Anti-Match-Fixing and Sports Betting Policy of Rowing New Zealand

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1. Introduction

1.1 **Rowing New Zealand** is committed to maintaining the fundamental character of sporting competition as an honest test of skill and ability and to prevent Match-Fixing from undermining the integrity of **rowing**.

1.2 In this Policy, Match-Fixing involves improperly taking any action to influence the overall result, or any part of, a sports Match, game, race or Event for financial or other benefit; rather than solely for genuine medical or Sporting Tactical Reasons. It is usually associated with corrupt gambling practices such as placing Bets on arranged outcomes for financial return. However, Match-Fixing can also involve a range of associated activities. Match-Fixing activities prohibited under this Policy are set out in Rule 3 (Prohibited Conduct).

1.3 This Policy establishes anti-Match-Fixing rules to apply across **rowing** in relation to any Match or Event Under the Jurisdiction of, or Connected to, **Rowing New Zealand** whether inside or outside of New Zealand.

1.4 The purpose of this Policy is:

a. to protect and maintain the integrity of **rowing**

b. to protect **rowing** against any efforts to improperly influence the result, or any aspect, of any Match or Event

c. to establish uniform rules and a consistent scheme of enforcement and penalties

d. to generally align with the New Zealand Policy on Sports Match-Fixing and Related Corruption developed by Sport New Zealand (Sport NZ)

e. to capture Match-Fixing as an offence

f. not to capture as an offence a situation where an athlete or team deliberately loses, underperforms or plays in a manner which the athlete or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition. This type of activity may or could be prohibited by the NSO's other rules for their sport but is not intended to be captured in this Policy.

1.5 Conduct prohibited by this Policy may also be a criminal offence and/or a breach of other applicable laws or regulations. This Policy is intended to supplement other laws and regulations and does not replace, prejudice or undermine in any way the application of other laws and regulations. People to whom this Policy applies must comply with all applicable laws and regulations at all times.

1.6 This Policy only applies to Relevant Persons associated with **Rowing New Zealand**, as outlined in Rule 2 and listed in Schedule 1 of this Policy. This Policy cannot apply to third parties outside the jurisdiction of **Rowing New Zealand**, who may often be involved in Match-Fixing. However, third party involvement may be addressed by law enforcement agencies. **Rowing New Zealand** must therefore immediately inform and collaborate with relevant law enforcement agencies such as the New Zealand Police, where third party involvement is suspected, so possible criminal offences by third parties and by Relevant Persons under the Policy, can be addressed.

1.7 Education of all Relevant Persons and **Rowing New Zealand's** Board and management about the requirements of this Policy, Match-Fixing risks and prevention strategies (as outlined in Rule 4), is essential to the credibility and proper functioning of this Policy.

1.8 Appendix F contains a flow-diagram of the key process steps of this Policy. Text boxes are also included to give advice on implementing the Policy. In brief, the enforcement process (not including processes of the New Zealand Police or other agencies) is as follows:

a. information is investigated by an Integrity Officer (a person designated by the NSO)

b. the Integrity Officer forwards their report and recommendation to an Integrity Review Officer (a person designated by the NSO) who considers the material, together with material received from the person investigated and then:

i. decides whether or not low-level offences have been committed and, if so, imposes a warning and reprimand only; or

ii. decides that no offences have been committed in which case the matter is at an end; or

iii. decides whether the Integrity Officer is required to refer serious matters to an Integrity Tribunal.

c. the Integrity Tribunal (a panel appointed by the NSO) conducts hearings, makes decisions on matters referred to it and on any appeals against Integrity Review Officer decisions and imposes sanctions where appropriate.

d. there are some rights to appeal decisions of the Integrity Review Officer and the Integrity Tribunal.

2. Application of Anti-Match-Fixing Policy

2.1 Policy made by Board

a. This Policy is made by the Board of **Rowing New Zealand** and may be amended by the Board, provided that, as a minimum, this Policy is aligned, to an extent satisfactory to Sport NZ, with the following requirements in Sport NZ's model NSO Anti-Match-Fixing and Sports Betting Policy:

i. the offences in Rule 3

ii. the educational requirements in Rule 4

iii. the sanctions associated with Prohibited Conduct listed in Rule 14

iv. including within the Relevant Persons identified in the attached Schedule 1, the minimum classes of persons as required by Schedule 1 of Sport NZ's model NSO Anti-Match-Fixing and Sports Betting Policy.

b. The Board may, in its sole discretion, delegate any or all of its powers under this Policy, including, but not limited to, the power to adopt, apply, monitor and enforce this Policy.

2.2 Policy applies to Relevant Persons

a. This Policy applies to, and is binding on, all "Relevant Persons", as designated by the Board in Schedule 1 of this Policy.

b. By virtue of obligations arising in or through membership, employment or other contractual relationship with **Rowing New Zealand**, Relevant Persons are bound by and are required to comply with this Policy.

2.3 Persons to whom this Policy does not apply

a. To avoid any doubt, this Policy does not apply to:

i. persons who are not Relevant Persons

ii. persons who are Relevant Persons but do not have a membership, employment or other contractual relationship with the NSO

iii. persons who are Relevant Persons and who have a membership, employment or other contractual relationship with the NSO but such relationship does not include an obligation to comply with this Policy.

3. Prohibited Conduct

3.1 This Policy prohibits a Relevant Person engaging in the conduct and activities listed in this Rule 3. Any Relevant Person who engages directly or indirectly, alone or in conjunction with another or others in the listed conduct and activities commits an offence in breach of this Policy and will be subject to sanctions.

3.2 **Corruption:**

No Relevant Person shall:

a. fix, contrive, improperly influence or otherwise take action which could cause the occurrence of a particular incident, outcome, result or anything else in a Match or Event, and for which any money, Benefit or Reward (including associated with a Betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons

b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other reward to fix, contrive, or otherwise improperly influence the occurrence of a particular incident, outcome, result or any other aspect in a Match or Event

c. fail, for any money, Benefit or Reward (including associated with a Betting arrangement), to perform as reasonably expected to their abilities in, or withdraw completely from, any Match or Event, other than solely for genuine medical or Sporting Tactical Reasons.

3.3 **Betting:**

No Relevant Person shall Bet, gamble or enter into any other form of financial speculation on any Match or Event Under the Jurisdiction of, or Connected to, **Rowing New Zealand**.[1]

3.4 **Misusing Inside Information:**

No Relevant Person shall:

a. use, or provide to any person, Inside Information[2] where it might reasonably be expected the information could be used for Betting purposes

b. pay or accept, or seek or offer or agree to pay or accept, any bribe or other Benefit or Reward for Inside Information

c. To avoid doubt, this does not prevent the appropriate use or disclosure of Inside Information for genuine business or organisational purposes related to **Rowing New Zealand** such as: communications between **Rowing New Zealand** personnel for those purposes; necessary communications with other relevant sports sector personnel for those purposes; media interviews and other public commitments

d. To avoid doubt, nothing in Rule 3.4a. is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Relevant Person's family) where it is reasonable for the Relevant Person to expect that such information can be disclosed in confidence and without

[1] "Match or Event Under the Jurisdiction of, or Connected to, **Rowing New Zealand**" is defined in Appendix E.

[2] "Inside Information" is defined in Appendix E.

being subsequently used for Betting, and where the person who is told the information is also told it cannot be shared with another person.

3.5 **General Offences:**

No Relevant Person shall:

a. receive, take an action with the expectation of receiving, or provide or offer to provide any Benefit or Reward (for example a gift) in circumstances that might reasonably give the impression that the Relevant Person is involved in, influenced by, or connected with any Prohibited Conduct

b. tamper with, obstruct, delay and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to a breach (actual or potential), and/or an investigation, under this Policy

c. engage in any other form of corrupt conduct, as defined by **Rowing New Zealand**, regarding any Match or Event Under the Jurisdiction of, or Connected to, **Rowing New Zealand**.

3.6 **Further offences relating to Prohibited Conduct in Rules 3.2 – 3.5**

No Relevant Person shall:

a. knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct listed in Rules 3.2 – 3.5

b. induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct listed in Rules 3.2 – 3.5

c. attempt to engage, or agree with any other person (whether a Relevant Person or not) to engage, in any Prohibited Conduct listed in Rules 3.2 – 3.5, whether or not such Attempt or agreement in fact resulted in the commission of an offence or breach under this Policy or whether or not, in the circumstances, it was possible to commit such an offence or breach

d. engage in any conduct relating directly or indirectly to any Prohibited Conduct listed in Rules 3.2 – 3.5, which is prejudicial to the interests of **Rowing New Zealand** or which brings the person engaging in the conduct, or **Rowing New Zealand,** into disrepute.

