

## Nomination of John McRae for NZCF Life Member

Supported by North Shore CC (NSCC) and Papatoetoe CC (PTCC)



PTCC celebrated 50 years' service for John on 10<sup>th</sup> February 2002. He was widely known at the original Papatoetoe City Council, which was subsequently integrated into the Manukau City Council, then into Auckland Council. John kept up his relationships with the councillors throughout these changes, to ensure continued sponsorship to the Papatoetoe Chess Club. John started teaching chess in schools in 2012, and has continued leading the PTCC team with interschool competitions in South Auckland. He is the current Vice President of the Auckland Chess Association (ACA) and still actively organises the ACA Interclub events at Alexandra Park, which he has done since 1996.

NSCC recognises and appreciates John's long service to chess in Auckland and is delighted to support a nomination of John for LM of the NZCF. NSCC feels that such an honour is long overdue for John.



John's record of chess service at Papatoetoe CC and the ACA:

Started with PTCC 1971

President 1975-80

Treasurer 1979-89

President 1984-1994

President 1992-2002

Treasurer 1993-1997

Treasurer 2005-2007

President ACA 1996-2002

Committee 2009-2022

Life Member PTCC 1996

Alexandra Raceway and Interclub 1996-2022

Organising Tournaments ACA 2002-2022

Vice President ACA 2002-2022

## Remit for New Zealand Chess Federation, Inc., AGM, 2023

*That a new section shall be added to the Supplementary Regulations*

### 9. Complaints Procedure

9.1 All complaints shall be made in writing to the Secretary, who will act as Complaints Officer, and who shall submit same to the Council for consideration.

(a) The Council shall maintain a document on Complaints Procedure which shall be available to members. [NZCF\_Complaints\_Policy.pdf]

(b) The Council shall maintain a document on Bullying and Harassment which shall be available to members. [NZCF\_Bullying\_Harassment\_Policy.pdf]

*Inc Soc Rules are being changed to require formal treatment of complaints. While the NZCF Handbook already contains a valid statement with regard to the treatment of appeals in tournaments, and regulations with regard to selection for International Competition, it does not have any formal process or guidance for other complaints. The documents for reference are based on those provided by NZ Sports for general use. North Shore CC has adopted a similar process in its own constitution and also instigated the adoption of the same material in the Auckland Chess Association constitution in 2022.*

## **Complaints Policy**

Commitment to Te Tiriti o Waitangi

New Zealand Chess Federation, Inc. recognises Te Tiriti o Waitangi as Aotearoa New Zealand's founding document.

New Zealand Chess Federation, Inc. is committed to upholding the mana of Te Tiriti o Waitangi and the principles of Partnership, Protection and Participation.

### **Values**

Everyone involved in chess joins with good intentions and we are all expected to do our best to treat each other with respect and comply with our policies and rules. Despite this, problems sometimes arise.

Children and young people in particular must be cared for, treated with respect and their welfare placed at the centre of everything we do in chess.

New Zealand Chess Federation, Inc. knows everyone involved in chess is here because of a shared passion for chess and care for the people involved. When people involved in chess get into disagreements it can become a serious issue.

New Zealand Chess Federation, Inc. is committed to supporting everyone, including players, organisers, arbiters, coaches, volunteers, whānau and supporters, to participate in an environment that is respectful, safe, and fair.

New Zealand Chess Federation, Inc. acknowledges it is important to everyone involved to respond quickly, fairly and thoughtfully to address issues. People are entitled to raise concerns or complaints and to have those addressed promptly and fairly. No one should be punished or victimised for raising a concern or a complaint in good faith.

This policy is centred on equity, dignity, respect and maximising the potential of all people in chess. The following principles should be kept in mind when applying it:

- Respect for the culture(s) of the people involved including culturally appropriate processes being enabled to resolve complaints and restore relationships.
- Addressing problems informally and face to face, wherever possible.
- Treating others fairly, equally and in a way that keeps their mana intact.
- Maintaining relationships and keeping each other safe.

### **Purpose**

This policy sets out the steps for raising and dealing with concerns and complaints. It aims to:

- support people to resolve minor issues on their own
- give clear guidance for making, dealing with and resolving complaints
- make sure the approach taken to dealing with complaints is fair, consistent including enabling cultural appropriate responses and processes.

