



Gymnastics
New South Wales

GYMNASTICS NSW ('GNSW')

JUDGE POLICIES AND PROTOCOL

DOCUMENT NAME:	GNSW Judge Policies and Protocol
DATE OF ISSUE:	As stated in the individual policy documents
POLICY COVERAGE:	As stated in individual policy documents
DATE OF REVIEW:	December each year
CONTROLLING BODY:	GNSW Board

1. STATEMENT OF PRINCIPLE

GNSW is a not for profit organization that relies heavily on the contribution of volunteer Judges for the successful delivery of Events. GNSW values the contribution of volunteer Judges and seek to support their development and execution of their role.

Under the *Delegations Policy, Delegations Schedule*, an authority is delegated to the Judges Assembly Committees (JAC) for the development and coordination of judges in accordance with the *Committees and Volunteers Policy PART C – Judges Assembly Committee*.

The FIG Code of Points stipulates that a gymnast has the right to have their performance judged correctly, fairly, and in accordance with the stipulations of the Code of Points. The Gymnastics Australia Levels Programs similarly stipulates gymnast has the right to have their performance judged correctly, fairly and in accordance with Levels programs.

2. RELATED DOCUMENTS

Related documents include:

- GNSW Constitution
- Discipline Policy
- Grievance Policy
- Committees and Volunteer Policies
- Governance Policies
- Child Protection Policies
- FIG Code of Points
- GA Technical Regulations
- Gymsport Technical Handbooks

Members should consult the GNSW website for other relevant information.

3. RESPONSIBILITIES

Board - is responsible for the adoption of these Policies.

JAC, GC and GNSW staff - are responsible for the implementation of these Policies.

Members – Members are responsible for complying with these Policies.

4. POLICIES

PART A – PROVISION OF JUDGES POLICY

PART B – JUDGE SELECTION POLICY

PART C – JUDGE ETHICS AND INTEGRITY PROTOCOL

PART D – JUDGE MISCONDUCT PROTOCOL

PART E – JUDGE GYMNAST SAFETY PROTOCOL

ANNEXURE A – INVESTIGATIVE PROCESS TERMS OF REFERENCE

ANNEXURE B – PENALTY PROVISION TABLE

5. PROMOTION, ANNUAL REVIEW, ADDITIONS AND AMENDMENTS

These Policies will be available to all members via the GNSW website www.gymnsw.org.au

Each year, the JAC's shall be invited to review and make recommendations to the Board to amend these policies. In addition to the annual review of all policies, recommended changes to any policy may be submitted by a Member to the Board for consideration, at any time. In the event that the proposed changes are agreed, the policy will be amended and circulated to members in accordance with the Rules.

6. DEFINITIONS

'Board' means the GNSW Board of Management

'Balance of probabilities' means a concept in the law of evidence relating to the standard of proof whereby the party upon whom the legal burden of proof rests is entitled to a verdict in their favour if they have established some preponderance of probability in their favour.

'CEO' means the Chief Executive Officer of GNSW, or their delegate

'Club' means a GNSW Affiliate Member

'Conduct unbecoming' means conduct by a Member that is contrary to their ongoing membership, or which harms the standing of GNSW in the eyes of the public or GNSW membership.

<i>'Delegate'</i>	means a person duly delegated with authority by the CEO.
<i>'Due process'</i>	means procedural rights including the application of the principles of Natural Justice.
<i>'ESDO'</i>	means GNSW Events and Sports Development Officer
<i>'Event'</i>	means any competition, course, workshop, state team, function, dinner, display or other activity or sanctioned activity conducted by GNSW, Gymnastics Australia, FIG, other state association, state or federal government, private provider, or any Member of GNSW.
<i>'Event Management'</i>	means GNSW Event staff at an event.
<i>'GC'</i>	means GNSW Gymsport Committee.
<i>'GNSW'</i>	means Gymnastics NSW
<i>'Gross Misconduct'</i>	means conduct defined in clause 10.2 of the <i>Discipline Policy</i> .

