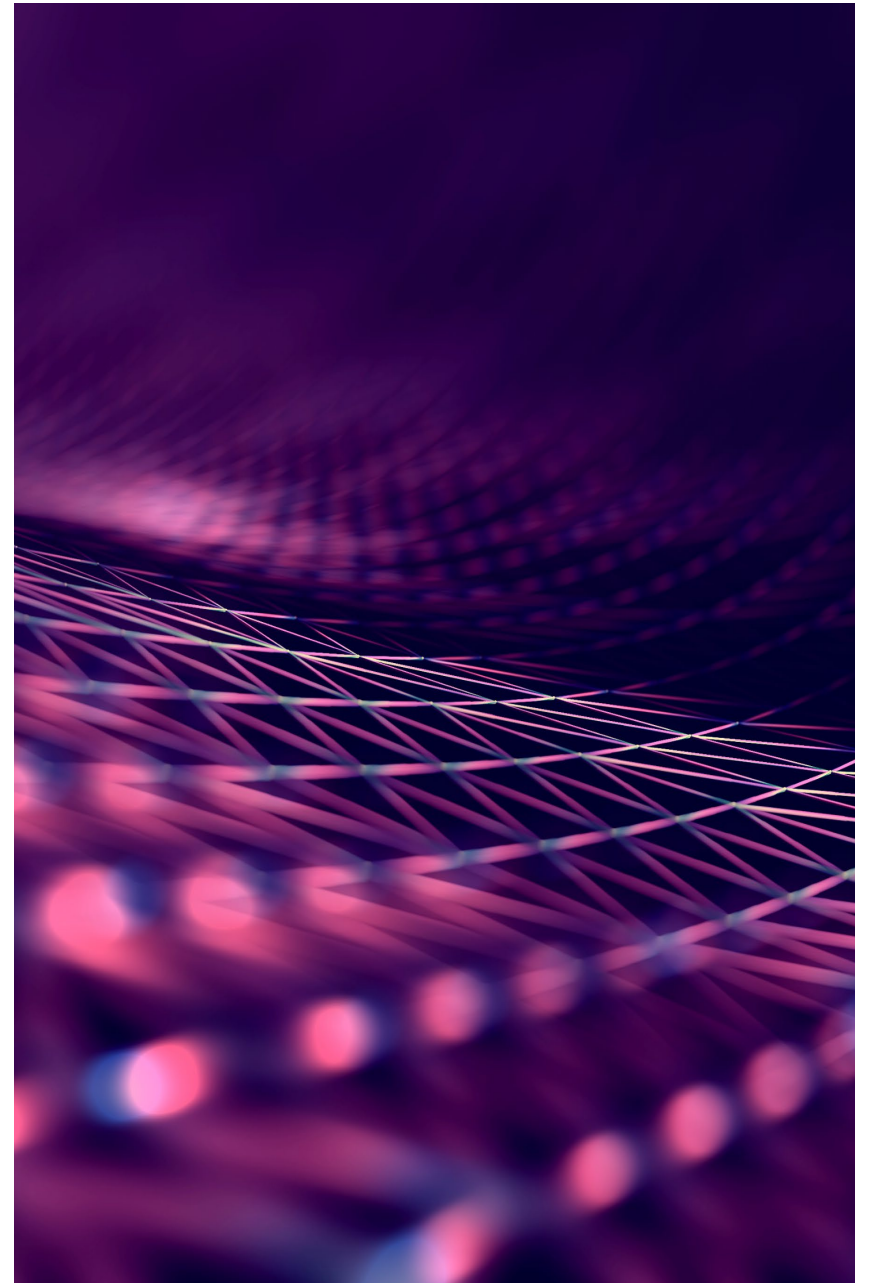
1. Certain conduct investigated by Sport Integrity Australia (certain by NSO) and sanctions determined by NSO or NST
2. If adopted by NSO, SSO is automatically bound – SSO must also adopt to ensure its members are bound
3. What if the conduct is not acceptable but does not breach one of the NIF policies?