3.7 **Failure to disclose information or cooperate with investigations**

No Relevant Person shall:

a. fail to promptly disclose to **Rowing New Zealand** full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any Prohibited Conduct

b. fail to cooperate fully with any reasonable investigation carried out by **Rowing New Zealand** regarding any alleged breach of this Policy, including providing any requested information.

3.8 **Circumstances not amounting to Prohibited Conduct**

To avoid doubt, none of the measures in Rule 3 or otherwise specified in this Policy prevent:

a. taking action solely for genuine medical or Sporting Tactical Reasons

b. investment in, or financial support for, a team or athlete in accordance with legitimate commercial practices.

3.9 **Factors not relevant in determining whether an offence has been committed**

The following factors are not relevant in determining whether an offence has been committed or not under this Policy (although they may be relevant to the appropriate sanction to be imposed):

a. the Relevant Person was not participating in the Match or Event to which the offence is alleged to relate

b. the nature or outcome of any Bets in issue

c. the outcome of the Match or Event in question or of any aspect of it on which Bets were made

d. whether or not any Benefit or Reward was actually given or received

e. whether or not the Benefit or Reward was intended for, given to, expected by, or received by, the Relevant Person or another associated person, for example a family member, friend or someone the Relevant Person wishes to benefit

f. whether or not any of the results in, or any aspect of, the Match or Event in question were (or could have expected to have been) affected by any act or omission in question.

3.10 **Other enforcement**

Rule 3 does not prevent enforcement of any other rules or the referral of Prohibited Conduct to the New Zealand Police or other law enforcement agencies.

3.11 **Criminal offences**

Any information or reports on alleged Prohibited Conduct by a Relevant Person, or activity by anyone outside the sport, which the Integrity Officer or Integrity Review Officer considers may be a criminal offence, must be immediately referred, by the Integrity Officer, to the New Zealand Police (the Crime Policy & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499). The Integrity Officer must also inform the Chief Executive Officer and Board of **Rowing New Zealand** and the Chief Executive Officer of Sport NZ of this report to the New Zealand Police.

4. Education

4.1 **Rowing New Zealand** must ensure that education about this Policy and its application to **rowing**, is provided to all Relevant Persons to enable them to clearly understand **Rowing New Zealand** requirements regarding Match-Fixing rules and to be aware of risk management strategies. Education programmes:

a. must be made available and provided to all Relevant Persons, the Board and **Rowing New Zealand** management

b. should ideally be made available to as wide a range of persons as feasible including players, coaches, support staff, administrative staff, umpires, other officials and player agents

c. will cover the content of **Rowing New Zealand's** Anti-Match-Fixing Policy and any other relevant information concerning Match-Fixing that **Rowing New Zealand** considers appropriate

d. will include content on identification of and familiarisation with methods of engagement or entrapment of participants in Match-Fixing and on strategies for preventing any risk of Match-Fixing activity

e. will be carried out and updated regularly to include new personnel and keep people informed of the latest strategies and developments.

4.2 **Rowing New Zealand** will ensure that everyone identified as a Relevant Person at the start date, or who becomes a Relevant Person within one month of the start date of this Policy completes an appropriate education program, as directed by **Rowing New Zealand,** within three months after the start date of this Policy.

4.3 **Rowing New Zealand** will ensure that those who become Relevant Persons one month or more after the start date of this Policy must undertake an appropriate education program, as directed by **Rowing New Zealand** within two months after becoming a Relevant Person.

4.4 Relevant Persons must undertake an appropriate anti-Match-Fixing education program, as directed by **Rowing New Zealand,** at least once every three years.

5. Integrity Officer

5.1 **Rowing New Zealand** must designate at least one Integrity Officer who will be responsible for matters relating to overseeing **Rowing New Zealand's** anti-Match-Fixing measures, including performing functions and duties set out in this Policy.

6. Integrity Review Officer

6.1 An Integrity Review Officer designated by **Rowing New Zealand** will be responsible for functions set out in this Policy, including reviewing and making decisions regarding material, reports, decisions, recommendations and submissions received from an Integrity Officer and/or a Relevant Person.

6.2 The Integrity Review Officer role and process is set out in Appendix A.

7. Integrity Tribunal

7.1 The Board of **Rowing New Zealand** shall from time to time appoint persons with appropriate skills and experience to sit on the **Rowing New Zealand** Integrity Tribunal to consider allegations referred to it pursuant to this Policy. Integrity Tribunal members will be appointed for such time and such purposes as the Board thinks fit.

7.2 The Board will appoint one of the Integrity Tribunal members as Chairperson.

7.3 Matters referred to the **Rowing New Zealand** Integrity Tribunal shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

8. Burden and Standard of Proof

8.1 The Integrity Officer has the burden of establishing that an offence under this Policy has been committed and/or that a Provisional Suspension is appropriate.

8.2 In offences determined by the Integrity Review Officer and in matters being heard by the Integrity Tribunal, the standard of proof required is that the Integrity Review Officer or Integrity Tribunal is *comfortably satisfied.* This standard of proof is greater than a balance of probability but less than proof beyond a reasonable doubt.

8.3 A Relevant Person found to have committed an offence is, in regard to some offences, eligible for the "Lower range of sanctions" as recorded in the Table of Sanctions in Rule 14.5 but only if the Relevant Person establishes, on the balance of probability, the mitigating factor set out in Rule 14.4a.xii. or 14.4a.xiii.

9. Reporting Process

9.1 It is fundamental to the operation of this Policy that Relevant Persons or any other person associated with the NSO, report a suspected Match-Fixing breach to **Rowing New Zealand** as soon as practicable.

9.2 Except as required below, a Relevant Person must promptly report to the Integrity Officer or ensure a report is made to the Integrity Officer of, any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct. This includes reporting that:

a. the Relevant Person is interviewed as a suspect, charged, or arrested by the New Zealand Police regarding conduct that would amount to an allegation of Prohibited Conduct under this Policy

b. the Relevant Person is approached by another person to engage in conduct that is Prohibited Conduct

c. the Relevant Person knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that is Prohibited Conduct

d. the Relevant Person has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature regarding past or proposed conduct that is Prohibited Conduct

e. the Relevant Person is aware or reasonably suspects that there is deliberate avoidance in **Rowing New Zealand** of acknowledging and acting on any Prohibited Conduct, in which case the report must be made to the Chief Executive Officer of Sport New Zealand.

9.3 If a Relevant Person wishes to report the Integrity Officer for involvement in conduct that is Prohibited Conduct under this Policy, then the Relevant Person must report the conduct to the Chief Executive Officer of **Rowing New Zealand**.

9.4 If the Relevant Person wishes to report the Chief Executive Officer of **Rowing New Zealand** who is also the Integrity Officer, then the Relevant Person must report the conduct to the Chair of the Board.

9.5 If the Relevant Person wishes to report the Chief Executive Officer (who is also the Integrity Officer) and the Chair of the Board, then the Relevant Person must report the conduct to the Chief Executive Officer of Sport NZ.

9.6 Where a Relevant Person makes a report to the Chief Executive Officer, Chair of the Board, or Chief Executive Officer of Sport NZ as above, those persons to whom the report was made may refer the report to another Integrity Officer designated by **Rowing New Zealand**. Where there is not another Integrity Officer, then the Chief Executive Officer, Chair of the Board, or Chief Executive Officer of Sport NZ may designate another person to fill that role. If the report relates to Rule 9.2e, the Chief Executive Officer of Sport NZ will determine how to deal with the report and may, but is not required to, refer the report to an Integrity Officer.

9.7 A report by a Relevant Person may be made verbally or in writing. However, the Integrity Officer (or Chief Executive Officer or the Chair of the Board) must record the report in writing in a Match-Fixing incidents register within 48 hours of receiving it, and promptly forward a copy of that written record to:

a. the Chief Executive Officer where the notification was made to the Integrity Officer under Rule 9.2

b. the Chair of the Board, where the notification was made to the Chief Executive Officer under Rule 9.3

c. the Chief Executive of Sport NZ, where the notification was made to the Chair of the Board under Rule 9.4.

9.8 Any report by a Relevant Person and any record of it under this Rule will be dealt with confidentially by **Rowing New Zealand** unless disclosure is otherwise required or permitted under this Policy, by law, or if the allegation of the Prohibited Conduct has already been made public by the Relevant Person who made the report and **Rowing New Zealand** considers that, in the circumstances, the reasons for disclosure outweigh the reasons for non-disclosure.

9.9 In particular, the Integrity Officer must use their best endeavours not to disclose information that might identify the Relevant Person who has made the report unless:

a. the Relevant Person consents in writing to the disclosure of that identifying information; or

b. the Integrity Officer reasonably believes that disclosure of identifying information:

i. is essential to enable an effective investigation; or

ii. is essential to prevent serious risk of harm to any person; or

iii. is essential having regard to the principles of natural justice.