Gross misconduct includes conduct that:

- a. is the subject of, or likely to become the subject of, an investigation by the police or other civil authorities;
- b. involves allegations of serious bullying, harassment or vilification;
- c. threatens the health, safety and/or welfare of persons including the alleged offending person;
- d. involves allegations of violence, threats, or sexual harassment;
- e. involves the deliberate flouting of GNSW rules;
- f. involves deliberately misleading or deceptive conduct; and/or
- g. is otherwise considered to be serious enough to warrant immediate action.

'JAC' means a Judges Assembly Committee or if a Gymsport does not have a Judges Assembly Committee then the respective GC.

'Member' means a Member of GNSW pursuant to the *Membership Policy*.

'Misconduct' means conduct which:

- a. is deemed or stated to be misconduct under such a by-law, clause, policy, code or resolution of GNSW and/or Gymnastics Australia,
- b. is detrimental to the proper conduct or reputation of GNSW,
- c. would potentially cause harm to another person,
- d. shows disrespect for GNSW rules and regulations,
- e. shows disrespect for another Member of GNSW,

- f. would reasonably be expected to bring GNSW and/or the sport of gymnastics, and/or a person or persons that have a direct or indirect association with GNSW into disrepute.

'Natural justice' means the right:

- a. to be advised of the nature and details of the misconduct alleged;
- b. the opportunity to present one's case in defence of an allegation;
- c. to be given a fair hearing; and
- d. to have a decision made by an unbiased decision maker or panel.

'Policy' means policy or protocol.

'Rules' means GNSW Constitution, policy, protocol or regulation

'FIG' means the International Federation of Gymnastics.

For the purpose of this document Director and Board member shall be used interchangeably.

PART A – PROVISION OF JUDGES POLICY

DOCUMENT NAME: Provision of Judges Policy
DATE OF ISSUE: January 2021
POLICY COVERAGE: Supply of Judges at All GNSW Events
DATE OF REVIEW: December 2021
CONTROLLING BODY: Gymnastics NSW

1. PROVISION OF JUDGES

Each Club is required to nominate a judge (at an appropriate accreditation level or higher) for an equivalent number of sessions for which the club has athletes entered, in each competition. For example, if a club has athletes entered into 2 sessions of a competition, they will be required to nominate an appropriately qualified judge for 2 sessions of that competition in accordance with the judge provision ratio outlined below.

GYMSPORT	JUDGE PROVISION RATIO
FREE G, MAG, TRP, WAG	1 judge for every 1-6 athletes entered into any session.
AER, RG	1 judge for every 1-6 athletes entered. Where athletes are entered as a multiple or group, the group will be classified as one unique entity for the purposes of the provision ratio.
ACR	1 judge for every 1-6 groups entered into any session.
TEAM GYM	1 judge for every team entered into a competition.

Where a club has more athletes/groups/teams entered into any session, clubs are required to provide additional judges in accordance with the judge provision ratio for their gym sport.

- Clubs who have athletes in a session who later withdraw are required to provide the number of judges as would have been required according to the judge provision ratio, based on the number of athletes originally entered for that session.
- Judges supplied must be qualified at the appropriate accreditation level (or higher) for the events entered in accordance with Gymnastics NSW Judging Competition Accreditation Requirements.
- Supplied judges must be qualified and available to fulfil an adjudication role on a judging panel for the supplied session. The provision of a Judging Assistant (such as a secretary, line judge, time etc.) does not fulfil the clubs judge provision requirements.
- Where a judge is adjudicating a competition with multiple sessions of same level and age group which is held over more than one session, the judge must judge all sessions.
- There may be times an appropriately qualified judge is requested to fulfil a judging assistant position on a judging panel. Where this occurs, the judge provision requirement would be satisfied.
- For competitions with Double or Multiple Panels (two or more competitions run simultaneously within the same Gym sport), each competition is run as a separate

competition and clubs are required to provide the correct number of judges in accordance with the judge provision ratio to the clubs number of entered gymnasts in each competition.