*Sport needs to consider disciplinary and complaints handling policies to deal with other [non-NIF] conduct*



# NON-NIF POLICIES

- Must have a separate procedure for managing breaches of other non-NIF policies.
- Many (but not all) sports are adopting the (NST template) **Conduct and Disciplinary Policy**
- Some sports have adopted a bespoke conduct framework so C&D policy won't apply to all
- NSOs and SSOs should discuss and adopt national policies – define what constitutes (other non-NIF) prohibited conduct and adopt a national policy for managing breaches
- Going forward, will non-NIF policies be included in the NIF CDDP?



# SSO TO ADOPT AND IMPLEMENT NATIONAL POLICIES

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- SSO automatically bound if NSO adopts NIF / Non-NIF Policies
- SSO must also adopt to ensure its members are bound
- SSO adoption AND implementation
- Relevant risks

# WHAT IS THE NATIONAL INTEGRITY FRAMEWORK?

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- **Framework document (but no longer)**

- Requirement to implement practices to manage the application and implementation of the NIF
- Integrity Manager and Complaints Manager
- A complaint can only be dealt with under the NIF if the alleged conduct took place after the Sport Organisation has adopted the NIF

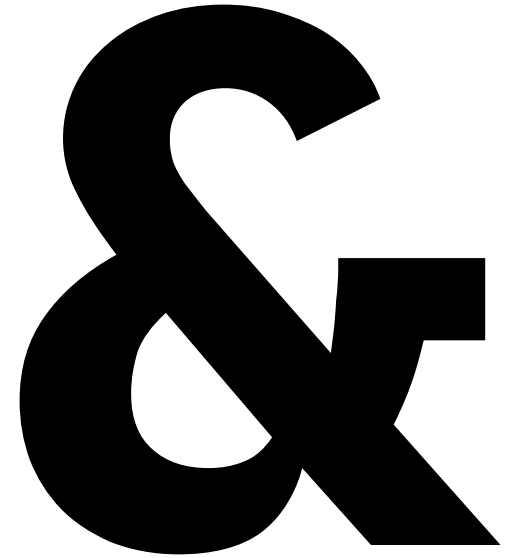
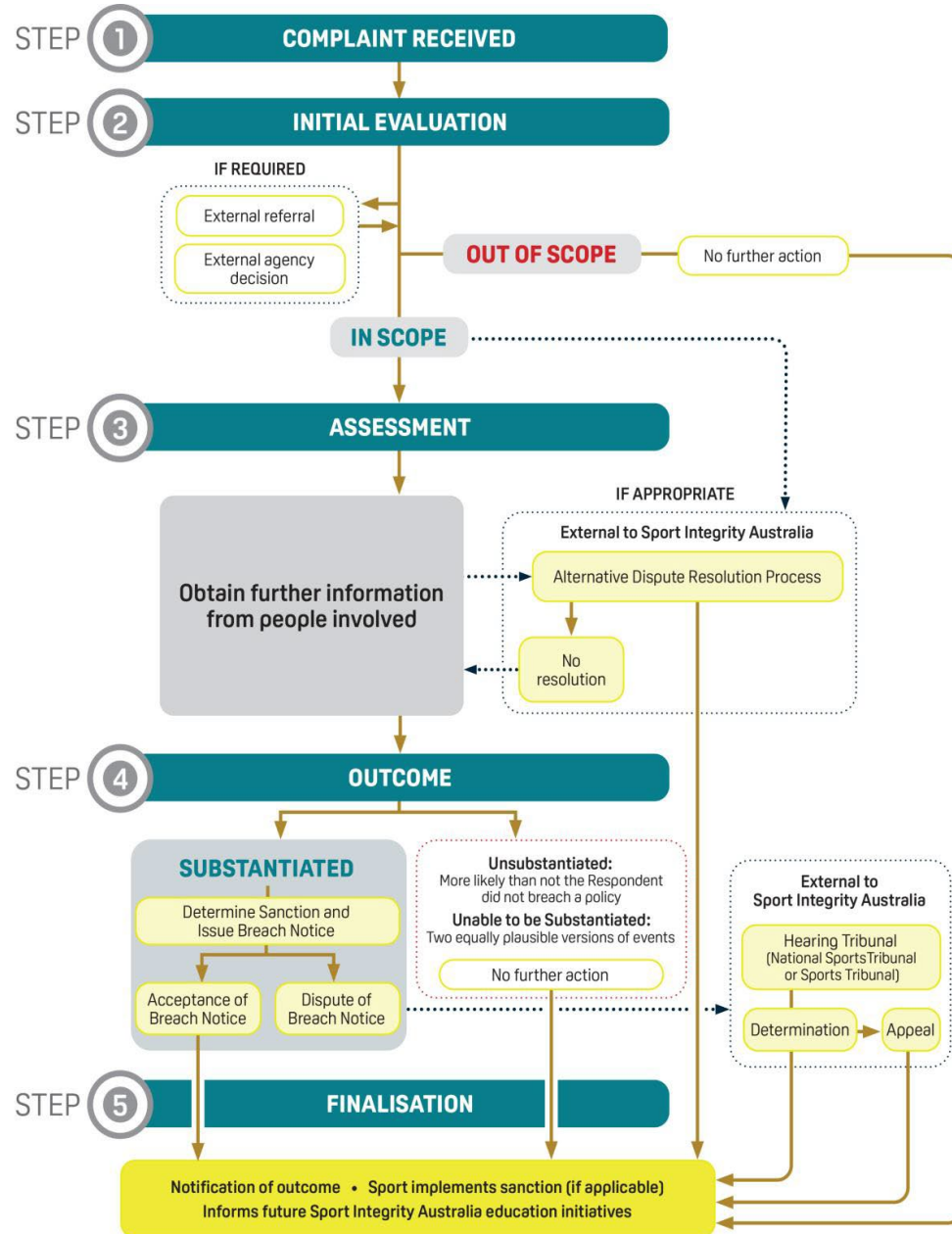
- **NIF Integrity Policies**

