



APDA CODE OF BEHAVIOUR POLICY

Revision 280514

Australian Physie and Dance Association Pty Ltd
PO Box 719
Baulkham Hills NSW 1755
Telephone: 1300 915 513
Facsimile: 07 3112 6128
E: info@physieanddance.com.au
W: www.physieanddance.com.au

APDA Code of Behaviour for Member, Participants, Supporters and Official (whereby officials means teachers, judges, moderators, scrutineers, organisers, board members, Advisory committee members, photographers, security personnel or any other contractors).

Australian Physie and Dance Association's (APDA's) Code of Behaviour is adopted and implemented as part of Australian Physie and Dance continuing efforts to maintain the public image, popularity and integrity of physie by providing:

- A) an effective means to deter any participant from conducting themselves improperly at events, functions, competitions, meetings and conferences or in a manner that is contrary to the "spirit of Australian Physie and Dance".
- B) a robust disciplinary procedure pursuant to which all matter of improper conduct can be dealt with fairly, with certainty and in an expeditious manner.

Article 1 Scope and Application

- 1.1** All members, participants, supporters and officials are automatically bound by and required to comply with all of the provisions of the Code of Behaviour. Accordingly, by their participation or involvement in any way in Australian Physie and Dance (APDA), members, participants, supporters and officials will be deemed to have agreed that it is their personal responsibility to familiarise themselves with all the requirements of the Code of Behaviour, including what constitutes an offence under the Code of Behaviour.
- 1.2** Without prejudice to Article 1.1 Australian Physie and Dance will be responsible for promoting the Code of Behaviour awareness and education amongst members, participants, supporters and officials.

Article 2 Code of Behaviour Offences

2.1 Level 1 Offences:

2.1.1 Breach of Australian Physie and Dance(APDA) Equipment and apparel policy during any function held by APDA.

Defacing any signage that is related to APDA.

Using violent actions (i.e verbal and physical) against signage.

This offence will be a level 1.

2.1.2 Abuse of equipment or clothing, venue equipment or fixtures and fittings during a competition.

Includes any action outside the course of normal physie competitions, such as hitting and kicking doors or walls and any action that intentionally or negligently results in damage to the commercial venues APDA hires during the course of the competitions.

2.1.3 Showing disrespect at judges decision during a competition.

This includes (a) excessive, obvious or inappropriate disappointment with a judges decision (b) requesting a review of the judges sheets outside of the normal course of action.

2.1.4 Using language or a gesture that is obscene, offensive or insulting during a competition.

Includes (a) audible or repetitious swearing; and (b) obscene gestures which are not directed at another person, such as swearing in frustration at one's own poor performance. In addition this offence is not intended to penalise trivial behaviour.

When assessing the seriousness of the breach, the officials on the day will be required to take into account the context of the particular situation and whether the words or gesture are likely to (a) be regarded as obscene; (b) give offence; (c) insult another person

2.1.5 Excessive protesting during and after a competition

This includes (a) repeated appealing of the same judging;
(b) repeated appealing of different decisions with an official.

2.1.6 Pointing and gesturing towards the judges by a member, spectator or official or other members that seems offensive.

2.2 Level 2 offences

2.2.1 Showing serious dissent at an official decision during a competition, meeting or conference.

Dissent, including the examples given in Article 2.1.3 above will be classified as “serious” when the conduct contains an element of anger or abuse that is directed at a member, competitor, official or spectator.

2.2.2 Public or Media comment that is detrimental to the interests of APDA, irrespective of when and where such a comment is made.

Without limitation, members, spectators and officials will be deemed to have made comment detrimental to the interests of APDA breach of Article 2.2.2 if they;

- Publicly denigrate or criticise competitors, members, judges or officials or other club against which they have competed against, whether or not the incident occurred in a competition, conference, at meetings.
- Denigrate a club in which they or likely to be competing against.
- Comment on the likely outcome of a report or an appeal.
- Criticise the outcome of an appeal under this code of behaviour.
- Criticise any evidence, submission or other comment made by any person at the appeal of report under this Code of Behaviour.

When assessing the seriousness of the breach, the context within which the comments have been made and the gravity of the offending comments must be taken into account

2.2.3 Inappropriate and deliberate verbal contact with anyone, either in the course of a competition or during periods before or after an event, at a hired APDA competition.

2.2.4 Using language or gestures that is seriously obscene, seriously offensive or of a seriously insulting nature to another participant, official or spectator during an APDA run event.

2.2.5 Any attempt to manipulate a competition for inappropriate or tactical reasons.

The manipulations of competitions may include:

- a) the hiding, removal or stealing of property,
- b) not letting appropriate people in the marshalling area,
- c) not offering assistance regarding directions, location of other club members, other clubs representatives etc.

