



Integrity and Ethical Conduct Policy

Policy Statement

This policy describes Athletics Auckland's commitment to promote an open, honest and transparent culture in conducting all its activities with integrity, in a legal and ethical manner.

Scope

This policy applies to all AAI personnel (including employees, board members, delegate committee members, contractors, volunteers, athletes, club committee members, managers and coaches, officials and volunteers). For the purposes of this policy, AAI personnel also include former AAI personnel.

Any report made under this policy is private to the parties involved.

Purpose

Athletics Auckland Incorporated (**AAI**) is committed to conducting its activities with integrity and in a legal and ethical manner. We promote an open, honest and transparent culture. We are committed to maintaining an environment in which individuals are able to raise concerns regarding actual or suspected serious wrongdoing.

To encourage reporting of serious wrongdoing, requires a process whereby AAI personnel can report concerns freely and without retaliation or intimidation.

The purpose of this Policy is to facilitate the disclosure and investigation of serious wrongdoing and to meet AAI's obligations under the Protected Disclosures Act 2022.

If you are aware of any possible serious wrongdoing within the AAI community, you have a responsibility to disclose that information at the earliest opportunity for further investigation. One way to do that, if the wrongdoing is serious, is to make a protected disclosure (commonly referred to as a "Whistleblower complaint") using the process set out in this Policy.

Protected Disclosures Act

Under the Protected Disclosures Act, serious wrongdoing is:

- conduct that poses a serious risk to public health and safety, the environment; or
- behaviour that interferes with the maintenance of the law; or
- any criminal offence.

A disclosure will be "protected" under the Protected Disclosures Act if:

- the information is about serious wrongdoing in or by AAI; and
- you believe on reasonable grounds the information is either true or likely to be true; and
- you wish to disclose the information so that the alleged serious wrongdoing can be investigated; and
- you wish the disclosure to be protected.

AAI personnel using procedures under the Protected Disclosures Act will be protected by:

- immunity from civil and criminal liability by reason of having made or referred that disclosure of information;

Date: January 2024

Review Date: January 2027

Issue D



- the personal grievance provisions in the Employment Relations Act 2000 if the employee claims that they have suffered retaliatory action as a result of making a protected disclosure;
- the victimisation provisions of the Human Rights Act 1993; and
- AAI requiring the person receiving the disclosure to maintain confidentiality except in limited cases.

Your disclosure won't be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you're disclosing is protected by legal professional privilege; or
- the information is not about serious wrongdoing (and you do not have reasonable grounds to believe it is about serious wrongdoing).

Definitions

Reporter

All AAI personnel who make a report in good faith under this Policy in connection with serious wrongdoing (**disclosure**) and wants to protect themselves against retaliation for having made the disclosure.

Reporter Protection Officer (RPO)

A designated AAI representative responsible for protecting and safeguarding the interests of Reporters. The RPO will have access to independent advisors as required. AAI RPOs are the Board Chairperson or the President.

Reporter Investigation Officer (RIO)

A designated AAI representative with responsibility for conducting preliminary investigations into disclosures received from a Reporter. The RIO will investigate the substance of the disclosure to determine whether there is evidence in support of the disclosure, or alternatively to refute the disclosure. The RIO will be appointed by the RPO on a case by case basis, depending on the nature of the disclosure and will be a person who is not associated with the area under investigation. A RIO may be an internal or external person, depending on the circumstances.

Reporting Serious Wrongdoing

If AAI personnel becomes aware of serious wrongdoing, they are encouraged to report the conduct. This Policy is one way of reporting wrongdoing. Wrongdoing may also be reported through normal communications channels. For example:

- Reporters may wish to discuss the matter informally with the Chairperson or President in the first instance to determine whether an incident of serious wrongdoing has occurred. At all times these discussions will remain confidential. The Reporter may also contact the RPO directly to informally discuss the incident or they can formally report the serious wrongdoing in writing to a RPO.

What to include in your disclosure?

You should include enough information to enable the RIO to investigate the matter fully and fairly. If you would prefer your anonymity to remain, your name would only be known to the Board Chairperson, you may record your concern or allegation in a way that does not reveal your identity. However,

Date: January 2024

Review Date: January 2027

Issue D



providing details of your identity and being available to participate in the investigation can assist the RIO to ensure that the suspected serious wrongdoing is able to be fully investigated.

The type of information to include in your disclosure is:

- ✓ Names of people involved
- ✓ Names of any witnesses
- ✓ Date, time and location of incident(s)
- ✓ Details of any proof (including relevant documentation whether hardcopy or electronic)
- ✓ Money or assets involved
- ✓ How often this incident has happened

It is important that you keep the matter confidential and do not discuss it with other personnel or potential witnesses. This is to avoid any potential conflicts of interest and/or so that if there is an investigation about the matter later, those individuals would be able to provide an independent account of events to the investigator.

Investigation

All reports of serious wrongdoing will be treated seriously and be the subject of a thorough investigation with the objective of finding evidence that either substantiates or refutes the allegations made by the Reporter. Investigations are undertaken by the RIO who will respond to all concerns raised and report to the RPO.