- Member Protection Policy
- Child Safeguarding Policy (now Safeguarding Children and Young People Policy)
- Competition Manipulation and Sport Wagering Policy (now CM & Sport Gambling Policy)
- Improper Use of Drugs and Medicines Policy

- **Complaints, Disputes & Discipline Policy**

- Outlines the process for resolving complaints and administering disciplinary action arising from an individual or organisation engaging in prohibited conduct under the NIF

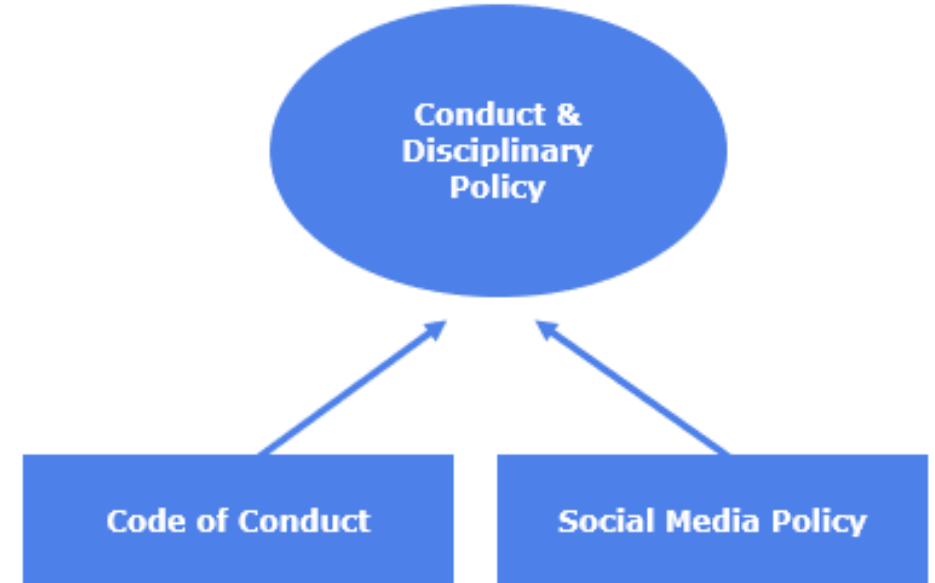
# PROCESS FOR MANAGING COMPLAINTS UNDER NIF