2.2.6 Asking a judge why a competitor was not awarded correctly in an assertive or aggressive manner.

2.2.7 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- a) is contrary to the spirit of APDA;
- (b) is unbecoming of a representative or official;
- c) is or could be harmful to the interests of APDA;
- (d) does or could bring APDA into financial hardship.

Note: Article 2.2.7 is intended to be a 'catch all' provision to cover all types of conduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Behaviour.

Article 2.2.7 includes but is not limited to:

- Criminal Conduct
- Public Acts of misconduct
- Unruly public behaviour
- Sexual misconduct
- Deliberately going against the wishes of others
- Making unauthorised payments to companies without the correct approval

2.3 Level 3 Offences:

2.3.1 Intimidation or attempted intimidation of a competitor or judge during a competition whether by language or behaviour (including gestures) during an event.

2.3.2 Threat of assault on another member, spectator or official during an APDA run event.

2.3.3 Use of language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic religion.

2.3.4 Public or media comment that is very detrimental to the interests of APDA, irrespective of when or where such comment is made

- Publicly denigrate or criticise a member, spectator, official or club or which they have competed against, whether or not the incident happened.
- Denigrate an area of which a competition is going to be held.
- Comment on the likely outcome of an appeal.
- Criticise the outcome of an appeal under the Code of Behaviour general or Judging Complaints procedure.
- Criticise any evidence, submission or other comment made by any person at an appeal under the Code of Behaviour.

2.3.5 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either: (a) is contrary to the spirit of APDA; (b) is

unbecoming of a representative or official; (c) is or could be harmful to the interests of APDA; (d) does or could bring APDA into financial hardship.

Article 2.3.5 includes but is not limited to:

- Any conduct that is considered unjust or unfair or against the spirit of APDA in when the results of competition are given.
- Public acts of misconduct.
- Serious or repeated offensive comments either and including face to face and public media.
- Unruly public behaviour

2.4 Level 4 Offences:

2.4.1 Threat of assault of a member, spectator or official at an APDA run event.

2.4.2 Physical assault of another participant during an APDA run event.

2.4.3 Use of language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that persons race, religion, gender, colour, descent, sexuality or national or ethnic religion.

2.4.4 Public or Media comment that is detrimental to the interests of APDA, irrespective of when and where such a comment is made.

Without limitation, members, spectators and officials will be deemed to have made comment detrimental to the interests of APDA breach of Article 2.4.4 if they;

- Publicly denigrate or criticise competitors, members, judges or officials or other club against which they have competed against, whether or not the incident occurred in a competition, conference, at meetings.
- Denigrate a club in which they or likely to be competing against.
- Comment on the likely outcome of a report or an appeal.
- Crititise the outcome of an appeal under this code of behaviour.
- Criticise any evidence, submission or other comment made by any person at the appeal of report under this Code of Behaviour.

When assessing the seriousness of the breach, the context within which the comments have been made and the gravity of the offending comments must be taken into account.

2.4.5 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

(a) is contrary to the spirit of APDA;

(b) is unbecoming of a representative or official;

(c) is or could be harmful to the interests of APDA;

(d) does or could bring APDA into financial hardship.

Note: Article 2.4.5 is intended to be a 'catch all' provision to cover all types of conduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Behaviour.

Article 2.4.5 includes but is not limited to:

- Criminal Conduct
- Public Acts of misconduct
- Unruly public behaviour
- Sexual misconduct
- Deliberately going against the wishes of others
- Making unauthorised payments to companies without the correct approval

Article 3 Reporting an Alleged Offence under the Code of Behaviour

3.1 Anyone of the following individuals can report an alleged offence under the Code of Behaviour by lodging a report in the manner described in Article 3.2

3.1.1 An official that officiated the APDA run event.

3.1.2 An associate that has witnessed an offence.

3.1.3 A member of APDA. This must then be countersigned by the club official of the Club that they belong to.

3.1.4 A board member.

3.1.5 An official on the day of the event ie photographer, door person, moderator, scrutineer or judge.

3.2 All reports must be completed on the Code of Behaviour report form. All reports must be signed and dated by the person lodging the report. Prior to the start of each APDA run event the official running the event must ensure that they have at least 5 forms available for use. APDA will ensure that an electronic copy of Code of Behaviour will be available on the official website at www.physieanddance.com.au under the teachers info tab.

3.2.1 Where the report is lodged by any of the individuals describes in Articles 3.1.

3.2.1.1 a Level 1,2,3 or 4 offence that is alleged to have been committed at an APDA run event or within an APDA club must be lodged as soon as practical to info@physieanddance.com.au or to the associate head or the officiating officer on the day the of the event.

