



# AUSTRALIAN KENDO RENMEI

## CODE OF CONDUCT

<b>Policy Name:</b>	<b>Conduct and Disciplinary Policy</b>
<b>Date of Commencement:</b>	<b>30 June 2022</b>
<b>Date of Approval:</b>	<b>15 June 2022</b>
<b>Date of Review:</b>	<b>15 June 2023</b>

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## 1. Background

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- 1.1. Australian Kendo Renmei conducts its business and activities with integrity, honesty and fairness, and complies with all relevant laws, regulations, codes and corporate standards and is committed to promoting and strengthening the positive image of Kendo, laido and Jodo and its Participants in Australia and to ensuring that everyone involved with Kendo, laido and Jodo is treated with respect and dignity.
- 1.2. Australian Kendo Renmei operates under four organisational values:
  - 1.2.1. *Commitment* - We set goals and achieve them and proactively engage with our members.
  - 1.2.2. *Unity* - We work together effectively to continuously improve our arts.
  - 1.2.3. *Inclusive & Supportive* – We adapt and find innovative ways to grow our arts and support each other ensuring safety and inclusion.
  - 1.2.4. *Accountability* – In line with the principles of our arts, we act with integrity and professionalism.

They apply to all Australian Kendo Renmei members and guide our thinking, actions and decision making.

- 1.3. All Relevant Persons and Relevant Organisations affiliated with the Australian Kendo Renmei must follow the highest standards of ethical behaviour when dealing with each other and those outside the Australian Kendo Renmei. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels. All Australian Kendo Renmei members, regardless of their grade, status, role or position must be familiar with and follow the spirit and content of the Code of Conduct.
- 1.4. This Code of Conduct aims to ensure that everyone involved in Kendo, laido and Jodo and bound by this Code of Conduct is aware of the standards of behaviour expected of them. It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in the Australian Kendo Renmei through the actions of each of us. Nothing in this Code of Conduct interferes with your rights as a private citizen. The Code of Conduct also outlines the mechanism for dealing with any conduct that is alleged to breach the Code of Conduct.
- 1.5. This Code of Conduct:
  - (a) Prescribes Prohibited Conduct;
  - (b) Is binding to all Australian Kendo Renmei Affiliates (i.e. Affiliated Bodies and affiliated Clubs and Dojos); and
  - (c) Does not cover conduct and disciplinary matters arising under policies that form part of the National Integrity Framework.
- 1.6. The National Integrity Framework does not apply to this Code of Conduct but sits alongside it. Where a provision is inconsistent with the National Integrity Framework, the National Integrity Framework will apply to the extent of that inconsistency.

## 2. Definitions

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In this Code of Conduct the following words have the corresponding meaning:

**Activity** means a Kendo, laido and Jodo contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organised by Australian Kendo Renmei or a Kendo, laido and Jodo Organisation.

**Administrator** means a person who is fulfilling an administrative function for a Kendo, laido and Jodo Organisation, including managers, executives, board and committee members, or National Council members of Australian Kendo Renmei and Affiliates.

**Affiliate** means a State or Territory organisation, or Club or Dojo that is an incorporated or unincorporated body, association, or company affiliated with the Australian Kendo Renmei.

**Affiliated Body** means State or Territory associations listed under 4.7 of the AKR Constitution.

**AKR** means Australian Kendo Renmei.

**Australian Kendo Renmei** means Australian Kendo Renmei Inc.

**Authorised Provider** means any organisation that is not a Kendo, laido or Jodo Organisation and is authorised to conduct an Activity.

**Coach** means a person appointed to train a practitioner or team in Kendo, laido or Jodo mainly for competition purposes.

**Code of Conduct** means this Code of Conduct.

**Conflict of interest** means a conflict between Relevant Organisation Administrator or Official's responsibilities and their personal or private interests. A conflict of interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent). Interests can be financial, non-financial, personal, private, family, friend or business.

**Instructor** means a person that teaches Kendo, laido or Jodo techniques to students or practitioners.

**Kendo, laido and Jodo** means the Art of Kendo, laido and Jodo, and a reference to Kendo, laido and Jodo means collectively Australian Kendo Renmei, Member Organisations and Affiliates.

**Kendo, laido and Jodo Organisation** means Australian Kendo Renmei and each Member Organisation or Affiliate bound by this Code of Conduct.

**Member Organisation** means an Affiliated Body of Australian Kendo Renmei in accordance with the provisions of the Australian Kendo Renmei Constitution<sup>1</sup>

**National Integrity Framework** means the set of "National Integrity Framework" integrity policies produced by Sport Integrity Australia from time to time if and as adopted by Australian Kendo Renmei.