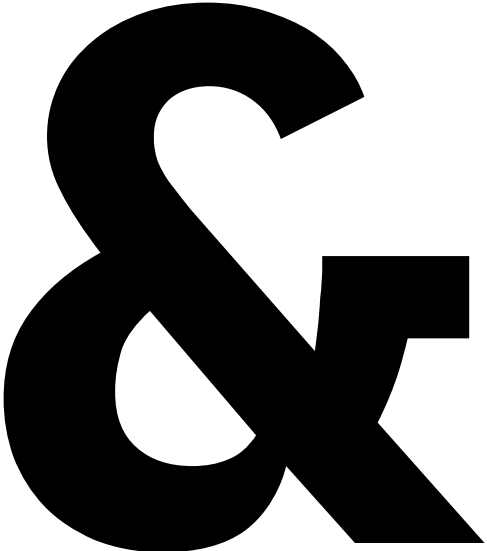
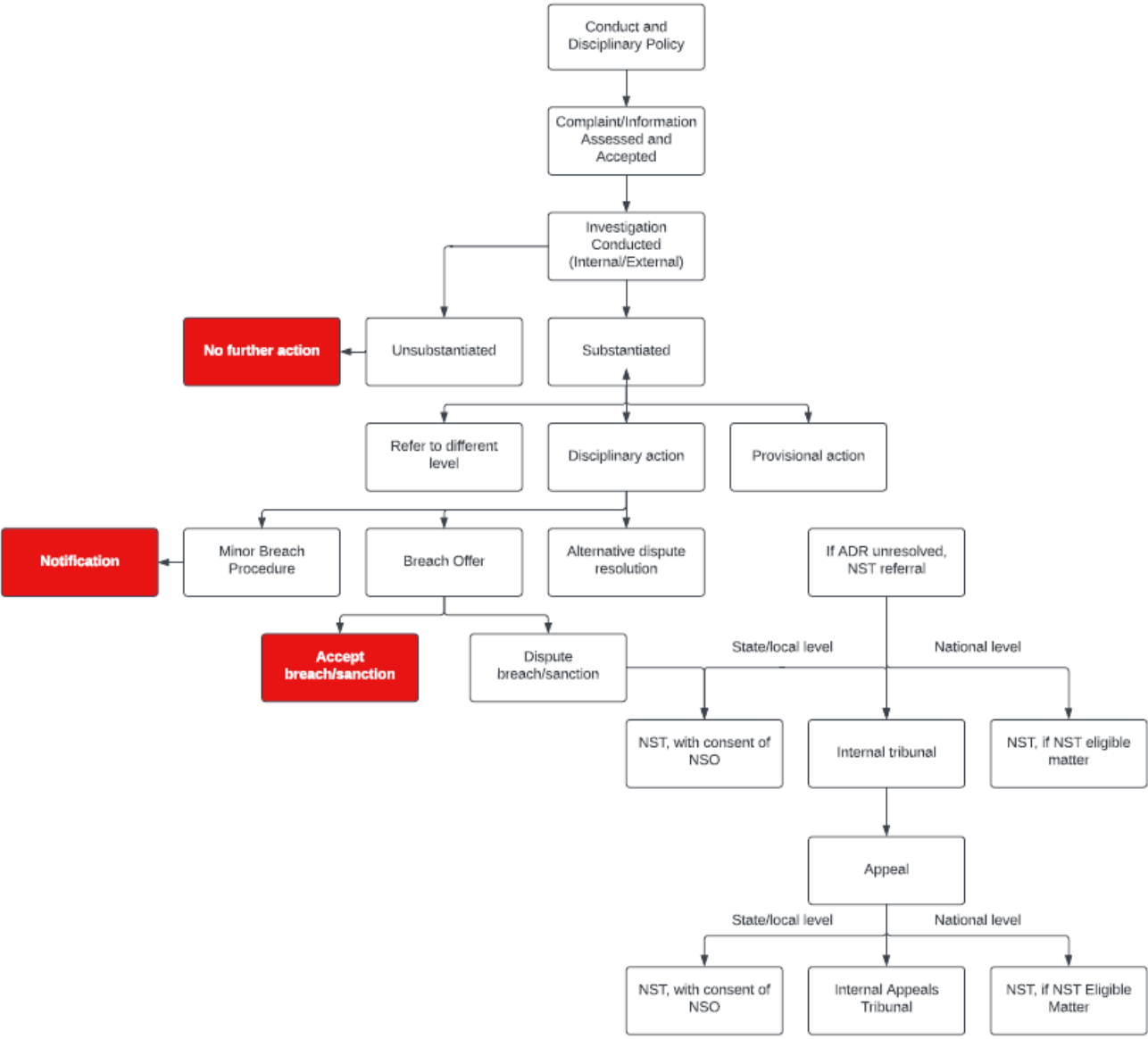


