

Athlete Code of Conduct

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WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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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 broadly, 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 athlete's performance and behaviour by which WAIS is known.

Athletes from WAIS represent the Institute, WA, and at times Australia, during training and competition performances. The representation extends beyond time and place of sport as WAIS athletes uphold community values and act as role models. 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.

WAIS is vigilant in the development of athlete's attitudes and behaviour. Consistent with our values WAIS athletes are periodically reviewed by the sport programs in terms of the behaviour the athlete exhibits. This internal process is a primary intervention and provides WAIS with a mechanism to assess and, where necessary, modify athlete's behaviour. This internal process acts to proactively educate and, if required, intervene to assist athletes to develop the set of values and attitudes that are consistent with this Code of Conduct (Code). The proactive process is viewed as a preferable primary intervention as apposed to the formalised processes that are often characteristic of a Code of Conduct. It could be considered that the internal process substitutes formal Code of Conduct processes for minor breaches of the Code. Hence, when the Code is enacted it is done so for more serious breaches and where a primary intervention is not sufficient given the circumstances surrounding the alleged breach has occurred.

This 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:

2.1 Principle 1: Pursue Athletic Excellence with Sportsmanship

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

2.2 Principle 2: Treat People with Respect

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

2.3 Principle 3: Use the Sporting Facilities and Equipment with the Highest Consideration

- 2.3.1 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.
- 2.3.2 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.
- 2.3.3 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.
- 2.3.4 Avoid wasteful and misuse of financial resources that are made available through the WAIS sport programs, scholarship and direct athlete support schemes.

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

- 2.4.1 Promote the integrity of WAIS during training, competition and public engagements.
- 2.4.2 Exhibit the highest standards of behaviour at WAIS functions or whenever representing WAIS.
- 2.4.3 Conduct one-self in a manner beneficial to WAIS and in a way that brings credit to WAIS.
- 2.4.4 Recognise and act in a manner responsible for safeguarding the reputation (performance and otherwise) of WAIS in the perception of all people and organisations external to WAIS.
- 2.4.5 Take reasonable care when travelling and wearing WAIS apparel to ensure the highest reputation is upheld.
- 2.4.6 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, WAIS, staff, sponsors, key stakeholders, and supporters of WAIS are not undermined and/or brought into disrepute by ones actions.
- 2.4.7 It is critical for athletes to be aware of the need to be cognisant of their behaviour at all times as the community often does not differentiate between when they are considered a WAIS athlete and when considered a private citizen. This includes when using technology (including but not limited to mobile phones, Facebook, YouTube).

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 practice. It is strongly encouraged that the individual always aspires to the highest possible standards of conduct.

BEHAVIOUR EXAMPLES OF HOW TO MEET THE CODE

3.1 Principle 1: Pursue excellence sportsmanship

Athletes must:

- 3.1.1 Attend and comply with drugs in sport seminars.
- 3.1.2 Give acknowledgement and encouragement for the performance of other competitors.
- 3.1.3 Work cooperatively with the National Sporting Organisations appointed coaching and administration staff as they lead and manage your chosen sport.

Athletes must avoid:

- 3.1.4 Inappropriate and/or excessive complaints to umpires and/or officials during the entire competition and selection phase.
- 3.1.5 Behaving in excessively haughty and arrogant ways towards other competitors and/or spectators.

3.2 Principle 2: Treat people with respect

Athletes must:

- 3.2.1 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.
- 3.2.2 When engaging in social events maintain a high level of discretion and good judgement in regards to the use of alcohol and other drugs.

Athletes must avoid:

- 3.2.3 Behaving in a manner that becomes unlawful, creates a public nuisance, and/or public disturbance.
- 3.2.4 Non-compliance with the cultural norms and expectations of others.

3.3 Principle 3: Use the facilities and equipment with the highest consideration

Athletes must:

- 3.3.1 Comply with the expected behaviours (e.g. use of footwear, use of equipment) and directions provided by the staff.
- 3.3.2 Be careful and transparent in the use of scholarship and other financial resources which have been provided to support involvement and development of elite sport activities.
- 3.3.3 Consult with staff of WAIS regarding, and working towards, the attainment of athletic excellence and your highest potential.