- Each Club will be required to nominate the judge representing their club for each session (in accordance with the required judge provision ratio) on the official Provision of Judges form. The Provision of Judge form will be released after the release of the competition timetable. Provision of Judge forms are required to be submitted by the nominated due date. Provision of judge forms returned after the specified due date will incur a \$100 late fee for the club.

2. CONTRIBUTION TO THE SUPPLY OF JUDGES

If a club does not supply a judge or arrange a proxy judge (in accordance with the required judge provision ratio), a contribution to the supply of judges of \$250 for each required judge will be incurred for each session the judge provision ratio is not met. This charge may be waived by the Gymsport ESDO where circumstances are such that it would be unreasonable to impose the fees.

If a club nominates a judge and that judge fails to attend the competition for the required sessions, or becomes unavailable throughout the competition without providing a suitable replacement, the club will be issued with the \$250 fine as outlined above, plus a \$100 administrative charge. Both charges may be waived by the Gymsport ESDO where circumstances are such that it would be unreasonable to impose the fees.

Payment of the fines are due within 14 days from the date of issue. Failure to pay may result in the Club being refused entry into subsequent events until the account has been finalised.

3. PROXY JUDGES

Clubs may organize a proxy judge to judge on behalf of their Club subject to the following rules:

- Judges are only able to nominate and represent one Club within each session at an event.
- It is the Clubs responsibility to contact and arrange for the proxy judge to attend the competition on the clubs' behalf.
- Requests for the use of another club's judge should initially be made to the club and the club may reserve the right to charge accordingly for services.
- All proxy judges must be nominated on the Provision of Judges form and submitted by the specified due date.
- Clubs will not be permitted to nominate a proxy judge who is already listed on a judging panel, even if that judge is an independent judge and is not representing any Club within that session.

4. OVERSUPPLY OF JUDGES

Clubs must meet the Judge Provision Requirements as outlined however from time to time nominated Judges may not be required to judge and may not be placed on judging panels for each session the Club has athletes entered. If a Club has fulfilled their requirements under the policy by nominating and making available the correct number of appropriately qualified judges, the Club will not receive a fine if their nominated judge is not appointed to a panel for a session.

5. EXEMPTIONS

Clubs in their first year of competition within each Gymsport will be exempt from supplying a judge until after the first relevant judges' course has been run.

Exemptions from the provision of judge requirements may be possible in extenuating circumstances for a particular event. Clubs wishing to apply for an exemption to the policy must make a request, in writing with supporting information, to the GNSW Gymsport ESDO via the official request for exemption form which can be found on the GNSW website. The ESDO may accept or reject the exemption application in their absolute discretion.

Clubs may contact the Gymsport ESDO and the Gymsport Judging Coordinator for assistance in sourcing an independent judge for events. It remains the responsibility of the club to find and provide required judges in accordance with this policy and Gymnastics NSW and the Gymsport Judging Coordinator have no obligation to source judges on behalf of any club to meet the clubs judge provision requirements.

Exemptions will not be granted to Clubs that have not taken reasonable steps to meet the judge provision guidelines with judges from within their own Club such as, but not limited to, club members attending GNSW Judges Courses in the level of accreditation for the proposed event.

6. JUDGES UNAVAILABLE FOR NOMINATED COMPETITION SESSIONS

Clubs should take care to ensure the availability of their nominated judge before submitting the Provision of Judges form for an event. The Provision of Judges form is required to be submitted after the release of the competition timetable and the session times are known. Clubs who submit judges for a competition who are not available will incur a \$20 administration fee by the relevant Judges Assembly. Clubs are required to find a suitable judge who is appropriately qualified to replace the judge who is not available for the event. Failure to replace the withdrawn judge will result in the penalties for failure to attend the required session, \$250 per session fine and \$100 administration fee.