**Officials** means shinpan, competition manager, competition kakari-in/volunteers, grading panel members, assistants, and administrators of a Kendo, laido and Jodo competition or grading examination.

**Participant** means:

- (a) athletes who are registered with a Kendo, laido and Jodo Organisation or entitled to participate in an Activity;

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<sup>1</sup> i.e., State or Territory associations listed under 4.7 of the AKR Constitution.

- (b) coaches appointed to train an athlete or team in an Activity;
- (c) administrators who have a role in the administration or operation of a Kendo, Iaido and Jodo Organisation, including owners, directors, committee members or other persons;
- (d) officials including referees, umpires, technical officials, or other officials appointed by a Kendo, Iaido and Jodo Organisation or any league, competition, series, club or team sanctioned by a Kendo, Iaido and Jodo Organisation;
- (e) support personnel who are appointed in a professional or voluntary capacity by a Kendo, Iaido and Jodo Organisation or any league, competition, series, club or team sanctioned by a Kendo, Iaido and Jodo Organisation including sports science sport medicine personnel, team managers, agents, selectors, and team staff members; and
- (f) parents/carers and spectators who are subject to registration conditions or venue conditions of entry that requires compliance with this Code of Conduct.

**Prohibited Conduct** means the conduct proscribed at clause 5.1 of this Code of Conduct.

**Relevant Organisation** means any of the following organisations:

- (a) Australian Kendo Renmei;
- (b) Affiliated Body;
- (c) affiliated Club and;
- (d) any other organisation that has agreed to be bound by this Code of Conduct.

**Relevant Person** means any of the following individuals who have agreed to be bound by this Code of Conduct:

- (a) An individual registered as a member of a Kendo, Iaido and Jodo Organisation;
- (b) A Participant;
- (c) An employee employed by Australian Kendo Renmei, a Kendo, Iaido and Jodo Organisation or an Authorised Provider;
- (d) A contractor engaged directly or via an organisation to provide services for or on behalf of Australian Kendo Renmei, a Kendo, Iaido and Jodo Organisation or an Authorised Provider;
- (e) A volunteer engaged by Australian Kendo Renmei, a Kendo, Iaido and Jodo Organisation or an Authorised Provider in any capacity who is not otherwise an employee or contractor, including directors and office holders, officials, administrators and team and support personnel; and
- (f) Any other individual who has agreed to be bound by this Code of Conduct.

### **3. Jurisdiction**

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#### **3.1. To whom the Code of Conduct applies**

The Code of Conduct applies to:

- (a) Relevant Persons; and
- (b) Relevant Organisations.

### **3.2. When the Code of Conduct applies**

- (a) All Relevant Persons and Relevant Organisations to which this Code of Conduct applies must comply with this Code of Conduct (while they are a Relevant Person or Relevant Organisation):
  - (i) in relation to any dealings they have with Relevant Organisations or their staff, contractors and representatives;
  - (ii) wherever there is a recognised Kendo, Iaido and Judo or Relevant Organisation connection, including participation in Activities and on social media where there is such a connection;
  - (iii) when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person or Relevant Organisation; and
  - (iv) in relation to their membership or standing as a Relevant Person or Relevant Organisation in general.
- (b) Where there is no direct or indirect link other than the fact that one or more parties are Relevant Persons or Relevant Organisations, interactions (including social media interactions) involving one or more Relevant Persons or Relevant Organisations are not within the scope of this Code of Conduct.
- (c) Where the relevant Kendo, Iaido or Judo Organisation determines, in its absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different policy, it may refer the alleged Prohibited Conduct for determination under that other policy. If the alleged Prohibited Conduct may also constitute Prohibited Conduct under a National Integrity Framework policy, the relevant Kendo, Iaido or Judo Organisation will manage that alleged Prohibited Conduct under that policy unless and until it is determined that the matter should be managed as Prohibited Conduct under this Code of Conduct.