3.4 Principle 4: Observe the expectations of being a role model

Athletes must:

- 3.4.1 Abide by both the rules and the spirit of their sport.
- 3.4.2 Be prepared to behave in a positive light when travelling to and from competitions when representing WAIS.
- 3.4.3 Exhibit the highest standards of behaviour at WAIS functions or whenever representing WAIS.

Athletes must avoid:

- 3.4.4 The intentional, or unintentional, display of excessive dissent with the decisions made by officials.
- 3.4.5 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 ensure that athletes internalise and demonstrate the four principles outlined above, both primary and secondary interventions are employed at WAIS. Primary interventions have an emphasis on education. The four WAIS principles are embedded into the training and competition environments and athletes are formally and informally directed to behave in a manner consistent with the principles. It is accepted that as athletes learn and internalise the principles there will be times where minor departures from the principles occur. These minor departures from the principles will be treated proactively and with a philosophy of education.

In circumstances where primary intervention process are assessed to be insufficient, or where the behaviour departs substantially from the principles and constitutes a potential breach of the Code, secondary interventions are required.

Secondary interventions, albeit always seeking to educate the athlete, also have an emphasis on compliance. The WAIS Code of Conduct, including the Code itself, the hearings, and the sanctions imposed for confirmed breaches all represent a secondary intervention process.

Given the emphasis on compliance any alleged breach will be viewed through the following three categories:

4.1 Level One – Nuisance Behaviour

This includes behaviours that are irritating, unpleasant but not physically dangerous or likely to cause concern to the WAIS reputation.

Examples include, but are not limited to the following:

- 4.1.1 Poor language during competition and/or training.
- 4.1.2 Behaviour in a public setting that is likely to cause concern to the reputation of the athlete or WAIS.

4.2 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 using primary interventions 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:

- 4.2.1 Damage caused to accommodation that requires the accommodation management to intervene and notify WAIS.
- 4.2.2 Disrespect for team rules when travelling with a WAIS, state or National Team.
- 4.2.3 Deliberate marking or damaging WAIS property/equipment such that the intended use of that property/equipment is significantly reduced.
- 4.2.4 Behaviour in a public setting that brings the athlete or WAIS into disrepute or is likely to lead to some damage to the reputation of the athlete or WAIS.

4.3 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:

- 4.3.1 Any behaviour that is found to be harassment or discriminates unfairly against any other person.
- 4.3.2 Wilfully participating in any behaviour, which is by law illegal whilst representing WAIS.
- 4.3.3 Any wilful act such as destruction/obstruction/interference in an activity sponsored and or conducted by WAIS.
- 4.3.4 Excessive use of alcohol and/or other drugs that leads to behaviour that is deemed unlawful and is made public through various mediums.
- 4.3.5 Behaviour in a public setting that is likely to lead to significant damage to the reputation of the athlete or WAIS.

The table on the following page summarises the differences between the levels of behaviour.

Level of breach	Meeting criterion level for breach of the Code	Description of behaviour	Intervention
Poor conduct	No	Nuisance: the behaviours are irritating, unpleasant but not physically dangerous or likely to cause significant concern towards the WAIS reputation.	Primary
Moderate misconduct	Yes	Offensive: the behaviours are concerning due to the physical, emotional or psychological damage the behaviour can have on the individual, others, and/or potential damage to property. The behaviour has the potential to significantly disrupt the training or competition performance of themselves or others (e.g. in a team environment). The behaviour is considered offensive because it does not correspond to the principles or values of WAIS. In the context of seeking elite performance, the behaviour is likely to lead to some damage of the reputation of WAIS.	Secondary
Serious misconduct	Yes	Reckless: the behaviours are damaging to the individual, others, and/or property. The behaviours are highly likely to lead to significant damage of the reputation of WAIS. The individual, through their behaviour, has demonstrated an overt objection to the WAIS principles or values. The behaviours are deemed to be reckless because the impact on others or the organisation is inconsequential to the individual.	Secondary

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:

- 5.1 The rules of evidence do not apply to these investigations.
- 5.2 Investigation of complaints is not a process of Australian Law.
- 5.3 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 a legal representative if he/she so desires, the athlete shall notify the Code of Conduct Panel of the legal representation at least seven days prior to the hearing commencing.
- 5.4 Where an athlete elects to have legal representation, the Code of Conduct Panel shall have the discretion to also be represented.
- 5.5 Where permission is given to lodge an appeal, the determination of the Code of Conduct Panel shall be final.
- 5.6 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.