## Application

Who can make a complaint? Complaints can be made by or about anyone involved in New Zealand Chess Federation, Inc.. This includes: volunteers, participants, supporters, club members, employees, service providers, and families/whānau of participants.

## What can complaints be about?

Complaints may be made about things such as actions or decisions of organisation members or officials, processes not being managed well (or at all), low level disputes or disagreements between members, unprofessional or upsetting behaviour, or delays or failure to communicate about matters affecting a person.

Complaints may involve:

- organisation management issues
- conflicts of interest (including favouritism)
- unsporting behaviour of spectators
- disrespectful behaviour
- low-level bullying
- low-level sexual harassment
- discrimination
- abuse of power
- health and safety risks
- offensive/insulting language or behaviour.

**This complaints process does not apply to misconduct of players during games (which would be dealt with by arbiters), or selection or eligibility decisions. The NZCF Handbook covers these issues in Section 1.10 (Appeals) of the chapter on Tournament Regulations, and in the chapter on International Competition.**

Serious complaints (e.g. unethical, dishonest or illegal behaviour, harassment (sexual, racial or otherwise) bullying, health and safety risks, unlawful discrimination, and offensive/insulting language or behaviour) may be breaches of New Zealand Chess Federation, Inc. policies.

If you are unsure whether the Complaints Policy and Process applies to your situation, the Complaints Officer can provide guidance.

## Informal resolution first

People are always encouraged to raise concerns directly with the person who has behaved in a way causing concern, unless there are safety reasons or the issue is too serious to try to resolve it this way. If you do not feel comfortable raising the complaint yourself, a support person can raise it with the person on your behalf.

Both parties involved should have a chance to be heard respectfully, and feel safe to be able to say what they want to say, keeping in mind the need to find ways to resolve issues and be able to work with one another in future. If self-managed informal resolution isn't successful or appropriate, it should be raised with the federation council, which, in consultation with the people involved, will put in place a culturally appropriate process to try to resolve it. This may include holding a facilitated meeting in a place, and following a process, that meets the needs of the people involved.

## **Formal complaints procedure**

### **What do I need to do?**

Formal complaints should ideally be made in writing, as soon as possible after the event(s). Where this is not possible, the complainant should be helped by the person receiving the verbal complaint to put it in writing.

### **Who do I make the complaint to?**

If the complaint is about an organisation issue or about a member of the organisation, the complaint should be raised with the Complaints Officer.

If the official that the complaint would usually be made to is involved in the issue or has a conflict of interest, the complaint should be made or passed to another suitable person in authority, ie another council member.

### **How will I be treated?**

A person making a formal complaint can expect to be treated in line with the following principles:

**Fairness:** Every person dealing with a complaint will remain neutral and listen to both sides of the story. Any action arising from a complaint will be reasonable in proportion to the seriousness of the complaint.

**Respect:** Every person involved in a complaint will be treated and is expected to act towards others with respect, dignity and in a culturally appropriate way. Complaints will be raised and handled sensitively, with a goal to preserve relationships by acknowledging each other's role and contribution to the sport.

**Communication:** Every person involved in a complaint will be regularly kept up to date on progress and the outcome.

**Confidentiality:** Information relating to a complaint will not be shared with any other person without consent, unless fair process or the law require the information to be shared with a person or an authority. This will be discussed with the person providing the information.

**Restoration:** The goals of the complaints process are to resolve the particular complaint, restore people's mana and maintain positive relationships within the organisation and across the sporting and wider community.

**Acknowledgement:** Every person involved in a complaint will be asked to recognise the importance of acknowledging any fault or mistakes, the hurt this has done and if necessary, give a genuine apology.

**Support:** Both the person making the complaint and person complained about should have access to support throughout a complaint process. Everyone involved in a process may be accompanied by chosen family/whānau and/or other support people.

### **What is the process for resolving my complaint?**

The Complaints Officer should acknowledge receipt of the complaint as soon as it is received. It is always best to send a written acknowledgement to the person making the complaint so they know their complaint has been received and is being taken seriously.

