

# Burnside Bowling Club

## Code of Conduct



Adopted: 23 January 2024

Reviewed: 14 September 2026

Review date: 14 September 2027

Burnside Bowling Club Executive has implemented a Code of Conduct for members, officials, and volunteers, along with a clear pathway for any complaints/disputes that may arise. This is to ensure that any complaints/disputes are easily managed through an established and easy-to-follow resolution process, and to increase trust and confidence in decision-making.

### **Code of Conduct for Members:**

1. Act in a manner that upholds the good reputation of Burnside Bowling Club.
2. Respect the facilities and equipment of Burnside Bowling Club and other clubs.
3. Respect the work of officials and volunteers who are giving up their time for the benefit of the club and its members.
4. Do not use negative remarks based on age, gender, sexual orientation, race, religion, and ability.

### **Code of Conduct for Officials & Volunteers:**

1. Act ethically and professionally, demonstrating honesty and integrity in any official or volunteer role.
2. Act with due regard for equality and impartiality, remaining unbiased and objective over such factors as age, gender, sexual orientation, race, religion, and ability.
3. Understand that maintaining the integrity of Burnside Bowling Club is paramount to any decision-making and that respecting members' contributions and participation is vital for the on-going success of the club.

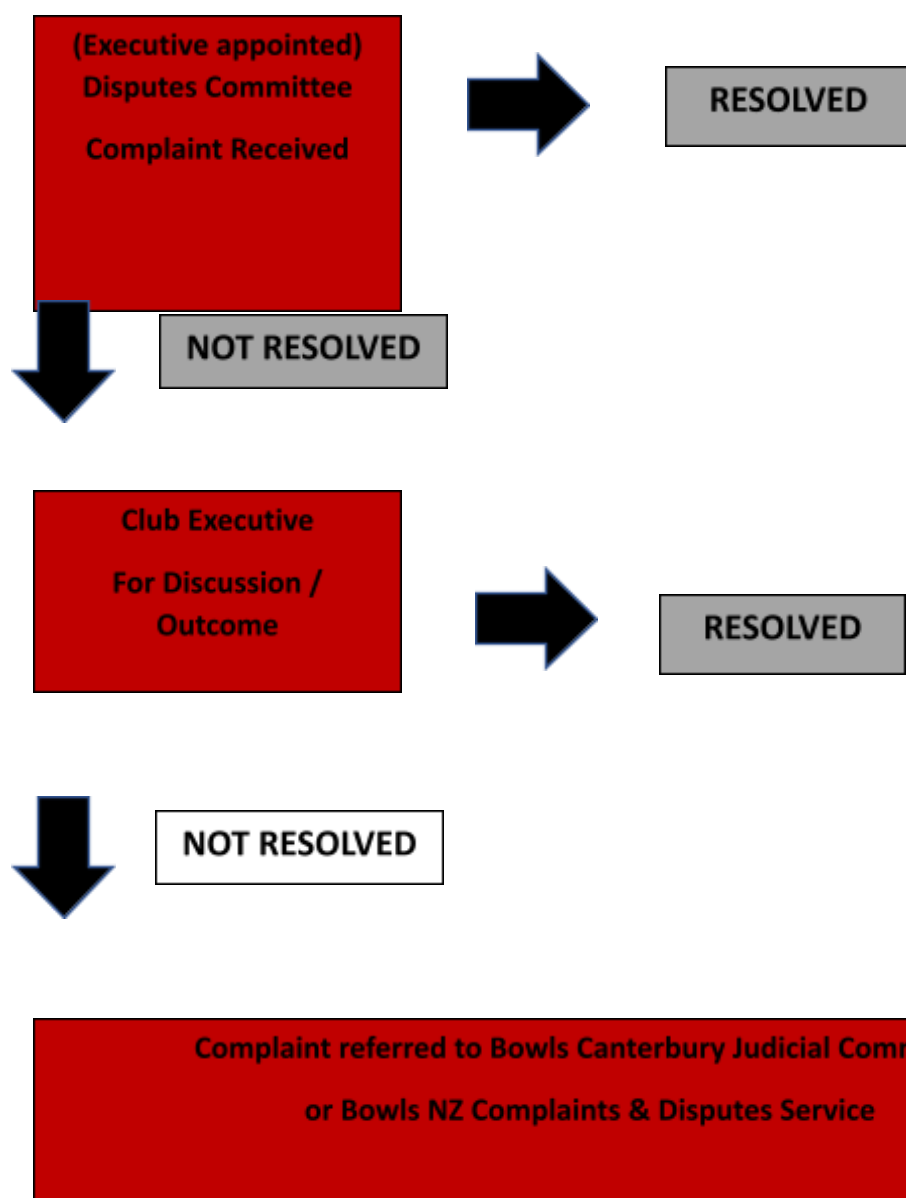
# Burnside Bowling Club

## Complaints/Disputes Pathway



Adopted: 23 January 2024

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# Complaints Handling Procedure - Executive stage of Pathway

## Informal resolution first:

Members are encouraged where possible to raise concerns directly with the person who has behaved in a way causing concern.

If there is no resolution a written complaint may be sent to the Executive within a week of the incident.

## Lodging and Assessing the Complaint

- **Written submission:** Complaints must be made in writing to the Executive. The identity of the complainant will remain strictly confidential (in committee) at this point.
- **Required details:** Must state the complainant's name, the respondent's name, specific dates, times, descriptions of alleged behavior, and the remedy sought. [1]
- **Initial screening:** The Executive committee or an appointed sub-committee (made up of three Executive members) reviews the complaint to check if it is frivolous, vexatious (2,3), or outside the scope of the club rules (Constitution).
- **Dismissal or progression:** If dismissed, reasons are given in writing. If it proceeds, it moves to the “disclosure phase” (See Notes below) and response.