## **4. Expected Behaviours**

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Relevant Persons and Relevant Organisations must:

- (a) Act and operate within the rules and spirit of Kendo, Iaido and Judo;
- (b) Act and operate within the rules of the Australian Kendo Renmei's organisational rules, which include the Constitution, policies, and procedures (including the Manual of Documents). Administrators have a special responsibility to be familiar with rules and follow these at all times;
- (c) Act within the rules of the relevant State and Territory Affiliated Bodies;
- (d) Act within the law, which includes all relevant State and Commonwealth legislation;
- (e) Be ethical, considerate, fair and honest in all dealings with other people and organisations;
- (f) Act with honesty, integrity and objectivity and be accountable for their own behaviour and actions;
- (g) Maintain appropriate, professional relationships with other Relevant Persons at all times;
- (h) Accept and respect the authority of Officials and not use offensive language or behaviour, show unnecessary dissension, displeasure, or disapproval towards an Official, whether on or off the field of play;

- (i) Treat all Relevant Organisation representatives and other stakeholders with courtesy, respect, honesty, fairness, sensitivity, dignity and have proper regard for their rights and obligations<sup>2</sup>. Those who supervise or manage others have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them. You are expected to accommodate and respect different opinions and perspectives and manage disagreements by rational debate;
- (j) Act with care and diligence to safeguard your own safety, health and welfare. You also have a duty of care to both Relevant Persons and members of the public. This duty of care extends to both psychological and physical health and wellbeing<sup>3</sup>. Relevant Organisation representatives must ensure their decisions and actions contribute to a safe environment and provide a safe environment for the conduct of Activities;
- (k) Not engage in conduct that is defined as Prohibited Conduct under any policy of the Australian Kendo Renmei National Integrity Framework, namely:
  - (i) The National Integrity Framework document;
  - (ii) The Member Protection Policy;
  - (iii) The Child Safeguarding Policy;
  - (iv) The Competition Manipulation and Kendo, Iaido and Jodo Wagering Policy; and
  - (v) The Improper Use of Drugs and Medicine Policy;
- (l) Declare any conflicts of interest, if and when they arise, including when making decisions. If you believe you have a conflict of interest, whether real or perceived, you are required to inform an Administrator/higher authority of the Relevant Organisation promptly. Until it is resolved, make sure you are not part of any decision-making processes related to the matter;
- (m) Not influence any person in an improper way to try to obtain any advantages or favours. You must not deliberately mislead decision-makers by providing them with false, biased, incomplete, or inaccurate information. All decisions you make must be, and be seen to be, fair and transparent. You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process;
- (n) Respect and protect confidential information obtained through Activities, whether regarding individuals or organisational information;
- (o) Take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the Australian Kendo Renmei's Privacy Policy;
- (p) Not engage in an inappropriate intimate relationship with a person that he or she supervises, or has influence, authority, or power over (refer to *Annexure A - 1.0 Intimate relationships*);
- (q) Be responsible in the service and consumption of alcohol (refer to *Annexure A - 2.0 Responsible Service and Consumption of Alcohol*);
- (r) Refrain from smoking whilst engaged in AKR Activities (refer to *Annexure A - 3.0 Smoke-free Environment*);
- (s) Not engage in behaviour that is:
  - (i) drunk and disorderly;

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<sup>2</sup> Including online – refer to *Annexure A – Social networking*

<sup>3</sup> Including online – refer to *Annexure A – Social networking*

- (ii) public or domestic violence;
- (iii) continued or unreasonable disruption of Relevant Organisation representatives performing their duties; or
- (iv) unlawful or unsafe;
- (t) Not undertake any behaviour prohibited by a venue's ticketing or entry conditions, at, in or around that venue at which an Activity is taking place;
- (u) Not behave in a manner that creates a public nuisance and/or disturbance within or around a venue at which an Activity is taking place;
- (v) Comply with all reasonable directions of, and accept all decisions of, Relevant Organisation representatives; and
- (w) Not be in the possession or under the influence of an illegal drug, at, in or around a venue at which an Activity is taking place.

## **5. Prohibited Conduct**

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5.1. A Relevant Person commits a breach of this Code of Conduct when they:

- (a) Conduct themselves in any manner, or engage in any activity whether before, during or after an Activity that would impair public confidence in the safe and orderly conduct of the Activity;
- (b) Engage in any conduct or activity including, without limitation, making public comment (including on social media<sup>4</sup>) which:
  - (i) has brought, brings, or would have the tendency to bring the Relevant Person, a Relevant Organisation or Kendo, Iaido and Jodo into disrepute or censure; or
  - (ii) is or would have the tendency to be inconsistent with, contrary to, or prejudicial or harmful to the interests, reputation or values of a Relevant Organisation or Kendo, Iaido and Jodo;
- (c) Make improper use of information acquired by virtue of their position in a Relevant Organisation or in any team selected by a Relevant Organisation or their relationship with a Relevant Organisation to gain, directly or indirectly, an advantage for themselves or for any other person or to cause detriment to a Relevant Organisation; or
- (d) Do not comply with any of clauses 4(i) through 4(v), inclusive.