- 5.7 The impact of the behaviour on the well being of the athlete and those affected by the behaviour.
- 5.8 The extent to which the incident will threaten the reputation of WAIS.
- 5.9 The level of disruption to staff members and/or use of the facility and equipment of WAIS.
- 5.10 The competition, training, and natural age of the elite athlete.
- 5.11 Historical and personal characteristics of the elite athlete and the incident.
- 5.12 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

6.1 Where WAIS receives information that an athlete may have committed a breach of the Code, a Performance Team Director in conjunction with any other WAIS staff will investigate the matter. The Performance Team Director 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 Performance Team Director will determine the severity of the alleged breach and commence the process as outlined following:

- 6.1.1 The Performance Team Director will commence a process in accordance with specific procedures if the Performance Team Director 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.

6.2 Level 1 Breach Nuisance Behaviour

If the Performance Team Director receives a notice from a NSO or SSO or a formal complaint, or following an investigation, reasonably believes an athlete may have committed a level 1 breach, the Performance Team Director

- 6.2.1 Coach and/or Performance Team Director provides a score of 1 (one) for the relevant principle on the athlete's bi-annual Athlete Values Scorecard.
- 6.2.2 Coach and/or Performance Team Director make comment outlining nature of breach in section related to relevant principle on the athlete's bi-annual Athlete Values Scorecard. \Coach and/or Performance Team Director advises athlete of score and comment. \No sanction is to be given, with primary intervention to take place before score is reviewed in next bi-annual Athlete Values Scorecard.

6.3 Level 2 and 3 Breaches Offensive Behaviour and Serious Misconduct

- 6.3.1 If the Performance Team Director receives a notice from a NSO or SSO or a formal complaint, or following an investigation, reasonably believes an athlete may have committed a level 2 or level 3 breach, the Performance Team Director
 - 6.3.1.1 will send the athlete a notice (infraction notice) via registered mail with a confirmation receipt which:
 - 6.3.1.2 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.
 - 6.3.1.3 Outlines the process for investigating the matter
 - 6.3.1.4 Advises the athlete when and where the matter shall be heard and allows the athlete at least 14 days notice before hearing the matter.
 - 6.3.1.5 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 (need to check that these numbers are the same).
 - 6.3.1.6 Encloses a copy of the Code.
 - 6.3.1.7 Sends a copy of all relevant information to be forwarded to the Head Coach and the Executive Director.

The athlete must attend a hearing in front of the Code of Conduct Panel at the agreed time. The hearing must be no less than 14 days from the date the athlete received notice of the alleged breach.

6.4 The Code of Conduct Panel members must consist of at least 2 and no more than 5 of the following people:

- 6.4.1 senior members of WAIS staff;
- 6.4.2 external consultants deemed to have pertinent expertise in the area of athlete behaviour;
- 6.4.3 external consultants who have expertise in an area related to the incident said to constitute the breach;
- 6.4.4 the Program Head Coach or personal coach;
- 6.4.5 the Performance Team Director; or
- 6.5.6 any other person the Performance Team Director believes will assist in the conduct of the disciplinary hearing,
- 6.5.7 and at least one member of the Code of Conduct Panel must be independent of WAIS.
- 6.5.8 Any person implicated in the misconduct is not permitted to be involved in the Code of Conduct Panel other than to provide evidence pertaining to the alleged breach.