It is understood that on occasion there may be extenuating circumstances where a club nominated judge becomes unavailable after they have been nominated and placed on a judging panel and prior to the competition. Under the extenuating circumstances clubs should contact the Judging Coordinator and/or the Gymsport ESDO to request an exemption to the administration fee. Clubs are still required to source a suitable replacement judge to fulfil their Judge Provision requirement.

The Gymsport Judging Coordinator and/or the Gymnastics NSW ESDO should be contacted if unforeseen circumstances occur on the day of the competition. This is to allow the Judging Coordinator time to reorganize the Judging Panels with minimal impact on the competition. Failure to do so will result in the penalties outlined above for the failure to attend the required session, \$250 per session fine and \$100 administration fee.

7. JUDGE REIMBURSEMENT OF EXPENSES

People that judge at a competition do so in a volunteer capacity. As such there is no obligation upon GNSW to reimburse judges for expenses. Individual Gymsports may decide to reimburse volunteers for out of pocket expenditure at their absolute discretion. Where a gym sport determines that reimbursement of judges shall occur, the gym sport will determine the amount of reimbursement. Judge reimbursement may be paid direct to the judge or to the club supplying the judge.

The club of a volunteer who is due to receive a reimbursement of expenditure may request that the reimbursement is provided directly to the club instead of to the volunteer directly. Clubs must indicate on the official Provision of Judge form if they are requesting the reimbursement of expenditure to be provided to the club or directly to the volunteer. If a club judge is judging additional sessions as an independent judge (additional to the club provision nomination), any reimbursement for the independent sessions will be paid directly to the judge.

Judges are required to provide their own lunch and snacks for events. No food or eating is permitted on the Field of Play. For GNSW competitions where meals are not provided, judges who judge two or more consecutive sessions on the same day will receive a \$15 food allowance. Food allowance will be paid directly to the judge. The allowance is only payable once per eligible day.

All required expense reimbursement forms must be submitted to GNSW by the 31st of December in each calendar year. No reimbursements can be claimed for events held in previous years and any outstanding reimbursements or allowances are forfeited.

PART C – JUDGE ETHICS AND INTEGRITY PROTOCOL

POLICY NAME:	Judge Ethics and Integrity Protocol
DATE OF ISSUE:	TBC
COVERAGE:	This protocol applies to all GNSW Accredited Judges and JAC's
DATE OF REVIEW:	December each year
CONTROLLING BODY:	Board

1. OVERVIEW

In accordance with the *Ethics and Integrity Policy* the Board has adopted the following protocol to promote ethical conduct and address areas of sport integrity including codes of conduct, a judges oath, and guidelines to address bias and cheating.

2. JUDGE CODE OF CONDUCT

- 2.1 In addition to the *General Code of Behaviour*, GNSW Judge Technical Members must meet the following requirements in regard to their conduct during any activity held or sanctioned by GNSW or a GNSW affiliated club:
- a. Place the safety and welfare of the participants above all else.
 - b. Respect the 'Rights of the Child' and value the individual in sport.
 - c. Treat all Members and GNSW employees with respect and be truthful and accurate in all dealings with them.
 - d. Follow the instruction of the CEO, Event Management and JAC at an Event.
 - e. Behave at all times in a professional manner and exemplify nonpartisan ethical behaviour.
 - f. Be impartial and never engage in cheating, bias or misconduct.
 - g. Disclose to the JAC or Chief Judge any conflict of interest before the start of the event.
 - h. Be courteous, respectful and open to discussion and interaction.
 - i. Adhere to GNSW policies, rules, regulations and codes of conduct.
 - j. Be fully and independently responsible for their scores.
 - k. Complete required training and education for the level of accreditation.
 - l. Ensure they have a valid and current accreditation.
 - m. Have thorough knowledge of the competition technical rules.