- **ALL Notes** from Executive meetings where the complaint is discussed must be minuted and stored confidentially regardless of if it is dismissed or proceeds.

## 2. Disclosure and Natural Justice Requirements

Natural justice requires that the person complained about (the respondent) knows the case they have to face and has a fair chance to reply before any decision is made. [1, 2]

- **Full disclosure:** The respondent must receive a copy of the written complaint, all supporting documentation, and evidence provided by the complainant. [1]
- **Right to reply:** The respondent must be given a reasonable timeframe (e.g., 10 to 14 working days) to provide a written response and their own evidence.
- **Unbiased decision-maker:** Any committee member or investigator with a conflict of interest or prior bias must stand aside. [1, 2]

## 3. Managing Witnesses and Statements

- **Witness statements:** Witnesses must provide signed, dated written statements detailing only facts within their direct personal knowledge. Check relevance of witnesses - only interview or consider information regarding the complaint from those who DIRECTLY saw or heard the incident. Take detailed notes - record exact quotes and specific descriptions of the behaviour.
- **Name disclosure:** As a baseline rule of natural justice, the respondent is entitled to know who is making allegations against them so they can test the credibility of the evidence. Anonymity is only permitted in exceptional, high-risk safety circumstances approved by the decision-maker, and even then, the substance of the evidence must still be shared.

- **Documentation management:** All witness emails, notes, and records must be cataloged into an evidence bundle and kept in a confidential file.
- **Sharing witness material:** The complete witness statements and names must be disclosed to the respondent during the disclosure phase (1). Witnesses must be advised in advance that their statements and identities will be shared with the respondent. [\[1\]](#)

## 4. Hearing and Decision Process

- **Notice of meeting:** If an oral hearing is held, both parties receive written notice of the time, date, and format at least 7 working days prior.
- **Support persons:** Both complainant and respondent have the right to bring a support person or legal representative (if allowed by the rules).
- **Deliberation:** The decision-maker assesses the balance of probabilities based only on the evidence presented during the fair process.
- **Written outcome:** A final written decision outlining the findings, reasons, and any disciplinary actions or resolutions are delivered simultaneously to both parties.