6.5 The Code of Conduct Panel must conduct the hearing with a view to exploring the alleged breach and attempting to identify the antecedents, motivations and underlying factors maintaining the alleged breach. Notwithstanding, the Code of Conduct Panel:

- 6.5.1 may conduct the hearing in the manner it determines appropriate in the circumstances;
- 6.5.2 must conduct the hearing in a timely manner and with as little formality as is possible in the circumstances;
- 6.5.3 may conduct the hearing by telephone or other conference facilities as appropriate;
- 6.5.4 may examine and cross examine witnesses; and
- 6.5.5 may be legally represented if the athlete has elected to be legally represented.
- 6.5.6 An athlete appearing before the Code of Conduct Panel must be given the opportunity to:
 - 6.5.6.1 present written submissions before the date of the hearing
 - 6.5.6.2 present oral or written submissions at the hearing;
 - 6.5.6.3 call any witnesses necessary for his defence;
 - 6.5.6.4 examine and cross examine witnesses;
 - 6.5.6.5 be present throughout the hearing, except when the Code of Conduct Panel members retire to consider its decision; and
 - 6.5.6.6 be accompanied by a support person or, if the athlete has so elected, a legal representative.
- 6.5.7 The hearing must be transcribed and a copy of the transcript signed by the athlete and each member of the Code of Conduct Panel. The signed transcript is deemed to be a true and accurate record of the hearing.
- 6.5.8 Within 14 days of the hearing, the Code of Conduct Panel must forward a written statement of its findings and recommended sanctions to the Executive Director.
- 6.5.9 Where the athlete is alleged to have committed a level 3 breach, the Code of Conduct Panel, if in light of all the evidence it considers appropriate, may determine that the athlete has committed a level 2 breach and recommend commensurate sanctions.
- 6.5.10 Were the athlete is alleged to have committed a level 2 breach, the Code of Conduct Panel, if in light of all the evidence it considers appropriate, may determine that the athlete has committed a level 3 breach. If the Code of Conduct Panel proposes to make

a determination that an athlete alleged to have committed a level 2 breach has committed a level 3 breach, the Code of Conduct Panel must give the athlete notice in writing. Within 14 days after receiving the notice, the athlete may provide further written submissions to the Code of Conduct Panel. The Code of Conduct Panel must consider any further submissions before recommending sanctions.

- 6.5.11 The Executive Director must approve the sanctions recommended by the Code of Conduct Panel or propose alternative sanctions within 7 days of receiving the written statement of the Code of Conduct Panel. If the Executive Director proposes alternative sanctions, the Code of Conduct Panel must reconvene within 7 days to consider the proposal. The Code of Conduct Panel's determination of the appropriate sanctions, after considering the Executive Director's proposal, is final.
- 6.5.12 The Code of Conduct Panel must confirm the sanctions to the athlete in writing within 7 days of the Executive Director approving the sanctions recommended by the Code of Conduct Panel, or the Code of Conduct Panel's final determination of the appropriate sanction, after considering the Executive Director's proposal.

6.6 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 one or more of the following:

- 6.6.1 Dismiss the disciplinary hearing with an oral reprimand and no further action,
- 6.6.2 Issue the athlete with a first and final written warning,
- 6.6.3 Suspend access to scholarship for a specified period,
- 6.6.4 Except for counselling purposes, ban the athlete from using the WAIS facilities and services for not longer than a specified period,
- 6.6.5 Order the athlete to undergo counselling for a specified period,
- 6.6.6 The athlete to have their WAIS scholarship terminated and made ineligible for a future WAIS scholarship,
- 6.6.7 The athlete have their WAIS awards withdrawn,
- 6.6.8 Apply any other appropriate sanction that provides an opportunity for both education and compliance to be achieved.

6.7 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 two sanctions and/or one or more of any of the following sanctions:

- 6.7.1 The athlete is banned from selection to represent WAIS for a specific period of which can include a permanent ban.
- 6.7.2 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.
- 6.7.3 Except for counselling purposes, be permanently banned from using the facilities and services of WAIS.
- 6.7.4 Have their WAIS awards withdrawn permanently.

- 6.7.5 Be ordered to repay financial assistance given to the athlete from the date of the breach of the Code.
- 6.7.6 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 Code of Conduct Panel to impose one or any of the sanctions in Level 2 and Level 3

8. Right of Appeal

An athlete found guilty of a breach shall have the right to appeal in writing to the Code of Conduct Panel 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