- n. Have extensive knowledge in the rules of contemporary gymnastics and understand the intent, purpose, interpretation, and application of each rule.
- o. Execute the role of a Judge with due care, skill and diligence.
- p. Evaluate each exercise accurately, consistently, quickly, objectively and fairly and when in doubt, give the benefit of that doubt to the gymnast.
- q. Attend all scheduled instruction sessions and meetings of judges before the respective Competition and adhere to any special organizational or judging related instruction given by GNSW.
- r. Attend podium training (where applicable).
- s. Be well prepared, rested, vigilant, and punctual.
- t. Wear the prescribed competition uniform.
- u. Remain in assigned seat, except with the consent of Competition Jury, and refrain from having contact or discussions with gymnasts, coaches, delegation leaders or other judges.
- v. Protect Member privacy.
- w. Report concerns and violations.
- x. Cooperate with investigations.
- y. Accept responsibility for all actions taken and comply with any associated consequences.
- z. Protect the reputation of GNSW and do not do anything that has the potential to bring the sport into disrepute.

3. JAC RESPONSIBILITIES

- 3.1 The JAC are held to a higher level of accountability for ethical behaviour. In addition to the *Judge Code of Conduct* they should:
- a. be a role model for ethical behaviour.
 - b. promote the GNSW culture of integrity.
 - c. foster open communication.
 - d. recognise behaviour that exemplifies the ethical principles and values of GNSW.

e. respond to misconduct and reporting violations.

f. disclose conflicts of interest.

g. never engage in favouritism or nepotism.

4. RIGHTS OF JUDGES

4.1 Judges have the right to:

a. Volunteer in a safe and supportive environment.

b. Be treated with respect.

c. In case of an intervention by the Superior Jury, the Judge has the right to explain their score and to agree or not to a change. In case of disagreement the Judge may be overruled by the Superior Jury and shall be informed accordingly.

d. In case of a complaint or disciplinary action taken against a judge, they have the right to natural justice.

5. JUDGES OATH

5.1 The following Judges Oath shall be read at each Event to remind the Judges to execute their duty with impartiality, respectful of governing rules, and in the spirit of sportsmanship.

“In the name of all the judges and officials, I promise that we shall officiate at this event with complete impartiality, respecting and abiding by the rules which govern them, in the true spirit of sportsmanship”.

6. GUIDELINES FOR RESOLVING ALLEGATIONS OF BIAS AND CHEATING

The following guidelines underpin the GNSW approach to the resolution of bias and cheating:

6.1 GNSW is committed to the early and informal resolution of allegations of bias and cheating.

6.2 Parties involved shall participate in the bias and cheating resolution process in good faith.

6.3 Bias and cheating resolution processes shall be applied fairly, flexibly and expeditiously.

6.4 All parties involved in allegations of bias and cheating shall be treated with respect and impartiality.

- 6.5 The principles of natural justice shall be observed. To this end the parties involved in a bias and cheating allegation complaint have a right to a fair hearing and to have a decision made by an unbiased decision-maker or panel.
- 6.6 The confidentiality of parties involved in a bias and cheating allegation shall be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure. The identity of the person making the allegation must be provided to GNSW at the time of making a complaint or allegation.
- 6.8 All reasonable investigation of the complaint should occur including, where appropriate, a review of statistical evidence to support the investigation.
- 6.9 The bias and cheating procedures contained herein shall be clearly communicated to members.
- 6.10 At any point in the bias and cheating process, following reasonable enquiry, GNSW may deem a bias and cheating allegation frivolous, vexatious, based upon insufficient grounds, or without sufficient supporting evidence. In such instance the bias and cheating allegation or complaint shall be dismissed and no further investigation into the matter shall occur.
- 6.11 No matter may proceed to a formal bias and cheating process if greater than twenty eight (28) days has passed since the event that gave rise to the bias and cheating allegation or complaint.