# NON-NIF MATTERS

- For **conduct** that is not prohibited under one of the four NIF Integrity Policies, it may be a **breach of another policy**
- Sports need a policy for dealing with potential breaches of other (non-NIF) policies
- Many sports are adopting the **Conduct and Disciplinary Policy** - conduct is investigated by the sport and sanctions determined by the sport or NST
- Some sports have adopted a bespoke conduct framework covering breaches of all policies
- If adopted by NSO, SSO is automatically bound – SSO must also adopt to ensure its members are bound

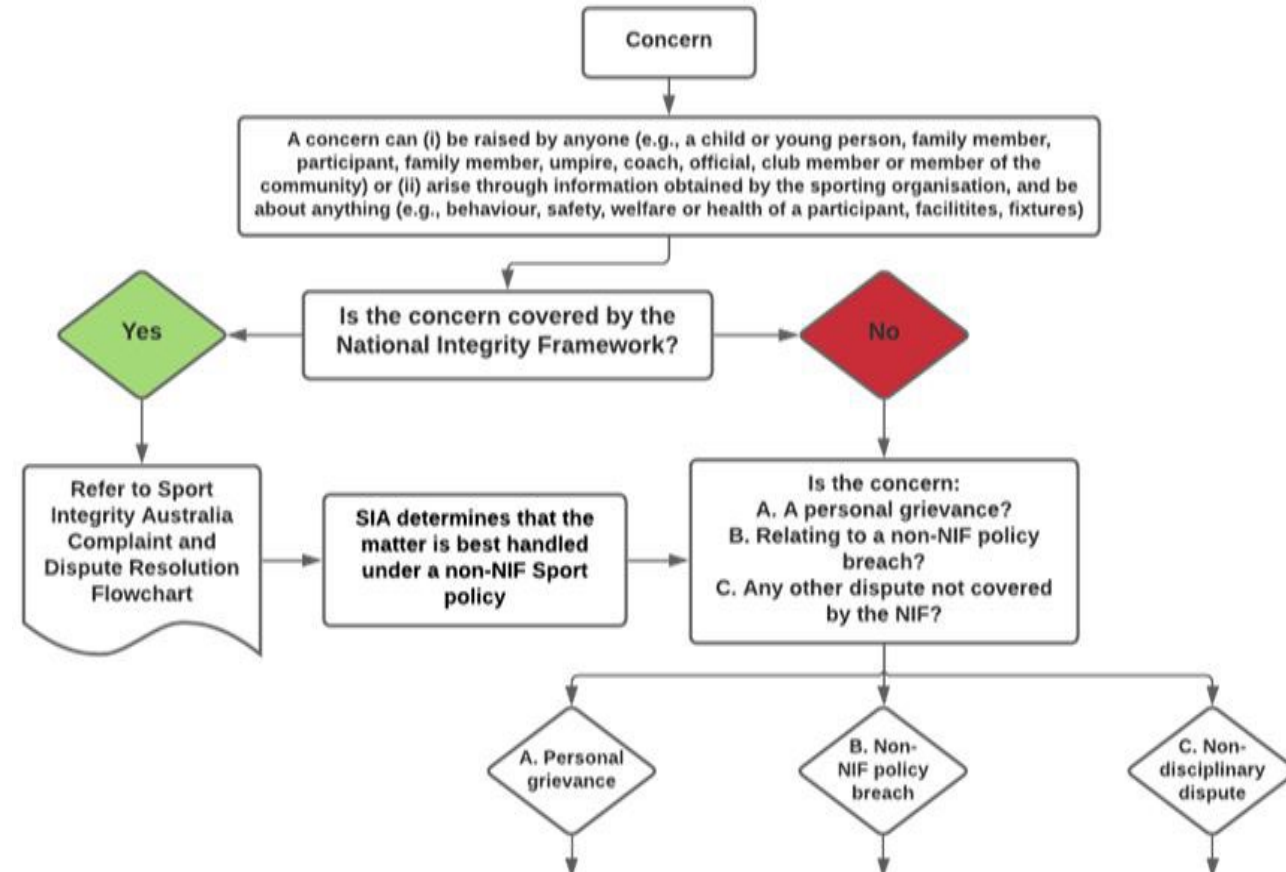


# PROCESS FOR DEALING WITH COMPLAINTS UNDER NON-NIF CONDUCT AND DISCIPLINARY POLICY



# HOW DO WE DECIDE WHICH APPLIES – NIF OR NON-NIF?

1. Is it conduct that is **prohibited under a NIF policy**?
2. If yes, follow **Complaints, Disputes and Discipline Policy**
3. If no, is it conduct that is **prohibited by another policy**?
4. If yes, follow the process for dealing with breaches as set out in that policy
5. If no, has the sport adopted *any other relevant policies*?
5. Informal approach