9.10 A Relevant Person must not, by reason of having made a report about another person under this Policy, be subject to retaliatory action by **Rowing New Zealand**, and if a **Rowing New Zealand** employee, must not be disadvantaged in their employment.

9.11 Subject to law, the protections in Rule 9.10 will not apply where an investigation establishes that the person has intentionally made a false report, or made their report in bad faith.

9.12 A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct, even if the Relevant Person's prior knowledge or suspicion has already been reported.

10. Investigations

10.1 **Responsibilities of Integrity Officer**

a. The Integrity Officer is responsible for investigating any alleged breach of this Policy. Subject to Rules 9.3-9.6, any allegation or suspicion of a breach of this Policy, whatever the source, shall be referred to the Integrity Officer.

b. Following receipt of a report or other information, the Integrity Officer must do one of the following:

i. refer to the New Zealand Police (the Crime Policy & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499), any report or information involving conduct which may be a criminal offence, inform the Chief Executive Officer and Board of **Rowing New Zealand** and the Chief Executive Officer of Sport NZ of this referral and if considered appropriate, after taking into account any advice as to the next steps from the New Zealand Police, decide to investigate; or

ii. decide not to investigate (for example, but not limited to, where the report or information is frivolous or where the conduct complained of would not amount to a breach of this Policy or any relevant law); or

iii. decide to investigate.

c. If the Integrity Officer decides not to investigate, the Integrity Officer must provide a written report of the conduct complained of, the decision and reasons for the decision to the Integrity Review

Officer and, apart from reporting under Rule 9.7, no further action need be taken by the Integrity Officer unless the Integrity Review Officer decides otherwise.

10.2 **Investigation by Integrity Officer**

a. The Integrity Officer must investigate the activities of any Relevant Person who the Integrity Officer believes may have committed a breach of this Policy or where the Integrity Review Officer decides that the Integrity Officer must investigate.

b. Investigations may be conducted in conjunction with, and information obtained in investigations may be shared with **FISA** and/or other national **rowing** organisations, Sport New Zealand and/or other relevant authorities (including criminal justice, administrative, professional and/or judicial authorities) but subject to any applicable laws in New Zealand.

c. The Integrity Officer may collect information relevant to the investigation. The collection of information will be subject to the privacy policies (if any) of **Rowing New Zealand** and to applicable New Zealand law (such as the Privacy Act 1993). The Integrity Officer may:

i. only access personal information to which consent has been provided under this Policy (and any applicable privacy policy) or is otherwise able to be lawfully collected under applicable legislation

ii. make a request of the Relevant Person to provide any other information

iii. request the Relevant Person to make a written statement setting out in detail all of the facts and circumstances of which the Relevant Person is aware regarding the alleged breach.

d. Nothing in this Policy shall require a Relevant Person to surrender any rights under New Zealand law or in any applicable agreement between **Rowing New Zealand** and the Relevant Person that they have not otherwise agreed to surrender pursuant to this Policy.

e. Any Integrity Officer investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between **Rowing New Zealand** and the Relevant Person. In particular, the Integrity Officer will:

i. provide the Relevant Person with information in their possession relevant to the investigation, subject to any applicable legal obligations

ii. allow the Relevant Person an appropriate opportunity to consider and respond to that information.

f. Subject to Rule 10.2d. and e., Relevant Persons shall cooperate fully with, and shall provide all reasonable help to, the Integrity Officer in any investigation. A failure to co-operate may, depending on the circumstances, constitute an offence under this Policy.

g. As overriding principles:

i. if at any time during an investigation the Integrity Officer becomes aware of any matter which may constitute criminal wrongdoing, the Integrity Officer must immediately refer any relevant information to the New Zealand Police (the Crime Policy & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499) and take direction from that agency about the way in which the Integrity Officer should continue to proceed

ii. provided always that the Integrity Officer must comply with all relevant obligations under this Policy, any investigation must be concluded promptly and efficiently.

10.3 **Completion of Investigation/Submissions to Integrity Review Officer**

a. Following completion of the investigation, the Integrity Officer must provide all relevant material obtained in the investigation, the Integrity Officer's written report of the investigation and recommendations as to how the complaint shall be dealt with, to the Integrity Review Officer and to the Relevant Person who is being investigated (the Respondent).

b. Not later than 14 days after receipt of the material, report and recommendations from the Integrity Officer, the Respondent may provide to both the Integrity Officer and to the Integrity Review Officer any additional material that they believe is relevant and their written submission regarding the complaint.

11. Integrity Review Officer Role and Process / Appeal Against Decision of Integrity Review Officer

11.1 **Integrity Review Officer decision**

a. The Integrity Review Officer must, as set out in Appendix A, review and make decisions regarding material submitted to the Integrity Review Officer.

11.2 **Appeal against Integrity Review Officer decision**

a. The Respondent (Relevant Person investigated) has a right of appeal against a decision of the Integrity Review Officer that an offence under this Policy has been established for which a sanction of a warning and reprimand only is imposed.

b. Any appeals shall be heard by the Integrity Tribunal as a full hearing, where the Integrity Tribunal will hear all the evidence and make its own decision.

c. Further provisions in relation to the appeal and the appeal process are set out in Appendix B.

d. To avoid doubt, the Integrity Officer/ **Rowing New Zealand** does not have a right of appeal against a decision of the Integrity Review Officer.

12. When Integrity Officer Must Refer Matter to Integrity Tribunal

12.1 **Integrity Officer must refer the matter to the Integrity Tribunal**

a. Where the Integrity Review Officer has notified the Integrity Officer that:

i. there is sufficient evidence supporting that a Relevant Person has committed a corruption offence as listed in Rule 3.2 or a further offence under Rule 3.6 relating to Prohibited Conduct in Rule 3.2; or

ii. there is sufficient evidence supporting that a Relevant Person has committed a non-corruption offence under Rules 3.3-3.7 and the offending is serious enough to warrant a sanction other than a warning and reprimand only;

the Integrity Officer must refer the matter to the Integrity Tribunal as set out below.

b. The Integrity Officer shall send to the Integrity Tribunal and Relevant Person alleged to have committed an offence, written notice ("the Notice of Charge") of the following:

i. that the Relevant Person is alleged to have committed an offence, and has a case to answer, under Rule 3

ii. the specific offence(s) that the Relevant Person is alleged to have committed

iii. details of the alleged acts and/or omissions relied upon in supporting the allegation that the Relevant Person has committed an offence(s)

iv. the range of sanctions applicable under this Policy if it is established that the Relevant Person has committed the alleged offence(s)

v. in the case of an alleged offence other than a corruption offence under Rule 3.2 or a further offence under Rule 3.6 relating to Prohibited Conduct in Rule 3.2, that the Integrity Review Officer considers that the level of offending is serious enough to justify a sanction other than a warning and reprimand only

vi. information concerning the Relevant Person's rights and the procedure for the Relevant Person to respond to the Notice of Charge (as set out in Appendix C: C2).

12.2 **Application for Provisional Suspension**

a. Where the Integrity Officer files a Notice of Charge against a Relevant Person with the Integrity Tribunal, the Integrity Officer may at the same time, or at a later date, and must, if required to do so by the Integrity Review Officer, also apply to the Integrity Tribunal for the Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.

b. Where the Integrity Officer applies for Provisional Suspension, they must copy the Provisional Suspension application to the Relevant Person and those persons referred to in A6a.iii., iv. or v. of Appendix A (as applicable).

13. Disciplinary Procedure and Process – Integrity Tribunal

13.1 Matters referred to the **Rowing New Zealand** Integrity Tribunal by the Integrity Officer or on appeal of a decision of the Integrity Review Officer shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

14. Sanctions

14.1 **Sanction of a warning and reprimand imposed by the Integrity Review Officer**

a. Where the Integrity Review Officer imposes a sanction under Appendix A, it must be a sanction of a warning and reprimand only.

14.2 **Sanction imposed by Integrity Tribunal**

a. Where in relation to matters referred to the Integrity Tribunal:

i. the Relevant Person admits they have committed the offence(s); or

ii. the Integrity Tribunal determines a Relevant Person has committed the offence(s);

the Integrity Tribunal must impose an appropriate sanction on the Relevant Person for the particular offence(s) from the column headed "Range of Sanctions for Each Offence" in the Table of Sanctions in Rule 14.5; and

the Integrity Tribunal may, in its discretion, but is not required to, impose additional sanctions from the column headed "Additional Sanctions the Integrity Tribunal may Impose" in the Table of Sanctions.

b. To determine the appropriate sanction applicable in each case, the Integrity Tribunal must first determine the relative seriousness of the offending.

c. In determining the relative seriousness of the offending, the Integrity Tribunal shall take into account aggravating and mitigating factors and shall identify which (if any) of those factors apply in this case.

d. The Integrity Tribunal shall detail the effect of the relevant aggravating and mitigating factors on the final sanction in its written decision.

e. The "Lower range of sanctions" in the Table of Sanctions apply only if the requirements of Rule 8.3 are satisfied. To avoid doubt, the mitigating factors referred to in Rule 8.3 may be raised as mitigating factors but cannot be used to access the "Lower range of sanctions" unless Rule 8.3 is satisfied.