Article 4 Notification Procedure

4.1 Where the board member receives a report lodged under Articles 1 and 2 he/she must promptly provide a summary of the Notice of Charge of the complaint to the following individuals.

4.1.1 the person/s or member/s named in the report.

4.1.2 the club/s where this member has membership at.

4.2 The notice of the charge will specify that the accused will have three options:

4.2.1 he/she may admit the offence charged and accede to the proposed action the board will recommend.

4.2.2 he/she may admit to the offence charged but dispute the proposed action the board recommends. In which case the matter will proceed to a hearing 5.1.

4.2.3 he/she may deny the offence charged, in which case the matter will proceed to a meeting with all in the report and to be dealt with by the Board Appointed Mediator.

Article 5 The Disciplinary Procedure

5.1 Where the matter proceeds to a hearing the case will be referred to the APDA Board Appointed Mediator for adjudication in accordance with the following procedure.

5.1.1 subject to the discretion of the officials attending the hearing this will take place at a time specified in the Notice of Charge (which should be held as soon as practicable, after the receipt by the board).

5.1.2 The procedure followed at the hearing will be at the discretion of the APDA Board Appointed Mediator, provided that the hearing is conducted in a manner which offers all parties a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or skype where necessary).

5.1.3 Where video evidence of the alleged offence is available at the hearing, then it may be utilised by the APDA Board Appointed Mediator in his or her discretion and may be relied upon by any party, provided that in either case, all parties have the right to make such representations on relation they may seem fit.

5.1.4 Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the APDA Board Appointed Mediator.

- The member/official who has been charged with the alleged offence.
- The person who lodged the Report.

Where any individual has a compelling justification for his/her non-attendance that is accepted by the APDA Board Appointed Mediator, then they will be given the opportunity to participate in the hearing by telephone or video. Without prejudice to the individual they will have the ability to call and to question witnesses as may be necessary and/or be represented by such other person of his/her choosing. One of Head Associate of their club, club secretary, club manager.

5.1.5 The non attendance of any individual at the hearing will not prevent the APDA Board Appointed Mediator from proceeding with the hearing in his/her absence and issuing a ruling in relation to the offence charged.

5.1.6 At the end of the hearing where the APDA Board Appointed Mediator considers further evidence is necessary or further time is required to consider the evidence that has been presented, he/she will call for another meeting at an appropriate time.

5.1.7 The APDA Board Appointed Mediator will have the discretion to announce the substance of his/her decision prior to the written decision.

5.1.8 A copy of the written decision will be provided to the individual, the individuals club and APDA head office.

5.1.9 Subject only to the rights of appeal, the APDA Board Appointed Mediator's decision will be the full, final and complete disposition of the matter and will be binding by all parties.

5.1.10 The APDA Board Appointed Mediator in his or her absolute discretion may seek legal advice prior to or during the hearing/meeting.

Article 6 Standard of Proof and Evidence

6.1 Unless otherwise described herein, the standard of proof in all cases brought under the Code of Behaviour will be whether the APDA Board Appointed Mediator is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.

6.2 The APDA Board Appointed Mediator will not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an offence committed under the Code of Behaviour may be established by any reliable means, including admissions.

Article 7 Actions on Participants, Supporters and Officials

7.1 Where the APDA Board Appointed Mediator determines that an offence under the Code of Behaviour has been committed, he/she will be required to impose an appropriate action on the member, participant, supporter or official.

7.2 In order to determine the action that is being considered in each case, the APDA Board Appointed Mediator must first consider whether the participants, supporter or official has been previously found guilty of an offence under the same Article of the Code of Behaviour with a period of 12 months prior to the date on which the alleged offence took place.

7.3 Once the APDA Board Appointed Mediator has established whether this is a repeat offence with the relevant 12 month period, then he/she will go on to take into account any other factors the he/she deems relevant and appropriate to the mitigation or aggravation of the nature of the Code of Behaviour offence before determining the action to take place. Those factors may include:

1. the seriousness of the breach;
2. the harm caused by the breach to the interests of APDA.
3. the members, participants, supporters and official seniority and standing at APDA.
4. remorse shown by the participants, supporters or official and the prospect of further breaches.

7.4 Where the APDA Board Appointed Mediator imposes a period of suspension on any participant, supporter or official the individual must serve their suspension.

7.5 Where the APDA Board Appointed Mediator imposes that the individual will be banned from APDA this includes participation in and club event, club training or APDA competition for the specified period of time.

Article 8 Recognition of Decisions

8.1 Any hearing/meeting result or other final adjudications under the Code of Behaviour will be recognised and respected by participants, members and officials automatically on receipt of the notice that will be received by all involved.

8.2 There will be no right of appeal of the APDA Board Appointed Mediator's decision.

Article 9 Communication of Decisions

Authorised by APDA Board
28 May 2014
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