# CASE STUDIES

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1. *A complaint is received from the mother of Athlete B about the conduct of Athlete A's coach, Mrs Smith. Mrs Smith repeatedly emailed and called Athlete B, a 14 year old who competed against Athlete A, telling her she was a terrible athlete, that everybody hated her and that she should quit the sport. At the State Championships, Mrs Smith stood at the end of the competition arena making faces, holding up a fist and generally intimidating Athlete B.*
2. *The Media and Communication Manager at Sport Organisation informed the Complaints Manager that a member, John Jones, posted the following on SO's Facebook page:*

***Sam Rogers is a cheat and a liar and his only hope of winning at the National Championships is to pay the judge – that's how he won last year.***

# OTHER NON-NIF COMPLAINTS HANDLING PROCESSES

## Personal Grievance Policy

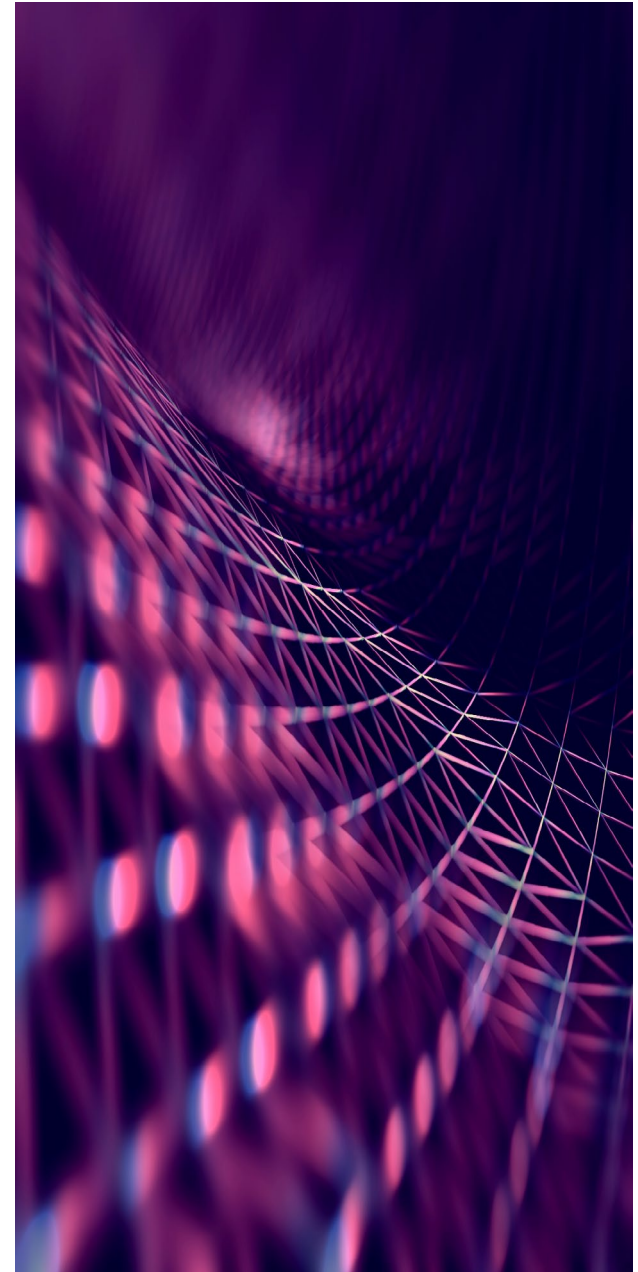
Seeks to establish a formal process to resolve *interpersonal conflicts and disputes* that arise in sport, where not a breach of a conduct policy.