14.3 **Aggravating Factors**

a. In determining the relative seriousness of the offending in each case, the Integrity Review Officer or the Integrity Tribunal shall identify and take into account which, if any, of the following aggravating factors apply:

i. the Relevant Person has a high degree of fault in relation to the offence(s)

ii. a lack or low level of genuine remorse on the part of the Relevant Person

iii. the Relevant Person has previously been found guilty of an offence under this Policy or any predecessor of this Policy

iv. the Relevant Person has previously been found guilty of any Match-Fixing or similar offences and/or breaches under any laws, polices or regulations of any other body

v. the amount of any Benefit, or Reward, directly or indirectly received by the Relevant Person as a result of the offence(s), is substantial and/or where the sums of money otherwise involved in the offence(s) are substantial

vi. the offence substantially damaged (or had the potential to damage substantially) the reputation of, the commercial value of and/or public interest in the relevant Event(s) or Match(es)

vii. the offence affected (or had the potential to affect) the result of the relevant Event(s) or Match(es)

viii. the welfare of any other person has been endangered as a result of the offence

ix. the offence involved the Relevant Person recruiting, involving or using, or acting with more than one Relevant Person or other persons

x. the Relevant Person has not fully co-operated with any investigation and/or the process (regardless of whether this may amount to a separate offence under this Policy)

xi. any other aggravating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

14.4 **Mitigating Factors**

a. In determining the relative seriousness of the offending in each case, the Integrity Review Officer or Integrity Tribunal shall identify and take into account which, if any, of the following mitigating factors apply:

i. the Relevant Person has a low degree of fault regarding the offence(s)

ii. the Relevant Person has fully co-operated with any investigation and/or the associated process

iii. an admission of guilt and/or genuine remorse by the Relevant Person (the mitigating value of which may depend on its timing)

iv. the youth and/or lack of experience of the Relevant Person

v. the offence did not substantially damage (or did not have the potential to substantially damage) the reputation of, commercial value of and/or public interest in the relevant Match(es) or Event(s)

vi. the offence did not affect (or did not have the potential to affect) the result of the relevant Match(es) or Event(s)

vii. the Relevant Person provides substantial help to any of the following:

(1) the Integrity Officer

(2) **Rowing New Zealand**

(3) another rowing national federation

(4) FISA

(5) a law enforcement agency

(6) a professional disciplinary body

that results in any of the following:

(7) the discovery or establishment of an offence under this Policy committed by another Relevant Person

(8) the discovery or establishment of an anti-Match-Fixing or other anti-corruption offence under the laws, rules, regulations or policies of another national **rowing** organisation or **FISA** committed by another Relevant Person or other third party

(9) the discovery or establishment of a potential or actual criminal offence or the potential or actual breach of professional rules committed by another Relevant Person or a third party

viii. the Relevant Person has already suffered penalties under other laws and/or regulations for the same offence

ix. the Relevant Person has received no benefit

x. the diminished mental capacity of the Relevant Person

xi. the Relevant Person has been publicly identified prior to an offence being determined, whether by lack of due care by the NSO or another reason

xii. regarding an Attempt or an agreement which is a further offence under Rule 3.6c., the Relevant Person ceases and/or rejects the Attempt or agreement prior to it being discovered by a third party not involved in the Attempt or agreement

xiii. the alleged offence was committed (and/or that it was not reported to **Rowing New Zealand**) due to the Relevant Person's honest and reasonable belief that there was a serious and imminent threat to their life or safety or to the life or safety of any other person

xiv. any other mitigating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

14.5 **Table of Sanctions**

Offence	Range of Sanctions for Each Offence	Additional Sanctions the Integrity Tribunal may Impose
Corruption: Rules 3.2a, 3.2b, 3.2c	Minimum: Two (2) years suspension Maximum: Lifetime suspension Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see Rule 14.2e	**AND IN ALL CASES:** The Integrity Tribunal shall have the discretion to additionally impose: (a) a fine on the Relevant Person up to a maximum of the value of any Benefit or Reward received by the Relevant Person directly or indirectly, out of, or in relation to, the offence committed under this Policy – paid to **Rowing New Zealand** or other recipient as determined by the Integrity Tribunal; and/or (b) appropriate further options including without limitation the cancellation of sports results / Events, demotion, points reduction, return of Benefits or Rewards, replay of fixtures (for example in cases of match official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Match venues and/or official player environs, as appropriate; and/or (c) an order that the Relevant Person pay an amount of costs to **Rowing New Zealand**
Betting: Rule 3.3	Minimum: Warning and reprimand Maximum: Two (2) years suspension	
Misusing Inside Information: Rules 3.4a, 3.4b	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
General Offences: Rules 3.5a, 3.5b, 3.5c	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
Further Offences Relating to Prohibited Conduct in Rules 3.2-3.5: Rules 3.6a, 3.6b, 3.6c, 3.6d	The sanctions range will be the same as set out in this table for the particular relevant primary offence in Rules 3.2-3.5 Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see Rule 14.2e	
Failure to Disclose or Cooperate: Rules 3.7a, 3.7b	Minimum: Warning and reprimand Maximum: Two (2) years suspension	

14.6 **Further provisions concerning sanctions**

To avoid doubt:

a. The Integrity Tribunal may suspend any sanction for a period of time. The Integrity Tribunal may also stipulate any conditions to relate to the suspended sanction.

b. Where a Relevant Person is found guilty of committing two breaches under this Policy relating to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively).

c. Where a fine and/or costs award is imposed against a Relevant Person, then such fine or costs award must be paid within a reasonable time period specified by the Integrity Tribunal. **Rowing New Zealand** will consider any request from the Relevant Person, on the grounds of hardship, to make the payment of any fine and/or costs award imposed over a period of time, which may involve instalment payments.

d. If a fine or costs award (or agreed part payment or instalment of) is not paid by the date set down by the Integrity Tribunal, or within such deadline or by the time of the next agreed payment date then, unless **Rowing New Zealand** agrees otherwise, the Relevant Person will be suspended until such payment or part payment is made. **Rowing New Zealand** may also seek to recover the fine by recovery/enforcement action.

e. Any Suspension imposed on a Relevant Person starts on the date that the decision imposing the Suspension is issued:

   i. provided any period of Provisional Suspension served by the Relevant Person shall be credited against the total period of Suspension to be served; or

   ii. unless otherwise indicated in the written decision.

f. A Relevant Person who is suspended is prohibited, during the period of Suspension, from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Match, Event, function or other activity (other than authorised anti-corruption education or rehabilitation programmes) that is authorised, organised, sanctioned, recognised or supported in any way by **Rowing New Zealand** or any member organisations of **Rowing New Zealand** (such as regional organisations or clubs).

g. The **FISA,** other international sporting federations, national **rowing** organisations in other jurisdictions, other New Zealand-based national sport organisations, or national sport organisations of other sports in other international jurisdictions, will be entitled to give effect to and enforce the above Suspension in their respective jurisdictions regarding other sports, as if the Suspension related to that sport.

h. A Relevant Person who is subject to a Suspension shall remain subject to this Policy during the Suspension period. If the Relevant Person is alleged to have committed an offence under this Policy during that period, this shall be treated as a separate matter, and separate proceedings will be brought, under this Policy.

i. Once any period of Suspension has expired, the Relevant Person will automatically become re-eligible to participate fully again in Matches, Events, functions or activities authorised, organised, sanctioned, recognised or supported in any way by **Rowing New Zealand** or member organisations of **Rowing New Zealand** provided that the Relevant Person has:

   i. completed a **Rowing New Zealand** approved anti-Match-Fixing or other anti-corruption programme to the reasonable satisfaction of the Integrity Officer

   ii. satisfied in full, any fine and/or costs award made against the Relevant Person regarding an offence under this Policy, by the Integrity Tribunal, or the Sports Tribunal or the Court of Arbitration for Sport, or has complied and continues to comply with any payment instalment plan agreed or imposed

iii. agreed to be subject to such additional reasonable and proportionate monitoring procedures and requirements as the Integrity Officer may reasonably consider necessary given the scope of the offence committed.

j. Where a sanction is determined under this Policy, with the exception of any right to appeal or right to take any other legal avenues, no further action can be taken regarding the matters investigated and sanctioned.