5.2. Conduct that is alleged Prohibited Conduct under the National Integrity Framework will be dealt with in accordance with the National Integrity Framework whether or not it is also prohibited under this Code of Conduct.

## **6. Conduct and Disciplinary Policy**

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Subject to clause 5.2, the Australian Kendo Renmei Conduct and Disciplinary Policy applies to any alleged Prohibited Conduct under this Code of Conduct.

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<sup>4</sup> Refer to Annexure A – Social networking



## **Annexure A**

### **1.0 Intimate relationships**

The AKR understands that consensual intimate relationships (including, but not limited to sexual relationships) between Instructors, Coaches or Officials and adult athletes may take place legally. However, this policy will help ensure that the expectations of Instructors, Coaches or Officials are clear and, to ensure that if an intimate relationship does exist or develop between an Instructor, Coach or Official and an adult athlete, that relationship will be managed in an appropriate manner.

The AKR recognises that many members of the AKR meet their partners at Kendo training. The AKR recognises that if both the Instructor, Coach or Official and the athlete are adults and each has consented to the relationship that the relationship may not be in breach of the Code of Conduct.

The law is always the minimum standard for behaviour within the AKR and therefore sexual relations with a child is a criminal offence.

Instructors, Coaches or Officials are required to conduct themselves in a professional and appropriate manner in all interactions with athletes. In particular, they must ensure that they treat athletes in a respectful and fair manner, and that they do not engage in sexual harassment, bullying, favouritism or exploitation.

We recommend that if an athlete attempts to initiate an intimate relationship with an Instructor, Coach or Official, the Instructor, Coach or Official should discourage the athlete's approach and explain to the athlete why such a relationship is not appropriate.

If a consensual intimate relationship does exist or develop between an adult athlete and an Instructor, Coach or Official, the Instructor, Coach or Official is expected to ensure that the relationship is appropriate and that it does not compromise impartiality, professional standards or the relationship of trust the Instructor, Coach or Official has with the athlete and/or other athletes.

In assessing the appropriateness of an intimate relationship between an Instructor, Coach or Official and an adult athlete, relevant factors include, but are not limited to:

- the relative age and social maturity of the athlete;
- any potential vulnerability of the athlete;
- any financial and/or emotional dependence of the athlete on the coach or official;
- the ability of the Instructor, Coach or Official to influence the progress, outcomes or progression of the athlete's performance and/or career;
- the extent of power imbalance between the athlete and an Instructor, Coach or Official; and the likelihood of the relationship having an adverse impact on the athlete and/or other athletes.

It will often be difficult for an Instructor, Coach or Official involved in an intimate relationship with an adult athlete to make an objective assessment of its appropriateness and accordingly they are encouraged to seek advice from *the Member Protection Information Officer*, to ensure that they have not involved themselves in inappropriate or unprofessional conduct.

If it is determined that an intimate relationship between an Instructor, Coach or Official and an adult athlete is inappropriate or unprofessional, the AKR Conduct and Disciplinary Policy will apply against the Instructor, Coach or Official.

## **2.0 Responsible service and consumption of alcohol**

The AKR is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy is that:

- alcohol should not be available or consumed at sporting events involving children and young people under the age of 18;
- alcohol-free social events be provided for young people and families;
- food and low-alcohol and non-alcoholic drinks be available at events we hold or endorse where alcohol is served;
- a staff member is present at events we hold or endorse where alcohol is served to ensure appropriate practices in respect of the consumption of alcohol are followed;
- safe transport options be promoted as part of any event we hold or endorse where alcohol is served.

## **3.0 Smoke Free Environment**

The AKR is committed to providing a safe and healthy environment at all sporting and social events that we hold or endorse.

In general, our policy is that:

- no smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers;
- social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas; and
- coaches, officials, trainers, volunteers and players will refrain from smoking while they are involved in an official capacity in our sport, both on and off the field.

## **4.0 Social networking**

The AKR acknowledges the enormous value of social networking to promote our sport and celebrate the achievements and success of the people involved in our sport.

Social networking refers to any interactive website or technology that enables people to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

In particular, social media activity including, but not limited to, postings, blogs, status updates, and tweets:

- must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- must not contain material, which is inaccurate, misleading or fraudulent;
- must not contain material which is in breach of laws, court orders, undertakings or contracts;
- should respect and maintain the privacy of others; and
- should promote the sport in a positive way.