



Auckland Diving Community Trust (ADCT) Disciplinary Procedure

1. Purpose

This procedure outlines how Auckland Diving Community Trust (ADCT) will respond to behaviour that does not meet the expectations set out in the ADCT Code of Conduct.

It provides a clear, fair, and consistent framework for addressing behavioural concerns, while supporting participant wellbeing and maintaining a safe and positive environment.

This procedure is issued under, and exercises, the Trust's express powers under clauses 5.7 and 5.8 of the Trust Deed and Schedule 1(fa) of the Trust Deed, which authorise ADCT to take reasonable and proportionate action — including issuing directions, restricting access, imposing conditions of attendance, suspending, restricting or terminating involvement, or excluding a person from ADCT activities or facilities — where a Member or Support Person breaches ADCT Policies.

This procedure operates alongside the ADCT Complaints Policy and Code of Conduct, and the DNZ Athlete Agreement and Code of Conduct.

2. Scope

This procedure applies to all **Members** and **Support Persons** as defined in the ADCT Trust Deed, including:

- Members (divers)
- Parents and whānau
- Coaches, instructors, and judges
- Employees of ADCT, staff and contractors/volunteers
- Spectators, supporters and other persons present at ADCT classes or programmes

Members means any person who participates in, attends, or is otherwise involved in any ADCT class or programme, whether on a one-off, short-term, or ongoing basis, and includes athletes, coaches, judges, employees of ADCT and any other persons subject to the ADCT's Policies.



Support Persons means any parent, caregiver, guardian, spectator, supporter, or other person who attends, accompanies, or is present at ADCT classes or programmes, but who is not a Member.

Limits of this procedure: Actions taken under this procedure affect a person's participation in **ADCT programmes, activities, events and facilities only**.

3. Principles

All disciplinary matters will be managed in accordance with the following principles:

- Fairness and proportionality
- Natural justice including:
 - Written notice of the concerns or allegations
 - Disclosure of all relevant information and evidence before any formal step is taken
 - A genuine and reasonable opportunity to respond before any decision is made
 - Decision-making that is impartial, and appears to be impartial, free from bias or conflict of interest
 - The right to appeal
- Timely and respectful responses
- Consistency in decision-making
- Prioritising the safety and wellbeing of all participants
- No decision may be pre-determined or announced before the person concerned has had a full opportunity to respond to the concerns raised

4. When This Procedure Applies

This procedure applies where:

- A complaint has been made and upheld, or
- Behaviour is identified that may breach the ADCT Code of Conduct, and
- Informal resolution is not appropriate or has not been successful

Allegations of serious misconduct (as described further in section 6 below) may bypass early stages of this procedure. In all cases, the requirements of natural justice in section 3 apply in full, regardless of the level at which the matter enters this procedure.

5. Levels of Response (Progressive Approach)

ADCT uses a progressive approach to managing behaviour. The level applied will depend on the nature, seriousness, and frequency of the behaviour.

Level 1 – Informal Guidance / Verbal Warning

Used where behaviour:

- Is a minor breach of any expected behaviours as outlined in ADCT policies
- Appears unintentional
- Can be corrected through guidance

Actions may include:

- Communication with the individual (and their parent(s) or other support person if the individual is under 18)
- Clarification of expectations
- Support or coaching

A number of informal guidance conversations may take place before a verbal warning is issued. When a verbal warning is issued, ADCT will keep a record of the conversation, noting the behaviour that gave rise to concern. This record does not pre-judge any future matter. Any later allegation must be assessed afresh on its own facts.

Level 2 – Formal Warning (Written)

Used where:

- Behaviour is repeated, or
- Behaviour is more serious in nature
- Behaviour is deemed intentional

Before any formal warning is issued:

1. The individual (and their parent(s) or support person if under 18) will be given **written notice** of the specific behaviour of concern.
2. The individual will be provided with **all relevant information and evidence** relied on, in sufficient detail and with sufficient time (normally at least five working days) to consider it and obtain advice or support.

3. A meeting will be held with an appropriate ADCT representative at which the individual has a full opportunity to respond to the concerns raised. The individual may bring a support person.
4. Only **after** the meeting and after genuine consideration of the individual's response and any additional relevant information they provide, may a written warning be issued.

No intention to issue a warning may be stated or indicated in advance of the individual's response being considered. The decision-maker must keep the outcome genuinely open until the process is complete.

A written warning will set out:

- The behaviour of concern
- The evidence relied on
- Expectations moving forward
- The consequences if the behaviour continues
- The person's appeal rights under section 8

ADCT will set a clear timeframe for review of any disciplinary action taken (conduct dependent).

Level 3 – Definitive Action (Restriction, Suspension, or Removal)

Used where:

- Behaviour continues despite prior warnings, or
- Behaviour is serious or poses a risk to others

Actions may include:

- Restrictions on participation
- Conditions of attendance
- Temporary suspension from ADCT activities
- Removal from ADCT programmes or squads
- Exclusion from ADCT activities

The same natural justice requirements as apply at Level 2 (written notice, full evidence disclosure, opportunity to respond before any decision) apply to any Level 3 action.