15. Appeal Against Decision of Integrity Tribunal

15.1 In certain circumstances, a decision of the Integrity Tribunal may be appealed to the Sports Tribunal. This process is set out in Appendix D.

16. Public Disclosure and Confidentiality

16.1 Except as otherwise required by this Policy or applicable laws and/or regulations of **Rowing New Zealand**, the Integrity Officer, Integrity Review Officer, Integrity Tribunal, Relevant Persons and any other Parties to proceedings under this Policy:

a. shall keep all proceedings under this Policy confidential

b. shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under this Policy confidential.

16.2 **Rowing New Zealand** shall not publicly identify any Relevant Person who is alleged to have committed an offence under this Policy unless and until it has been determined by the Integrity Review Officer or Integrity Tribunal that an offence has been committed, or as allowed under Rule 16.2 b below.

a. If the decision is that an offence has been committed:

i. for which a sanction of a warning and reprimand only has been imposed, **Rowing New Zealand** has a discretion to publicly report the decision

ii. for which a sanction other than a warning and reprimand only has been imposed **Rowing New Zealand** must publicly report the decision

iii. posting the decision on the **Rowing New Zealand** website is sufficient to publicly report the decision, provided that in each case **Rowing New Zealand** must, prior to posting, notify the Chief Executive of Sport New Zealand of the date upon which the posting on the website will be made, if the decision is not appealed

iv. public reporting must not occur until any appeal period has lapsed without the decision being appealed and must then occur promptly regarding Rule 16.2a.ii above.

b. If the Integrity Review Officer or Integrity Tribunal determines that no offence has been committed by the Relevant Person, then the decision may be publicly reported only with the consent of the Relevant Person who is the subject of the decision. **Rowing New Zealand** shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Relevant Person may approve.

16.3 **Rowing New Zealand** shall use its best endeavours to ensure that persons under its control do not publicly identify any Relevant Persons who are alleged to have committed an offence under this Policy, unless and until the Integrity Review Officer or Integrity Tribunal has determined that an offence has been committed, or as allowed under Rule 16.2 b. above.

16.4 However, **Rowing New Zealand** in its discretion may at any time disclose to other organisations such information as **Rowing New Zealand** may consider necessary or appropriate to facilitate the administration or enforcement of this Policy, provided that each organisation provides assurance satisfactory to **Rowing New Zealand** the organisation will maintain all such information in confidence.

16.5 **Rowing New Zealand** will not comment publicly on the specific facts of a pending case even if public comments are made by (or on behalf of) the Relevant Person involved in the case or their representatives unless **Rowing New Zealand** considers that, in the circumstances, the reasons for public comment outweigh the reasons for not making public comment.

17. Recognition of Decisions

17.1 Decisions and sanctions of:

a. the **FISA**

b. international federations of other sports

c. other national **rowing** organisations in other international jurisdictions

d. other national sport organisations of other sports in New Zealand

e. national sport organisations of other sports in other international jurisdictions

that are based on the same or similar anti Match-Fixing rules or anti-corruption rules shall be recognised, respected and enforced by **Rowing New Zealand** automatically upon receipt of notice of the same, without the need for further formality.

18. Protection and Support Mechanisms

18.1 **Rowing New Zealand** will have protection and support mechanisms in place for Relevant Persons who may come in contact with, or be involved in, Match-Fixing activity or to limit risky situations where this might occur. Protection and support mechanisms established may include those listed below and **Rowing New Zealand** will ensure Relevant Persons are advised of these where in place.

18.2 **Protection mechanisms**

Protection mechanisms that **Rowing New Zealand** may establish at its discretion include, but are not limited to:

a. monitoring Betting accounts of Relevant Persons

b. monitoring Betting activity on any Match or Event Under the Jurisdiction of, or Connected to, **Rowing New Zealand**

c. security measures restricting access to participants from non-essential personnel[3] at Matches or Events

d. limiting or prohibiting participants' use of electronic communication devices (phones, computers, tablets etc.) in/at restricted areas/times during Matches or Events

[3] **Rowing New Zealand** will need to determine which personnel are 'non-essential' depending on the situation. Media personnel, for example, might be considered essential to certain match-related proceedings.

e. assigning sports officials (especially referees and judges) within as short a period before a Match or Event begins as possible

f. regular scrutiny of referees' and judges' field decisions

g. paying particular attention to measures to safeguard athletes who are minors or at Matches or Events predominantly involving minors.

18.3 **Support mechanisms**

Support mechanisms that **Rowing New Zealand** may enact at its discretion include, but are not limited to:

a. having confidential and accessible reporting processes and a 'whistle blower' policy in place to support people coming forward with any relevant information

b. publicising the contact details (eg name, phone number and email address) of the **Rowing New Zealand** Integrity Officer whom anyone connected with the NSO can contact regarding any Match-Fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where appropriate

c. pre-determining procedures to keep Relevant Persons safe, who have been approached to engage in Match-Fixing

d. encouraging athletes to seek support from their player associations.

19. Sports Betting Agreements

19.1 Under the Racing Act 2003, the New Zealand Racing Board (NZRB) must establish a sports Betting agreement with **Rowing New Zealand** before the NZRB can offer Betting on 'Authorised Events' agreed to by **Rowing New Zealand**. Under the Act, the NZRB must also provide a percentage of sports Betting revenue to **Rowing New Zealand**.

19.2 To comply with the requirements of the NZRB's model agreement, **Rowing New Zealand** will at a minimum have rules relating to Betting in place, which, in particular, must prevent a 'Relevant Person' as defined in the Betting Rules pursuant to the Racing Act, who participates in an Authorised Event, from Betting on that Authorised Event.

19.3 **Rowing New Zealand** will use its Betting agreement to further manage Match-Fixing risks by working with the NZRB to identify Bet types which will be jointly reviewed by **Rowing New Zealand** and NZRB regularly, over the term of the Betting agreement.

19.4 In particular, **Rowing New Zealand** should consider using its Betting agreement to:

a. restrict or prohibit 'spot' Bets (ie Bets on particular actions within Matches or Events which are more easily manipulated than, for example, overall Match or Event results)

b. agree with the NZRB that maximum wager amounts are capped at modest levels for the types of Bets or formulae for which associated actions are most easily manipulated, such as 'spot' Bets, if permitted

c. restrict other types of Bets which may have higher risks regarding Match-Fixing, such as Bets on minors or in competitions predominantly involving minors, depending on the circumstances.

19.5 Subject to any legal requirements preventing this, **Rowing New Zealand's** Betting agreements will also include agreed protocols for timely information and intelligence sharing between **Rowing New Zealand** and the NZRB to support preventative and investigative measures. Alternatively, separate information sharing agreements may be established.

20. Information Sharing and Collaboration

20.1 Subject to any legal restrictions, or those relating to confidentiality or privacy, **Rowing New Zealand** will provide and exchange information, and collaborate regarding any Match-Fixing related matters, via protocols to be agreed, with Sport New Zealand and law enforcement or other relevant agencies including the Serious Fraud Office, New Zealand Police, the Organised and Financial Crime Agency New Zealand, the NZRB and the Department of Internal Affairs or relevant overseas agencies.

21. Interpretation and Definitions

21.1 Interpretations and definitions of specified words and phrases used in this Policy are set out in the attached Appendix E.

This policy is due for review October 2021 or earlier as required.



14/12/18

Schedule 1 - List of Relevant Persons

This schedule lists below the "Relevant Persons" to whom this Policy applies:

a) Any athlete in a Rowing New Zealand squad or team;

b) Any coach appointed to a Rowing New Zealand squad or team;

c) Any officials (including but not limited to licensed race officials, FISA umpires);

d) Support personnel who are involved in any Rowing New Zealand activities (including but not limited to selectors, team managers and support staff);

e) Persons who hold Board or other governance positions within Rowing New Zealand;

f) Persons who hold management positions within Rowing New Zealand;

g) Employees (including administrative staff) and/or independent contractors of Rowing New Zealand;

h) Any athlete competing at a New Zealand domestic rowing regatta, New Zealand university rowing championships, or New Zealand secondary school rowing regatta;

i) Any coaches or officials of crews participating at a regatta under (h).

APPENDIX A: Integrity Review Officer Role and Process

A1. **The Integrity Review Officer must review and decide the action to be taken (if any) regarding:**

a. a report, decision and reasons received from the Integrity Officer under Rule 10.1c.; or

b. the material, report, recommendations and submissions (if any) received from the Integrity Officer and the Respondent under Rule 10.3.