## NOTES

*The disclosure phase is the specific stage in the dispute resolution process where all relevant evidence is shared between the parties before any decision is made. It ensures a transparent process and upholds the core principle of natural justice—that a person has the right to know the exact case against them. [\[1, 2, 3, 4, 5\]](#)*

## When It Occurs

- **After initial assessment:** It happens once the committee decides a complaint has merit and will proceed.
- **Before the hearing:** It must take place well before any formal hearing or final decision-making meeting.
- **Timeline constraint:** It occurs early enough to give the respondent adequate time to prepare their defense. [\[1, 2, 3, 4, 5\]](#)

## What Must Be Disclosed

- **The original complaint:** The full text of the allegations, including dates, times, and locations.
- **Witness material:** Signed witness statements, transcripts of interviews, and the identities of those witnesses.
- **Supporting evidence:** Any photos, emails, text messages, videos, or financial records linked to the complaint.
- **Committee notes:** Any initial investigator reports or formal minutes detailing the scope of the issue. [\[1, 2, 3, 4, 5\]](#)

## Why It Is Critical

- **Prevents ambush:** No party should be surprised by new evidence or hidden accusers during a hearing.

- **Enables a fair response:** The respondent can only provide a meaningful reply if they see the exact evidence against them.
- **Legal compliance:** Failing to disclose evidence violates the **Incorporated Societies Act 2022** and can void the entire disciplinary outcome if challenged in court. [[1](#), [2](#), [3](#), [4](#), [5](#)]

*In a complaints process, the terms **frivolous** and **vexatious** refer to complaints that are not genuine, have no legal merit, or are made primarily to harass someone. [[1](#), [2](#)] Under the New Zealand **Incorporated Societies Act 2022**, a society's committee has the right to dismiss these complaints immediately during the initial screening phase to protect resources and prevent unfair stress on members. [[1](#), [2](#)]*

The Executive may decide not to proceed further with a complaint if: the complaint is trivial; or the complaint does not appear to disclose or involve any allegation of the following kind:

- **that a member or an officer has engaged in material misconduct**
- that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or this Act
- that a member's rights or interests or members' rights or interests generally have been materially damaged
- the complaint appears to be without foundation or there is no apparent evidence to support it; or
- the person who makes the complaint has an insignificant interest in the matter; or the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- there has been an undue delay in making the complaint.

## Is Requesting an Apology Disciplinary Action?

Whether ordering an apology counts as a formal disciplinary action depends entirely on **how** and **when** it is issued:

It is NOT disciplinary action if it is an Informal Resolution:

- **The distinction:** If the committee reviews the complaint and suggests an apology as a voluntary, low-level way to resolve the conflict early on, it is an **informal resolution** rather than a penalty. [[1](#), [2](#)]
- **The caveat:** To keep it informal, both the complainant and the respondent must agree to it. If the respondent willingly apologises and the complainant accepts it, the issue is settled without a formal finding of guilt. [[1](#), [2](#)]

It IS disciplinary action if it is a Forced Sanction:

- **The distinction:** If the committee conducts a review, determines the respondent did something wrong, and formally *orders* them to issue an apology as a mandatory condition to maintain their membership, it **is a disciplinary action**.
  - **The caveat:** A forced sanction is a formal penalty that implies a finding of misconduct. [1, 2, 3, 4]
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## Does This Mean It Moves to the Disclosure Phase?

Yes, if the committee is **imposing** an apology as a formal requirement or penalty, you **must trigger the disclosure phase** before doing so. [1, 2]

Under **natural justice**, you cannot find someone guilty of a breach or force a penalty upon them without giving them a fair trial. [1, 2, 3]

- **The Rule of Predetermined Outcomes:** If the committee orders an apology before completing the disclosure phase and hearing the respondent's side, the committee has committed **predetermination**. This violates natural justice and breaches the Incorporated Societies Act 2022, making the decision legally void. [1, 2, 3, 4]
- **The Proper Flow:** The committee must follow the complete legal sequence:
  1. Receive the complaint.
  2. Enter the **disclosure phase** (share all complaints, witness statements, and evidence with the respondent).
  3. Allow the respondent time to submit their reply.
  4. Hold a hearing or deliberation.
  5. *Only then* make a formal decision to mandate an apology as the final outcome. [1, 2, 3, 4, 5]

## The Only Exception: Voluntary Informal Mediation

If the committee asks the parties if they would like to try an informal chat or mediation *instead* of launching a formal complaint process, you can bypass the disclosure phase. However, if the respondent refuses to apologise during this informal step, the committee cannot force them to do so. The committee must then pivot to the formal route, which instantly triggers the disclosure phase. [1, 2]