7. FRAMEWORK FOR RESOLVING ALLEGATIONS OF BIAS AND CHEATING

There are three stages in the GNSW bias and cheating resolution process:

- Stage 1: Referral to JAC to determine eligibility - see clause 8 below
- Stage 2: Formal bias and cheating resolution by JAC - see clause 9 below
- Stage 3: Appeal to the CEO – see clause 10 below.

8. STAGE 1 – REFERRAL TO JAC TO DETERMINE ELIGIBILITY

- 8.1 An eligible member who has concerns that a Judge has engaged in bias and cheating when judging at an Event or Events may lodge a complaint to commence the formal bias or cheating process, in writing, via the online '*Judge Ethics and Integrity Questionnaire*'.

The complaint shall:

- a. be lodged within fourteen days (14) of the decision, act, or omission giving rise to the bias and cheating.
- b. be lodged by an eligible Member in accordance with clause 8.2.

- c. include the Member's name and contact details; and
- d. state the nature of the bias and cheating, the specific issues to be addressed, and the remedy or resolution sought.

8.2 Eligibility

Upon receipt of a completed '*Judge Ethics and Integrity Questionnaire*' the JAC shall determine if the matter and allegations are eligible for resolution under this protocol as to concerns of judging matters including bias or cheating.

An eligible complaint must:

- a. Be made by an Eligible Member. The person making the allegation must be a fully accredited GNSW judge at the time of making the allegation, or the authorized representative of a current GNSW club affiliate member. Allegations received from Technical Members who are not a Judge, or from Members who are not an authorized representative of an Affiliate – Club Member shall not be heard by the JAC.
- b. Occur at a sanctioned GNSW event. The Event, or Events, where the judge is accused of bias or cheating must be a sanctioned GNSW event or the Australian Championships. Allegations of bias or cheating at an event outside NSW, other than the Australian Championships, or at an Event that is not properly sanctioned in accordance with the *GNSW Competition Sanction Policy* shall not be considered by the JAC.
- c. Other matters of misconduct shall be dealt with in accordance with *Part D Judge Misconduct Protocol*.

9. STAGE 2 – FORMAL BIAS AND CHEATING RESOLUTION BY JAC

9.1 Procedure

Where a complaint has been determined to be an eligible complaint at stage 1 the JAC:

- a. shall exercise their discretion to extend the specified time limit for receipt of the complaint or referral, provided it is in accordance with clause 6.11 above;
- b. shall respond to the member in writing as soon as practicable confirming receipt of the complaint. This confirmation may occur via digital and / or technical means.
- c. may investigate the allegation and determine the matter after giving the person making the complaint and the judge or judges listed in the complaint the opportunity to respond either orally or in writing.

- d. may extend an invitation for the member or judge to attend mediation to resolve the matter.
- e. may after reasonable enquiry, dismiss the matter on the basis that it is:
 - i. not an eligible allegation
 - ii. frivolous,
 - iii. vexatious,
 - iv. based upon insufficient grounds, or
 - v. without sufficient supporting evidence.
- f. may, after reasonable enquiry, impose any of the penalties included in the Penalty Provision Table at ANNEXURE B to this Protocol.
- g. shall inform the complaining member and the judge in writing of the JAC determination and the next step in the process and any right to appeal the determination.
- g. shall comply with the *Investigative Process Terms of Reference* set out as ANNEXURE A to this Protocol.

10. STAGE 3 – APPEAL TO THE CEO

- 10.1 Where a Member wishes to appeal a determination by the JAC the appeal may be made to the CEO. The appeal shall:
- a. be lodged in writing by the Member within fourteen days (14) of the date of the response at Stage 2 of the process.
 - b. include the Member's name and contact details;
 - c. state the nature of the complaint, specific issues to be addressed and the remedy or resolution sought;
 - d. include any new information that may impact upon the decision; and
 - e. state the reasons why the Member believes the resolution by the JAC was inappropriate.

Upon receipt of an appeal the CEO must comply with the *Formal Grievance Process Terms of Reference*.