A2. **If Integrity Review Officer suspects criminal offending**

a. If, following their review under A1 of this Appendix A, the Integrity Review Officer considers there may be a criminal offence, they must require the Integrity Officer to refer the report or information to the designated officer in the New Zealand Police (see Rule 3.11), for the Integrity Officer to take advice from the Police on next steps and investigate if appropriate. The Integrity Officer must also inform the Chief Executive Officer and Board of **Rowing New Zealand** and the Chief Executive Officer of Sport NZ of this referral to the New Zealand Police.

A3. **A decision of the Integrity Review Officer under A1a. of this Appendix A, must be either that:**

a. the report or information must be referred by the Integrity Officer to the New Zealand Police under the process outlined in A2a. of this Appendix A, to take advice on next steps from the Police and investigate if appropriate, and the Integrity Officer must also inform the Chief Executive Officer and Board of **Rowing New Zealand** and the Chief Executive Officer of Sport NZ of this referral to the New Zealand Police; or

b. the report or information is not to be investigated; or

c. the report or information is to be investigated by the Integrity Officer

and the Integrity Review Officer must report their decision to the Integrity Officer and to such of the persons in A6a.iii. or iv. or v. (as applicable) of this Appendix A.

A4. **Where no breach of Policy or insufficient evidence, matter is at an end**

a. Where the Integrity Review Officer concludes that no breach of this Policy has occurred, or there is insufficient evidence to support an allegation of a breach of this Policy, the matter is at an end, except that a written report must be provided as outlined below. No further action will be taken regarding the matter, subject to any new relevant information coming to the notice of the Integrity Officer or the Integrity Review Officer.

A5. **Integrity Review Officer must impose a warning and reprimand**

a. Where an offence has been established, the Integrity Review Officer must impose a sanction of a warning and reprimand only, provided that:

i. the offence is not a corruption offence as listed in Rule 3.2 or a further offence under Rule 3.6 relating to Prohibited Conduct in Rule 3.2; and

ii. the offending is considered to be of such a low level of seriousness that a sanction of a warning and reprimand only is justified; and

iii. in determining the relative seriousness of the offending, and whether a sanction of a warning and reprimand only is appropriate, the Integrity Review Officer must take into account the aggravating and mitigating factors listed in Rules 14.3 and 14.4.

A6. **Integrity Review Officer must report findings**

a. Where the Integrity Review Officer decides that no breach of this Policy has occurred, or, there is insufficient evidence to support an allegation of a breach of this Policy or an offence has been established where a sanction of a warning and reprimand only is imposed, the Integrity Review Officer shall provide a written report of their findings and recommendations (if any) to:

i. the Respondent; and

ii. the Integrity Officer; and

iii. the Chief Executive Officer (providing the Chief Executive Officer is not also the Integrity Officer or the subject of the decision); or

iv. the Chair of the Board (where the Chief Executive Officer is also the Integrity Officer or the subject of the decision); or

v. the Chief Executive Officer of Sport NZ (where both the Chief Executive Officer and Chair of the Board are the subjects of the decision).

b. Where the Integrity Review Officer decides an offence has been committed and imposes a sanction of a warning and reprimand and the appeal notice period in Appendix B has expired without an appeal being notified, their report of their findings and recommendations (if any) must be sent to the Chief Executive Officer of Sport New Zealand.

A7 **Where there is evidence of a corruption offence in Rule 3.2/3.6, or other serious offending, the Integrity Review Officer will require the Integrity Officer to refer the matter to the Integrity Tribunal**

a. The Integrity Review Officer must, by notification in writing to the Integrity Officer require the Integrity Officer to refer the matter to the Integrity Tribunal if, following review of the material, report, recommendations and submissions received (if any) under Rule 10.3, the Integrity Review Officer decides that there is sufficient evidence supporting that a Relevant Person has committed:

i. a corruption offence as listed in Rule 3.2 or a further offence under Rule 3.6 relating to Prohibited Conduct in Rule 3.2; or

ii. a non-corruption offence under Rules 3.3 - 3.7 and the Integrity Review Officer considers the offending is serious enough to warrant a sanction other than a warning and reprimand only.

b. The Integrity Review Officer must forward a copy of the notification in A7a of this Appendix A to the Chief Executive Officer of Sport NZ.

A8. **Provisional Suspension**

a. In addition to the requirement under A7, the Integrity Review Officer may also require the Integrity Officer to apply for Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.

APPENDIX B: Appeal Against Decision of Integrity Review Officer

B1. **Appeal Notice**

a. A Respondent's appeal under Rule 11 is initiated by the Respondent providing to the Integrity Review Officer and to the Integrity Officer, within 14 days from the date the Respondent received the Integrity Review Officer decision containing reasons, a written notice that the decision is appealed.

B2. **Integrity Review Officer refers appeal to Integrity Tribunal**

a. Upon receipt of the appeal notice, the Integrity Review Officer refers the appeal notice to the Integrity Tribunal, together with:

i. all of the material, written report, recommendations and submissions (if any) received under Rule 10.3; and

ii. the report of the findings and recommendations (if any) referred to in A6a of Appendix A.

B3. **Further provisions relating to appeal**

a. C1 - C10 (inclusive) of Appendix C shall apply with all appropriate modification as if the appeal was convened in relation to a Notice of Charge under Rule 12.1b. and as may otherwise be required by the Integrity Tribunal.

B4. **Decision being appealed remains in effect unless Integrity Tribunal decides otherwise**

a. Decisions of the Integrity Review Officer appealed to the Integrity Tribunal shall remain in effect and binding pending the Integrity Tribunal's determination of the appeal, unless the Integrity Tribunal decides otherwise.

b. Nothing in B4a of Appendix B above prevents a Party to the appeal applying to the Integrity Tribunal to suspend the decision, or any part of the decision, of the Integrity Review Officer until the Integrity Tribunal determines the appeal.

APPENDIX C: Disciplinary Procedure and Process - Integrity Tribunal

C1. Start of Proceedings by Filing Notice of Charge

a. Proceedings are started by the Integrity Officer referring an alleged breach of this Policy to the Integrity Tribunal by filing a Notice of Charge and serving a copy on the Relevant Person alleged to have committed the breach.

b. The Notice of Charge may be served by post, courier, email or facsimile or delivered in person.

c. The Integrity Officer will provide written confirmation of both the service of the Notice of Charge on the Relevant Person (ie that the Relevant Person has received the Notice of Charge) and the date of service.

d. If the Integrity Officer is unable to serve the Notice of Charge on the Relevant Person, the Integrity Officer may apply to the Integrity Tribunal for an order for substituted service, indicating the proposed manner of substituted service which the Integrity Officer believes will bring the Notice of Charge to the attention of the Relevant Person.

C2. Response to Notice of Charge

a. The Relevant Person has the right to:

i. defend the charge(s) or any of the charges in a hearing; or

ii. admit the charge(s) or any of the charges but request the right to participate in a hearing to make submissions as to the appropriate sanction; or

iii. admit the charge(s) and advise they do not wish to participate in a hearing to make submissions as to sanction and acknowledge that the Integrity Tribunal may impose a sanction without holding a hearing.

b. Within 14 days of the date of service of the Notice of Charge, the Relevant Person shall file in writing with the Integrity Tribunal, and copy to the Integrity Officer and to **Rowing New Zealand**, their response to the Notice of Charge as set out above.

c. If the Relevant Person does not file a response to the Notice of Charge within the 14 day period, or such extended period as may be ordered by the Integrity Tribunal, the Relevant Person will be deemed to have waived their right to participate in a hearing, although the Integrity Tribunal may, in its discretion, subsequently give the Relevant Person leave to participate.

C3. Appointment of Integrity Tribunal Hearing Panel

a. Upon the Integrity Tribunal receiving a Notice of Charge, or at a later date, the Chairperson of the Integrity Tribunal shall appoint three members of the Integrity Tribunal to form the Integrity Tribunal panel to hear and decide the allegation.

b. The panel of three will usually include the Chairperson. However, if the Panel does not include the Chairperson, the Chairperson will appoint one of the panel members as Chairperson of the panel.

c. The appointed members shall be independent of the Parties to the proceedings and shall have had no prior involvement with the case.