- *NSO to consider if needed.*
- *If so, recommend amend it so that Sport Org has discretion to take steps to resolve conflict/dispute rather than obligation (and other changes)*

## Review and Appeals Policy

Provides a mechanism for non-disciplinary disputes - gives a relevant person/organisation a right to dispute decisions made by a Sport Organisation

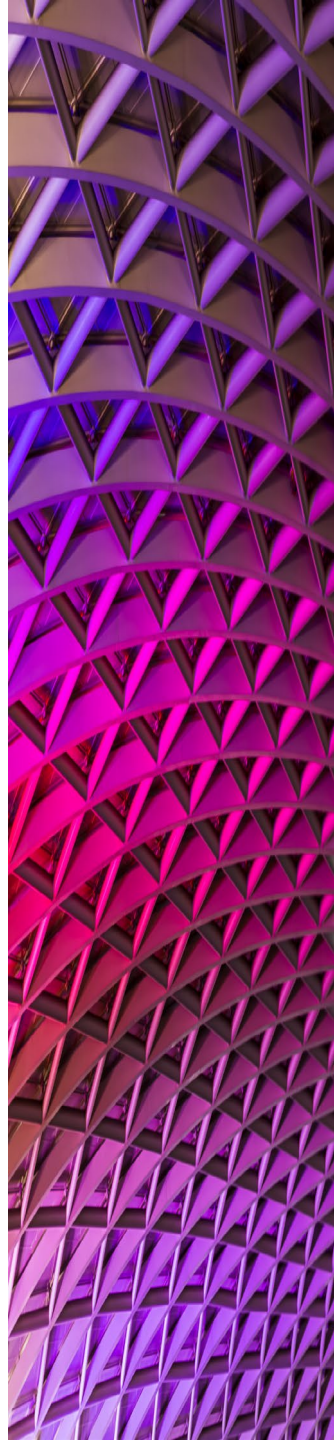
- *NSO to consider if needed*
- *May impose an obligation on Sport Organisation to refer Dispute to NST mediation or hearing, even where it does not consider this to be the preferable approach.*



# NEXT STEPS

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- **NSOs and SSOs to communicate:** What policies have been adopted?
- **Review existing policies and identify:**
  - a) policies that will be replaced by the NIF and non-NIF policies
  - b) policies that will remain and how complaints and disputes are dealt with under those policies
  - c) any changes required to existing policies to incorporate the processes outlined in the Non-NIF Conduct & Disciplinary Policy (or equivalent)
- **Update policy framework**
  - revoke those policies no longer required
  - adopt new national policies and amend existing policies if required



# EXAMPLE ADVICE

Sport Organisation Document	Replaced by the NIF / NST Template Policies	How are breaches of the policy and appeals dealt with under policies not replaced by NIF / NST Template Policies	Recommendation regarding whether changes are required to the policy
Member Protection Policy	Yes	N/A - replaced by the NIF Member Protection Policy	N/A - replaced by the NIF Member Protection Policy. Board to revoke current Member Protection Policy.
National Policy on Race Fixing	Yes	N/A - replaced by the NIF Competition Manipulation and Sport Wagering Policy	N/A - replaced by the NIF Competition Manipulation and Sport Wagering Policy. Board to revoke current National Policy on Race Fixing.
Sport Science and Sports Medicine Policy	Yes	N/A - replaced by the Improper Use of Drugs and Medicine Policy	N/A - replaced by the Improper Use of Drugs and Medicine Policy. Board to revoke current Sport Science and Sports Medicine Policy.
Social Media Policy	No	<p>Members to report breaches and suspected breaches to Sport Organisation</p> <p>In circumstances of a breach or suspected breach, Sport Organisation may impose a penalty, including taking disciplinary action available to it under the constitution or any by-law</p> <p>Sport Organisation may take action to remove any posted material that it considers to be in breach of the by-law</p>	Sport Organisation should amend the Social Media By-Law to state that breaches are dealt with under the NST template <i>Conduct and Disciplinary Policy</i> .