An initial contact should be made to discuss the next steps, support and any child welfare or safety concerns the complainant has. The complainant should be asked how they would like their complaint addressed, the process they would prefer and what outcome they are seeking.

It is important that the person who receives the complaint explains to the complainant that to resolve the complaint fairly to everyone involved, they will usually need to tell the person or organisation of the complaint made against them, give them all relevant information and discuss a process for resolving the complaint. If the person is under 18, their parent/guardian must also be notified. If the complainant is not willing to have their complaint or identity shared with the person or organisation concerned, other ways to resolve the complaint will have to be discussed.

The person who made the complaint and any other relevant people may be asked to give further information in a way that is comfortable to them (face-to-face, with support person or people if desired, by phone, videocall or email).

Complaints should be raised with the person who is complained about in a way that preserves the dignity and mana of that person, their whānau and wider community.

The decision makers will usually meet separately with the person making the complaint and the person complained about. These meetings will be at a time and place and run according to a protocol/agenda that suits everyone, to the extent possible. People may be accompanied by chosen family/whānau and/or other support people.

These meetings should take place as soon as possible. Where it is not possible to meet face to face, the meeting can be held by phone or videocall if people agree and have access to technology.

Decisions should be made in a careful, reasoned way that is justified on the facts and is consistent with any rules that apply.

The decision makers would be the federation council.

The decision should be recorded in writing with a simple explanation of:

- the issue
- any applicable policy or rule
- the process followed
- the facts and any evidence relied on
- any submissions or explanations by anyone involved

- the decision (complaint upheld or not upheld)
- the reason for the decision
- any penalty or outcome
- any recommendations for repairing relationships.

Note, that although most people involved in chess are volunteers, some are employees. If someone is an employee, they need to have a written employment agreement, and must be treated fairly under New Zealand employment law if any decision is being made about their employment. Contractors (who are not employees) need to be treated fairly and reasonably, and consistent with the terms of their contract. Volunteers should be treated fairly, reasonably and respectfully in making any decisions about their conduct or participation in the sport.

### **Communicating the outcome**

The decision makers will provide a copy of the decision to the person or people the complaint is about, and the complainant, and outline any appeal process. The outcome should be discussed so the parties understand the decision and why it was made, and what will happen next.

The people affected by the decision (the complainant, the person or people complained about, family/whānau and wider community) may have strong feelings about the outcome and the impact on their reputation, rights or mana. There should be a discussion about what steps can be taken to restore relationships and mana of everyone involved. Support should be explored, especially if there are any concerns about health, wellbeing or safety.

All matters related to a complaint should be recorded in writing and placed on a confidential complaint file including the complaint, any response to the complaint, notes of any meetings or conversations, relevant documents, committee minutes, the decision and any outcome. The details of all complaints will be kept confidential unless otherwise agreed between the parties.

# **Preventing Bullying and Harassment Policy**

Commitment to Te Tiriti o Waitangi

New Zealand Chess Federation, Inc. recognises Te Tiriti o Waitangi as Aotearoa New Zealand's founding document.

New Zealand Chess Federation, Inc. is committed to upholding the mana of Te Tiriti o Waitangi and the principles of Partnership, Protection and Participation.

## **Values**

New Zealand Chess Federation, Inc. values the diversity of the people involved in its activities.

New Zealand Chess Federation, Inc. aims to provide a safe and enjoyable environment for everyone involved in its activities. People are expected to show respect and courtesy in their interactions with others.

Children and young people in particular must be cared for, treated with respect and their welfare placed at the centre of everything we do in chess.

New Zealand Chess Federation, Inc. recognises those involved in its activities cannot enjoy themselves or perform to the best of their abilities if they are being bullied and/or harassed. It is aware bullying and harassment affects the health, safety and wellbeing of people.

## **Purpose**

This policy aims to:

- support an environment where all people are treated with dignity, respect and courtesy, free from bullying and harassment
- provide a process to deal with bullying and harassment by or toward those involved in New Zealand Chess Federation, Inc.

## **Application**

This policy applies to anyone involved in New Zealand Chess Federation, Inc. and its community. This includes: volunteers, participants, supporters, club members, employees, service providers, and families/whānau of players. Anyone involved in chess can raise a concern about bullying towards them or another person. We encourage people to speak up for themselves and for other people. If you see it, call it out.