C4. **Provisional Suspension**

a. Where the Integrity Officer has filed an application for Provisional Suspension of the Relevant Person pursuant to Rule 12.2, the Integrity Tribunal will consider the application urgently and will normally hold a hearing as soon as practicable to decide whether to impose a Provisional Suspension.

b. The Integrity Tribunal will notify the Parties of the time and date of the Provisional Suspension hearing and the form it will take (eg in person or by audio or audio-visual means). The Integrity Tribunal may consult with the Parties prior to the Provisional Suspension hearing about any matters necessary to progress the application to a hearing.

c. The Integrity Tribunal may decide to not hold a Provisional Suspension hearing if the Relevant Person agrees to accept a Provisional Suspension and if so, will promptly make an order provisionally suspending the Relevant Person.

d. In exceptional circumstances (such as that the Relevant Person is due to participate in competition the day after the Provisional Suspension application is filed and hearing the Provisional Suspension is not possible) the Integrity Tribunal may in its discretion decide to impose a Provisional Suspension based on the material before it without holding a hearing, receiving submissions or other communication from the Relevant Person. However, in such cases the Integrity Tribunal will either hold an expedited hearing on whether the Provisional Suspension should be maintained or hold an expedited hearing in relation to the alleged offence under this Policy, as soon as possible after the imposition of the Provisional Suspension.

e. The Integrity Tribunal will, wherever possible, seek to hold an urgent provisional hearing (unless the Relevant Person agrees to accept a Provisional Suspension) before imposing a Provisional Suspension, but the choice of procedure to be followed will be a matter for the Integrity Tribunal in the particular circumstances.

f. The Integrity Tribunal will adopt such procedures for any hearing regarding a Provisional Suspension (whether held before or after the imposition of a Provisional Suspension) as the Tribunal considers will provide the Parties with a fair hearing in the matter.

g. The Integrity Tribunal may impose a Provisional Suspension where it considers that there is a prima facie case that an offence under this Policy has been committed and that it is appropriate to impose a Provisional Suspension on the Relevant Person.

h. A Relevant Person who is provisionally suspended is barred temporarily from participating in any Matches, Events or other activities associated with **Rowing New Zealand** as detailed in C4i. of this Appendix C, until the Integrity Tribunal makes a final decision whether the Relevant Person has committed any offence they have been charged with under this Policy.

i. During the period of Provisional Suspension, a person who is provisionally suspended is prevented from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Match, Event, function, or other activity (other than authorised anti-corruption education or rehabilitation programmes) that are authorised, organised, sanctioned, recognised or supported in any way by **Rowing New Zealand** or any member organisations of **Rowing New Zealand** such as regional organisations or clubs.

j. The **FISA**, other international sport federations, national **rowing** organisations in other jurisdictions, other New Zealand-based national sport organisations or national sport organisations of other sports in other international jurisdictions will be entitled to give effect to and enforce the above Provisional Suspension in their respective jurisdictions regarding other sports, as if the suspension related to that sport.

k. Where a Provisional Suspension is imposed and fulfilled by the Relevant Person, they shall receive a credit for such period of Provisional Suspension against any period of Suspension that may ultimately be imposed if the Integrity Tribunal determines an offence has been committed.

l. If a Relevant Person voluntarily agrees in writing with the Integrity Officer to accept a Provisional Suspension during the course of an investigation and thereafter refrains from competing or participating in Matches, Events or other activities listed in C4i of this Appendix C, then the Relevant Person shall receive a credit for such period of voluntary Provisional Suspension against any period of suspension which may ultimately be imposed.

m. The Integrity Tribunal has discretion whether to allow credit against a period of suspension for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension where the Relevant Person elected not to compete or was suspended by **Rowing New Zealand**.

C5. **Preliminary Matters and Pre-Hearing Conferences**

a. The Chairperson and/or the Integrity Tribunal Panel may hear and determine any preliminary matters that arise.

b. The Integrity Tribunal will normally convene a pre-hearing conference with the Parties which will usually be held within seven days of the Relevant Person filing their response to the Notice of Charge.

c. The pre-hearing conference may be conducted in person or by audio or audio-visual means.

d. There may be more than one pre-hearing conference held as necessary.

e. The purpose of the pre-hearing conference will be to discuss and decide procedural matters to progress the case towards a hearing.

f. During the pre-hearing conference the Integrity Tribunal may fix the date of the hearing, decide the type of hearing (which may be in person or by audio or audio-visual means), the venue for the hearing, give any procedural or evidential direction that may be appropriate (including timetables for filing any evidence, witness statements or submissions) and make such other orders as necessary to facilitate the prompt and just expedition of the matter.

g. At the discretion of the Integrity Tribunal and with the consent of the parties, a pre-hearing conference may become the hearing.

C6. **Hearings**

a. The purpose of the hearing shall be:

i. to determine whether the Integrity Tribunal considers that the Relevant Person has engaged in the Prohibited Conduct alleged in the Notice of Charge and therefore committed an offence under this Policy

ii. to impose sanctions in accordance with this Policy if the Integrity Tribunal determines, or the Relevant Person admits, that an offence under this Policy has been committed.

b. The Integrity Tribunal Panel may conduct the hearing as it sees fit and shall not be bound by rules of evidence or unnecessary formality.

c. However, the Integrity Tribunal Panel must conduct the hearing and determine matters in accordance with the principles of natural justice and procedural fairness. This includes, but is not limited to, the Integrity Tribunal:

i. conducting the hearing in a manner that is fair and appropriate to the circumstances

ii. providing the Parties adequate notification of the date, time, and place of the hearing

iii. ensuring adequate notification of the allegations against the Relevant Person has been provided to the Relevant Person

iv. ensuring the Relevant Person and their representatives, the Integrity Officer and/or **Rowing New Zealand** is given an adequate opportunity to be heard and to prepare and present their case

v. ensuring the Relevant Person is provided with and given proper opportunity to consider, challenge or contradict any evidence that is relied upon to support allegations against them and that the Relevant Person is also fully aware of the nature of these allegations

vi. having a lack of bias

vii. not acting outside its powers or jurisdiction

viii. inquiring into the matters in dispute

ix. making a decision supported by the evidence

x. not imposing a penalty that is either excessive or inappropriate.

d. The Relevant Person who is alleged to have committed the offence, the Integrity Officer and/or **Rowing New Zealand**:

i. may call and question witnesses

ii. has the right to address the Integrity Tribunal Panel to make their case

iii. is permitted to provide written submissions for consideration by the Integrity Tribunal Panel (instead of or as well as appearing in person) and if the Relevant Person and the Integrity Officer and/or **Rowing New Zealand** provide any written submissions, the Integrity Tribunal Panel must consider those submissions in its deliberations.

e. The hearing shall be inquisitorial in nature, with cross examination allowed, and the Integrity Tribunal Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Policy must, if requested to do so by the Integrity Tribunal Panel, provide such evidence as they are able.

f. The Integrity Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure of, or refusal by, a Relevant Person or the Integrity Officer and/or **Rowing New Zealand** to comply with a request to provide evidence to it.

g. Where two or more Relevant Persons are alleged to have committed offences under this Policy, they may be dealt with at the same hearing where the proceedings arise out of the same incident or where there is a clear link between separate incidents.

C7. **Representation and support persons**

a. The Parties may be represented or assisted in the proceedings by a person of their choice and at their own cost.

b. Parties are not required to have representation.

c. Each party is also entitled to have a support person if they wish.

C8. **Privacy and confidentiality**

a. Except as otherwise stated in this Policy, proceedings brought under this Policy are to be treated as private and confidential until a final decision is issued.

b. The hearing will be closed to the public unless the Integrity Tribunal considers that there are exceptional circumstances to make a public hearing appropriate or the parties so agree. In the usual circumstances only persons with a legitimate interest in the hearing will be permitted to attend and this will be at the sole discretion of the Integrity Tribunal Hearing panel.

C9. **Privilege**

a. Regardless of anything else in this Policy, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency regarding a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct, under this Policy, shall not be required to produce any information, give any evidence or make any statement to the Integrity Tribunal if they establish that to do so would breach any privilege against self-incrimination or legal professional privilege.

b. C9a. of this Appendix C does not limit the Integrity Tribunal from enforcing any other applicable rules and regulations.

C10. **Decisions of the Integrity Tribunal**

a. A decision of the Integrity Tribunal shall be made by a majority decision of the Integrity Tribunal Panel hearing the proceeding.

b. The Integrity Tribunal may in its discretion give an oral decision but, regardless of whether it gives an oral decision or not, in every proceeding the Integrity Tribunal will as soon as practicable issue a written decision containing reasons for its decision.

c. The written decision will set out and explain:

i. with reasons, the Integrity Tribunal's findings as to whether the Relevant Person committed any offence(s) under this Policy

ii. with reasons, the Integrity Tribunal's findings as to what sanctions, if any, are to be imposed on the Relevant Person if an offence has been committed

iii. with reasons, the date upon which any period of suspension that is imposed shall start

iv. any rights of appeal available to the Parties.

d. The written decision containing reasons shall be provided to the Parties and/or to representatives of the Parties (if any) and to the Chief Executive Officer of Sport New Zealand.

e. Subject only to any rights of appeal the decision of the Integrity Tribunal shall be the full, final and complete determination of the matter and shall be binding on the Parties.

APPENDIX D: Appeal Against Decision of Integrity Tribunal

D1. **Appeal to the Sports Tribunal of New Zealand**

a. Parties to a proceeding may appeal the decision of the Integrity Tribunal to the Sports Tribunal as set out in this Appendix D and in accordance with the Rules of the Sports Tribunal.