PART D – JUDGE MISCONDUCT PROTOCOL

POLICY NAME:	Judge Misconduct Protocol
DATE OF ISSUE:	TBC
COVERAGE:	This protocol applies to all GNSW Accredited Judges and JAC's
DATE OF REVIEW:	December each year
CONTROLLING BODY:	Board

1. OVERVIEW

GNSW is committed to providing a safe and orderly environment for Members, and it seeks to support the achievement of this goal by providing a fair and transparent process for dealing with allegations of Misconduct by Judges who owe duties to GNSW in accordance with GNSW policy and the *Judges Code of Conduct*.

2. SCOPE

This policy applies to allegations of Misconduct by Judges with the exception of allegations of Bias and Cheating.

'*Misconduct*' means conduct which:

- a. is deemed or stated to be misconduct under such a by-law, clause, policy, code or resolution of GNSW and/or Gymnastics Australia,
 - b. is detrimental to the proper conduct or reputation of GNSW,
 - c. would potentially cause harm to another person,
 - d. shows disrespect for GNSW rules and regulations,
 - e. shows disrespect for another Member of GNSW,
 - f. would reasonably be expected to bring GNSW and/or the sport of gymnastics, and/or a person or persons that have a direct or indirect association with GNSW into disrepute.

3. PROCESS

In instances where the CEO observes or becomes aware of alleged Misconduct as defined above, by a judge, the CEO has the discretion to refer the matter to be dealt with under the *Grievance Policy*, or under the *Discipline Policy* at their discretion.

PART E – JUDGE GYMNAST SAFETY PROTOCOL

POLICY NAME:	Judge Gymnast Safety Protocol
DATE OF ISSUE:	TBC
COVERAGE:	This protocol applies to all GNSW Accredited Judges and JAC's
DATE OF REVIEW:	December each year
CONTROLLING BODY:	Board

1. OVERVIEW

Judges and the JAC owe a duty of care to gymnasts at an event. This is both a moral and a legal obligation to ensure the safety and well-being of others. The Board has adopted the following protocol to remind judges of this duty and to implement a process for the resolution of safety concerns.

2. PROCEDURE

- 2.1 Judges should take reasonable care to prevent a gymnast from performing a skill where there is foreseeable risk of harm.
- 2.2 If a Judge has concerns about the safety of a gymnast when performing a particular skill the judge should advise the competition jury, GNSW Event Management, or the CEO, in any form, as soon as possible.
- 2.3 If there is an immediate risk of harm the Competition Jury, GNSW Event management and/or the CEO may take immediate action to prevent, or delay, a gymnast performing a particular skill until the matter has been considered. In such event the decision by them is final and cannot be appealed under any GNSW policy. Failure to follow the instruction of the CEO or GNSW Event Management will result in the gymnast receiving a score of zero for the routine and the matter may be referred to the *Disciplinary Policy* for further action against the Coach and/or Gymnast.
- 2.4 Notwithstanding clause 2.3 GNSW Event management, and/or the CEO will refer the matter to the competition jury for consideration.
- 2.5 When concerns are referred to the competition jury, the jury shall speak with the:
 - a. Gymnasts coach to determine the coach's level of competence and the gymnast's preparedness to perform the skill;
 - b. The judges on the panel to understand their concerns;
 - c. Event physiotherapist, only required in the event the gymnast is injured, to determine if the gymnast is fit to perform the skill, and

- d. Anyone else that the competition jury may determine in their complete discretion as being able to provide information or understanding of the matter.

2.6 When considering whether to allow the gymnast to perform the skill the competition jury may consider:

- a. The likelihood of injury.
- b. The potential level of harm associated with an injury.
- c. The coach competency to teach the skill.
- d. The coach experience teaching the skill.
- e. The gymnasts prior experience performing the skill.
- f. The extent of spotting by the coach on the day of Event.
- g. The health and mental state of the gymnast.
- h. Whether the gymnast has any pre-existing injuries.