Following a report of serious wrongdoing, the following procedure is followed:

- The RPO will provide the report to the RIO.
- The RIO will review the report and determine the appropriate process for investigation and inform the Reporter and RPO. The RPO will inform the Reporter of how the investigation will proceed.
- The RIO will determine what resources are needed, such as assistance of other personnel or external professional advice.
- The RIO will conduct the investigation.
- The RIO will prepare an investigation report and provide this to the RPO and Chairperson or, if relevant, the President.
- The report would be confidential to those involved directly in the case.
- The RPO will advise and debrief the Reporter on the outcome.

Reporting the Investigation Findings

The RIO will report their findings to the Chairperson who will determine the appropriate response including briefing the Board In Committee. The response will include addressing any unacceptable conduct and remedial action to prevent future occurrences of the same behaviour. In the event of the Chairperson being the subject of an investigation or allegation, the President will determine the appropriate response.

Where allegations of serious wrongdoing made against another person cannot be substantiated, that person will be advised accordingly.

Reporter Anonymity

The identity of the Reporter will be kept strictly confidential by the RPO and RIO unless:

- The Reporter consents to disclosure of their identity.

Date: January 2024

Review Date: January 2027

Issue D



- The disclosure is required by law.
- Disclosure is necessary to prevent serious risk to public health or public safety or the environment.
- Disclosure is necessary to ensure that a fair process (natural justice) is followed in relation to the disclosure.
- Disclosure is necessary to protect or enforce AAI's legal rights or interests.
- Disclosure is necessary to defend any claims.

Reporter Protection

Provided the Reporter has not been involved in the serious wrongdoing reported, they will not be penalised or personally disadvantaged because they have reported a matter. AAI will not tolerate Reporters being:

- dismissed by reason of having reported serious wrongdoing;
- demoted by reason of having reported serious wrongdoing;
- harassed or victimised; and / or
- discriminated against.

A Reporter who believes they or their family have been the victim of any of the above as a result of their whistleblowing should immediately report the matter to the RPO. Where such an incident occurs, the AAI Prevention of Harassment, Bullying and Discrimination Policy and the Athletics New Zealand Member Protection and Anti-Harassment Regulation will apply.

Subject to the facts of an investigation, a Reporter who has been involved in the reported serious wrongdoing but has reported it nonetheless, will have this taken into account as a mitigating factor in determining what, if any, disciplinary or other action may be appropriate in respect of their involvement. AAI has no power to provide immunity from criminal prosecution.

A disclosure will not be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you're disclosing is protected by legal professional privilege; or
- the information is not about serious wrongdoing (and you do not have reasonable grounds to believe it is about serious wrongdoing).

Communication with the Reporter

The Reporter will be kept informed of the outcome of the investigation of their disclosure, subject to privacy and confidentiality requirements. Reporters must maintain confidentiality of all reports and not disclose details to any person.

External Disclosures

In some circumstances, it may be appropriate to make a disclosure to an external agency. For example, the New Zealand Police. To make a protected disclosure, you are required to use the internal process outlined in this Policy unless:

- you believe on reasonable grounds that the Chairperson is or may be involved in the serious wrongdoing;

Date: January 2024

Review Date: January 2027

Issue D



- any media involvement may create circumstances where a matter cannot be investigated appropriately;
- you believe that the matter is so urgent or there is some other exceptional circumstance that would justify them immediately contacting an external authority;
- there has been no action or recommended action on the matter within 20 working days of the disclosure being made.

For clarity, the media is not an appropriate external authority. An 'appropriate external authority' includes any regulator or law enforcement agency.

False Wrongdoing Reports

If it is established by the RIO that the Reporter is not acting in good faith, or has made a false report of wrongdoing, they may be subject to appropriate disciplinary procedures.

Reporters must ensure, as far as possible, that reports are factually accurate and presented in an unbiased manner.

Grievances

This Policy is not intended for employees to report alleged personal grievances, nor should it be used to appeal disciplinary decisions or interfere with a disciplinary process. Employees must instead report grievances or raise concerns about disciplinary procedures in accordance with the process set out in the employment relationship problems clause in their employment agreement.

Records of Reports

All information, documents and reports relating to an investigation of reported misconduct will be secured in a confidential manner.

Reporter Protection Officer

In the first instance the AAI Board Chairperson (email: chairperson@athleticsauckland.nz) should be contacted, and they can provide information and assistance on this policy to community who feel that there is a matter that they need to report. The Board Chairperson is a neutral advisor.

Any discussions you have with the AAI Board Chairperson will be free of judgment and completely confidential.

The Chairpersons role is to:

- be available to listen to concerns;
- provide information to the reporter on the range of options available;
- instigate investigations into the matter including referring the matter to the appropriate individual, professional support, or agency who will be able to assist further if required;
- follow-up with the reporter to ensure that they have the support they need and are satisfied with their decision;
- if the matter cannot be resolved by the Chairperson, the Chairperson will refer the matter to the Board and/or independent arbitration.

Date: January 2024

Review Date: January 2027

Issue D