Removal from a squad or programme may occur at the discretion of ADCT, reflecting that participation in ADCT squads or programmes is conditional on meeting behavioural expectations and compliance with the Code of Conduct. Any such decision must be exercised consistently with ADCT's published Policies and the principles of fairness in clause 5.5 of the ADCT Trust Deed, and must not be used as a substitute for, or in anticipation of, a disciplinary process under this procedure

6. Serious Misconduct

Serious misconduct may result in immediate progression to Level 2 or Level 3, always subject to natural justice.

Serious misconduct includes, but is not limited to:

- Behaviour that places others at risk
- Safeguarding concerns
- Abuse or harassment
- Repeated or deliberate breaches of the Code of Conduct

Such matters may also be:

- Managed under other ADCT policies
- Referred to external agencies where required (e.g. Oranga Tamariki or NZ Police)

Where a matter falls within the jurisdiction of a club or DNZ, ADCT will refer the matter to DNZ and will not run a parallel disciplinary process that could produce a conflicting outcome on the same conduct. ADCT may, where necessary for safety, take **interim participation measures** (such as temporary suspension from ADCT activities) pending the outcome of the club or DNZ process; any interim measure must be reviewed regularly, be no more restrictive than necessary, and not of itself imply any finding of misconduct.

7. Process and Decision Making

When disciplinary action is being considered:

- The individual will be informed of the concern in writing
- They will be given a genuine opportunity to respond before any decision is made
- Relevant information and evidence will be considered



- Decisions will be made by an appropriate ADCT representative with no involvement in the events giving rise to the concern (e.g. CEO, delegated staff, or Board where required)
- Conflicts of interest will be declared and managed in accordance with clause 11 of the ADCT Trust Deed; a person who has a conflict, or whose impartiality may reasonably be questioned, will not participate in the decision
- Decisions will be made without bias and without any appearance of pre-determination
- Reasons for decisions will be recorded and communicated in writing

8. Appeals

A person subject to a formal warning or Level 3 action under this procedure may appeal the decision by written notice to the ADCT Board Chair within 10 working days of receiving the decision.

The appeal will be considered by a panel of trustees (or an independent person appointed by the Board) who had no prior involvement in the matter. The panel will review whether:

- The process was fair and consistent with this procedure and natural justice
- The decision was reasonable and proportionate
- Any new information should be considered

The panel may confirm, vary, or reverse the decision, and will give written reasons.

This internal appeal does not limit any rights of review, referral, or appeal under applicable Diving New Zealand (DNZ) policies, regulations, or disciplinary procedures, or the jurisdiction of the Sports Tribunal of New Zealand in accordance with the Tribunal's rules and processes.

8. Relationship to Diving New Zealand and External Appeal Rights

Where relevant, this procedure operates alongside any applicable Diving New Zealand (DNZ) policies, regulations, or disciplinary procedures.

In accordance with clause 5.8 of the ADCT Trust Deed, this procedure is consistent with, and must be applied consistently with, the DNZ constitution, in particular clauses 13 and 23–28.



Nothing in this procedure limits the ability of DNZ to consider matters independently where they fall within DNZ's jurisdiction, including matters relating to national events, national team programmes, member protection, or wider disciplinary concerns.

Where a Member's conduct may also engage the disciplinary jurisdiction of DNZ, ADCT will:

- Refer the matter to DNZ as appropriate
- Cooperate with, and provide relevant information to DNZ process
- Avoid duplicating or conflicting with that process in relation to the same conduct, while retaining the ability to take proportionate participation measures under the ADCT Trust Deed to protect the safety and wellbeing of participants in ADCT programmes

ADCT will cooperate with DNZ and any external processes where appropriate.

9. Natural Justice

All individuals can expect:

- Clear written communication of concerns
- Disclosure of the information and evidence relied on
- An opportunity to respond before decisions are made, with reasonable time to do so
- Decisions made fairly, without bias, and without pre-determination
- A transparent and proportionate process
- Written reasons for decisions
- The right to appeal under section 8

10. Record Keeping

ADCT will:

- Keep records of disciplinary actions, including notices, evidence, responses, decisions and reasons
- Store information securely in line with privacy requirements
- Preserve evidence in its original form (no editing or alteration)
- Ensure records are only shared where necessary for fair process
- Manage disciplinary procedures confidentially where possible

- Not share information relating to a disciplinary procedure with any other person without consent, unless fair process or the law requires the information to be shared with a person or an authority

11. Relationship to Other Policies

This procedure operates alongside:

- ADCT Code of Conduct
- ADCT Complaints Policy
- ADCT Child Protection Policy
- ADCT Health and Safety Policy
- DNZ Constitution (in particular clauses 13 and 23–28)

12. Review

This policy will be reviewed annually to ensure it remains aligned with

- best practice and ADCT's structure and responsibilities.
- Sport NZ's Complaints Policy and Integrity Code.
- Diving NZ's policies (once published).
- Feedback from participants, whānau, staff, and volunteers.
- ADCT will also monitor updates from the Sport Integrity Commission and SRCMS to incorporate best practices.



DOCUMENT MANAGEMENT AND CONTROL

Approved by the Board of Auckland Diving Community Trust

Date approved: 20/10/2026

Amendment approved date: n/a

Links updated: 21/10/2026

Uploaded to website: 21/10/2026

Review date: 20/10/2027