2.7 After speaking with the appropriate people (Clause 2.5) and considering some or all of the items at clause 2.6, the competition jury may:

- a. Dismiss the complaint on the basis that they reasonably determine that the gymnast's safety would not be compromised by performing the skill.
- b. Advise the gymnasts coach and the judging panel that the skill should not be performed. The coach and gymnast may decide to replace the skill with an alternate skill instead.
- c. Advise the gymnasts coach that the Physiotherapist has determined that it would be unsafe for the gymnast to perform the skill on the basis of injury.

2.8 The decision by the competition jury is final and cannot be appealed under any GNSW policy.

2.9 If the coach or gymnast fail to follow the direction of the competition jury the gymnast shall receive a score of zero for the routine and the coach may be subjected to disciplinary action under the *Discipline Policy*.

ANNEXURE A - INVESTIGATIVE PROCESS TERMS OF REFERENCE

Objective

The objective of an investigation is to determine the truth or falsity of matters alleged.

Activities

Investigative activities are at the discretion of the investigator and may include actions such as the examination of documents, websites, social media and any other soft or hard copy document. It may also include interviews or conversations considered by the investigating officer, in their complete discretion, to be a necessary part of an investigation.

The investigation activities and the conduct of them shall be at the complete discretion of the GNSW and its Committees and Sub Committees.

Record of Interview

Information obtained from interviews shall be documented in the records of each interview. The record of interview should include:

- a. Name of person interviewed.
- b. Date and time of the interview.
- c. Summary of discussion.

Investigative Report

After all relevant information is gathered, an investigative report shall be prepared which includes:

- a. Name and contact details of people interviewed and documents assessed.
- b. List of all areas activities conducted to make the determination.
- c. A summary of the investigative findings that lead to the determination.
- d. Determination.

The investigative report shall be noted in the minutes of any relevant Committee meeting.

ANNEXURE B – PENALTY PROVISION TABLE

The table below provides a guide for the application of the penalty options available to the JAC when making a determination in a complaint. When determining an appropriate penalty the JAC may consider that one or a combination of the penalties listed below would be appropriate. The penalty guide provides the range of penalties that may be imposed up to the maximum penalty for the misconduct. The range of penalties applies equally for misconduct in person and for misconduct via any form of telecommunication including but not limited to social media. Items 4 -13 may only be determined by the CEO or Board.

Ref	Breach	Penalty guide
1	Refusing to follow the reasonable directions of Management	<ul style="list-style-type: none"> ▪ Verbal or written reprimand ▪ Suspension from serving on a committee ▪ Suspend or reject accreditation ▪ Removal or exclusion from an event or events, state team or any other Gymnastics NSW or Gymnastics Australia activity including, but not limited to attending as an official, athlete, spectator and/or any other capacity. ▪ Probationary period ▪ Requirement to attend training
2	Bias or Cheating	
3	Swearing, indecent language	
4	Alcohol Intoxication	<ul style="list-style-type: none"> ▪ All of the penalties listed above in ref 1, 2 & 3 ▪ Matter reported to police or appropriate authority ▪ Requirement to attend counselling or some other rehabilitative measure
5	Possession, supply or taking illegal substances	
6	Supply, possession or taking performance enhancing drugs	
7	Bullying, harassment, intimidation	
8	Grooming	
9	Theft, fraud, membership fraud	<ul style="list-style-type: none"> ▪ All of the penalties listed above in Ref 1 – 7 inclusive ▪ Repayment of funds ▪ Fine up to \$20,000
10	Physical assault	<ul style="list-style-type: none"> ▪ All of the penalties listed above in Ref 1- 8 inclusive ▪ Permanent expulsion from being a member and/or attending Gymnastics NSW activities in any capacity
11	Sexual assault, child molestation	
12	Gross Misconduct	
13	Bringing Gymnastics NSW or the sport into disrepute	

VERSION CONTROL

The following clauses were updated as follows:

DATE	CLAUSES	AUTHORISED BY
		Board
		Board
		Board
		Board