## EXAMPLE CONT.

Sport Organisation document	Replaced by the NIF / NST Template Policies	How are breaches of the policy and appeals dealt with under policies not replaced by NIF / NST Template Policies	Recommendation regarding whether changes are required to the policy
Sport Organisation anti-doping policy	No	Disciplinary process outlined in the Policy under: Article 7 (Results Management: Responsibility, Initial Review, Notice and Provisional Suspensions) Article 8 (Right to a Fair Hearing) Article 9 (Automatic Disqualification of Individual Results) Article 10 (Sanctions on Individuals) Article 12 (Sanctions against Sporting Bodies) Article 13 (Results Management: Appeals)	No changes required. Sport Organisation's policies must not limit or change the effect of this Anti-Doping Policy. Where there is any ambiguity or conflict, the Anti-Doping Policy prevails.
Sport Organisation Constitution	No	The Directors may make policies for the hearing and determination of grievances and disputes; for the discipline of members; for the formation of an	These constitutional provisions are broad enough so that the dispute resolution and disciplinary processes outlined in the NST Template policies can be applied as required, given the Board is granted a right adopt policies for such matters



# CHANGES TO THE NIF – FEBRUARY, APRIL, JULY 2023

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## CDDP

- SIA jurisdiction – child safeguarding and discrimination only
- All other alleged breaches – determined by the sport
- Complaints or reports
- Sanctioning – the sport, based on SIA case categorisation
- Delegation to other Relevant Organisations
- Possible inclusion of non-Integrity Policies
- Resolution process – breach notice only, unless NSO refers directly to NST beforehand
- Respondents bound even if no longer a Relevant Person / Organisation (but practical risks)

# CHANGES TO THE NIF – FEBRUARY, APRIL, JULY 2023

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## Safeguarding Children and Young People Policy

- Focus on emergency statutory actions if required (child welfare agencies)
- Harmonisation of child abuse definitions
- State/territory child safe standards – responsibility of individual organisations
- Information sharing with SIA



# TAKEAWAYS

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1. **Determine what policies NSO has adopted (NIF / non-NIF)**
2. **SSOs adopt national policies**
3. **Review existing policy suite and revoke or update as required**
4. **Assign Integrity / Complaints Manager roles**
5. **Familiarise with policies and processes under new policies – NOTE upcoming changes**
6. **Educate at all levels of sport so the new policies are understood and used**
7. **If in need, ask for help – Sport Integrity Australia, National Sports Tribunal, Lander & Rogers**

# KEY CONTACT

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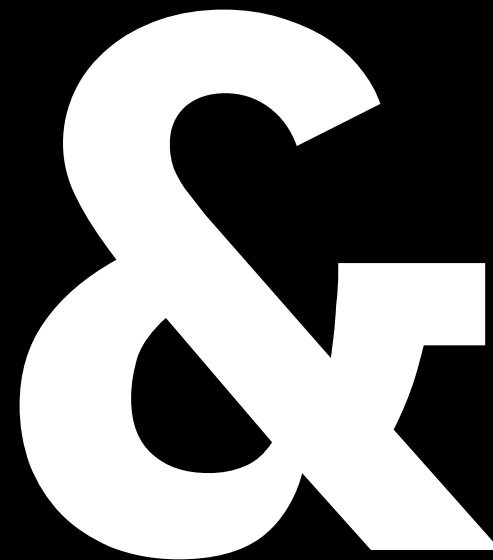
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# QUESTIONS

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**THANK YOU!**



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