D2. **Decisions that may be appealed**

a. Decisions of the Integrity Tribunal that may be appealed to the Sports Tribunal are:

i. a decision to impose or to remove a Provisional Suspension

ii. a decision that a charge of an offence under this Policy should be dismissed for procedural or jurisdictional reasons

iii. a decision that an offence under this Policy has, or has not, been committed

iv. a decision to impose, or not impose sanctions, including the appropriateness of any sanction imposed for an offence under this Policy.

D3. **Grounds of Appeal**

a. The grounds for appealing a decision of the Integrity Tribunal to the Sports Tribunal shall only be one or more of the following grounds:

i. the decision of the Integrity Tribunal is wrong having regard to the application of this Policy

ii. natural justice has been denied

iii. the Integrity Tribunal, or other relevant decision-maker or decision making body of **Rowing New Zealand**, acted outside its powers and/or jurisdiction (ie acted ultra vires)

iv. substantial new evidence became available, which could not be located prior to the original hearing, after the decision which is being appealed was made

v. the sanction imposed was either excessive or inappropriate.

D4. **Decisions being appealed remain in effect unless the Sports Tribunal decides otherwise**

a. Decisions of the Integrity Tribunal being appealed to the Sports Tribunal shall remain in effect and binding pending the Sports Tribunal's determination of the appeal, unless the Sports Tribunal decides otherwise.

b. Nothing in D4a. of Appendix D above prevents a Party to the proceeding applying to the Sports Tribunal to suspend the decision, or any part of the decision, of the Integrity Tribunal until the Sports Tribunal determines the appeal.

D5. **Time period for filing appeals to the Sports Tribunal**

a. Appeals against a decision of the Integrity Tribunal must be filed within 28 days from the date the appealing Party received the written decision containing reasons for the decision of the Integrity Tribunal.

D6. **Applicable rules and governing law regarding appeals**

a. The Rules of the Sports Tribunal in force at the time shall apply, except to the extent they are inconsistent with any provision in this Appendix D dealing with appeals.

b. The governing law shall be New Zealand law.

D7. **Appeal of a Sports Tribunal decision**

a. The decision of the Sports Tribunal shall be final and binding and shall not be questioned in any court of law otherwise than in accordance with D7b. of this Appendix D below.

b. A Party may appeal a decision of the Sports Tribunal to the Court of Arbitration for Sport (CAS) within 15 working days of the written decision of the Sports Tribunal.

c. An appeal will not operate as a stay of proceedings of the Sports Tribunal decision unless the Sports Tribunal or CAS so orders.

APPENDIX E: Interpretation and Definitions

E1. Interpretation

a. This Policy includes Appendices A, B, C, D, E and F.

b. Headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.

c. Words in the singular include the plural and vice versa.

d. Reference to 'including' and similar words are not words of limitation.

e. Examples are given to assist understanding. Unless stated, one example does not limit the range or number of examples.

f. Words importing a gender include any other gender.

g. A reference to a rule is a reference to a rule or sub rule of this Policy.

h. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

i. In the event any provision of this Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. This Policy shall not fail because any part of this Policy is held invalid.

j. Except as otherwise stated in this Policy, failure to exercise or enforce any right conferred by this Policy shall not be deemed to be a waiver of any such right nor operate so as to bar the exercise or enforcement thereof or of any other right on any other occasion.

E2. Definitions

The definitions set out below apply to this Policy:

Attempt: Purposely engaging in an act(s) and/or omission(s) which are more than mere preparation and which constitute a real and substantial step(s) towards the commission of an offence under this Policy, whether or not an offence was actually committed or whether or not in the circumstances it was possible to commit an offence.

Benefit or Reward: Any direct and/or indirect monetary and/or non-monetary bribe(s), gain(s), benefit(s), gift(s) and/or advantage(s), including, without limitation, winnings and/or potential winnings as a result of a Bet(s). This does not include official prize money and/or legitimate contractual payments authorised by **Rowing New Zealand** for participating in Matches or Events, any services, sponsorship, endorsements and/or similar payments.

Bet: A bet, wager or other form of financial speculation.

Betting: Making, accepting, or laying a Bet, including (without limitation) activities commonly referred to as sports betting, such as fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

Board: Means the Board of **Rowing New Zealand** or if there is no Board, then the governing body of **Rowing New Zealand.**

Court of Arbitration for Sport (CAS): The Court of Arbitration for Sport (CAS), which is the court established by the International Olympic Committee to resolve sports related disputes and which operates under the Code of Sports Related Arbitration.

Chief Executive Officer of Rowing New Zealand: The Chief Executive Officer, or if there is not one, the next highest ranking executive in the NSO.

Event: A **rowing** tournament, league, series of Matches and/or competition, including a one- off competition.

Inside Information: Any information considered to be not available to or not known by the public relating to any Match, Event, team, athlete or any aspect connected with any of these, that a person has because of their position within **Rowing New Zealand** or connection to **Rowing New Zealand**. This could include, without limitation, such information as a **rowing** team's actual or likely membership composition, the fitness of individual athletes, or planned tactics.

Integrity Officer: A person or persons designated to act as an Integrity Officer of **Rowing New Zealand**.

Integrity Review Officer: A person designated to perform the role of Integrity Review Officer by **Rowing New Zealand**.

Integrity Tribunal: The Tribunal comprising persons who are appointed by the Board of **Rowing New Zealand** to sit on the Integrity Tribunal of **Rowing New Zealand**.

Match: A **rowing** match, game, race or fixture.

Match or Event Under the Jurisdiction of, or Connected to, Rowing New Zealand: A Match or Event arranged, hosted or controlled by **Rowing New Zealand**, or in which any **Relevant Person** of **Rowing New Zealand** is participating, including any Matches or Events as part of a tournament or competition in which any **Relevant Person** is participating, whether any **Relevant Person** is participating in a particular Match or Event of that tournament or competition or not. To avoid doubt, where a Match is, for example, an international Match forming part of an international tournament and or/series of international Matches, all other Matches in that international tournament and or/series of international Matches are also connected to **Rowing New Zealand**.

Match-Fixing: Improperly influencing or otherwise taking action which could cause the occurrence of a particular incident, outcome, result or anything else in a Match or Event, and for which any money, Benefit or Reward (including associated with a betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons. While often associated with corrupt gambling practices, such as placing bets on arranged outcomes for financial return, it can also involve a range of associated activities.

Notice of Charge: Document initiating offence proceedings to be heard by the Integrity Tribunal.

Parties: The Parties to offence proceedings which may include, as appropriate, the Relevant Person, the Integrity Officer and/or **Rowing New Zealand** officers and representatives of the Parties, if any.

Policy: This Anti-Match-Fixing Policy of **Rowing New Zealand**.

Prohibited Conduct: Conduct which constitutes an offence under this Policy as listed in Rules 3.2-3.7.

Provisional Suspension: An order made by the Integrity Tribunal, Sports Tribunal or CAS, which temporarily prohibits a Relevant Person from competing or participating in any Match, Event or other activities associated with **Rowing New Zealand**, as set out in C4i of Appendix C, until the

Integrity Tribunal, Sports Tribunal or CAS, makes a final decision regarding whether the Relevant Person has committed the offence(s) alleged under this Policy.

Relevant Persons: Those persons and/or categories of persons as defined from time to time by the Board and who are listed in Schedule 1 of this Policy.

Respondent: a Relevant Person investigated under this Policy.

Sporting Tactical Reasons: Reasons for action taken in a sports Match or Event in situations which, by reference to Rule 1.4, are not intended to be captured as offences in this Policy. Such situations include, for example, where an athlete or team deliberately loses, underperforms or plays in a manner which the athlete or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition.

Sport New Zealand or **Sport NZ**: Sport and Recreation New Zealand, the crown entity established under the Sport and Recreation Act 2002. This entity was formerly known as SPARC.

Sports Tribunal: The Sports Tribunal of New Zealand, which is an independent statutory entity, as continued under the Sports Anti-Doping Act 2006.

Substantial Help: In the context of Rule 14.4a.vii, a Relevant Person provides Substantial Help if they: (1) fully disclose in a signed witness statement all information that they possess regarding offences under this Policy, offences under other anti-Match-Fixing / anti-corruption regulations, offences relating to other professional rules and the commission of relevant criminal offences and (2) cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by **Rowing New Zealand** or other relevant body. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Suspension: A sanction set out in Rule 14.6f. that may be imposed on a Relevant Person, who has committed an offence under this Policy.

Table of Sanctions: The table set out in Rule 14.5.

APPENDIX F: Flow Diagram of Key Processes in this Policy