## **Bullying**

What is bullying? Bullying is repeated, unreasonable behaviour directed towards a person or a group of people that can have a significant impact on them. It may create a risk to their physical and/or mental health and safety. The person or people acting in this way may not intend to cause harm or may not see their behaviour as bullying. The focus should be on stopping behaviour that is unreasonable and makes people feel bullied.



Repeated behaviour can involve a range of actions over time. Some of those actions might be small and by themselves might not seem serious. Taken together over time, however, they can add up and undermine a person's self-confidence or make them feel unsafe. A single incident of unreasonable behaviour is not considered bullying, but it could escalate and should not be ignored.

Unreasonable behaviour means actions or behaviour that is not justified in the circumstances.

The following are examples of some of the behaviours that may be bullying in the context of activity/sport:

- constant blaming for mistakes, whether real or not
- unreasonable demands or orders
- punishment that is out of proportion, unfair or dangerous
- shouting and yelling where it is not necessary to be heard, or angry
- constant criticism or nit-picking
- 'rules' made up or enforced differently for different people
- name-calling, insults, swearing, sarcasm
- threats of violence or other inappropriate behaviour
- ignoring accomplishments
- taking credit for others' achievement
- isolating, excluding from coaching, events, messages
- physical violence, rough touching
- spreading gossip or rumours, including on social media
- frequent teasing or horseplay that goes too far and causes a person distress
- sending intimidating or abusive emails or text messages, including via social media
- withholding information, assistance or equipment that a person needs to perform
- overloading a person with work and/or setting unrealistic deadlines.

## **Harassment**

Sexual harassment and racial harassment are defined in the Human Rights Act 1993 (and Employment Relations Act 2000). They are unlawful ways of treating other people. We will take any allegations of harassment seriously as it has no place in chess. Behaviour that does not reach the legal standard of sexual harassment or racial harassment may still be inappropriate, unprofessional and hurtful and will be addressed. New Zealand Chess Federation, Inc. is committed to ensuring everyone is safe and treated respectfully.

## **Sexual harassment**

Sexual harassment means any form of sexual attention or behaviour that is unwanted and offensive to a person, whether it is a serious one-off incident or less serious behaviour that is repeated. The person who finds sexual behaviour offensive does not have any obligation to tell the person behaving this way that it is offensive or to stop. If someone does say they are finding behaviour unwelcome and offensive, that is a clear sign to stop and make sure it does not happen again.

Sexual harassment can involve a person in a position of authority (a coach, supervisor, arbiter, team manager or other official) asking a person for sexual activity, with a promise or threat (direct or implied) attached. The promise might be of selection or promotion, money, gifts or a benefit of some sort, in return for sexual activity. A threat might be about missing out on an opportunity, e.g. selection for an event, or a punishment, for the person or someone they know, if the sexual activity is refused.

Other sexual harassment can be using words, language, pictures or physical behaviour that is sexual, unwanted and offensive to the person receiving it. It might be sending someone sexual pictures or recordings, having nude posters or screensavers visible, talking about or playing porn, making sexual jokes or comments, persistently asking someone out when they make it clear they are not interested, intrusive questions about sex, touching or sexual assault (rape).

Someone who is experiencing unwanted sexual behaviour can find it embarrassing and intimidating, as well as annoying or confusing. They might find it difficult to ask the person to stop or tell them it is offensive. People sometimes will laugh at jokes or smile and say they don't mind, even though the behaviour is unwanted and offensive. These reactions do not mean the behaviour is okay. It will be sexual harassment if the person experiencing it finds it unwelcome and offensive, even if they say nothing at the time.

Mutually agreed sexual behaviour between consenting adults is not unlawful and will not breach this policy. However, requests for sexual activity or relationships can be unprofessional or exploitative, especially if there is a power or age imbalance or a reporting line.

## **Racial harassment**

Racial harassment occurs when a person is subjected, for reasons of race, colour, nationality or ethnic origin to behaviour that might reasonably be perceived by the receiver to be offensive or unwelcome. Racial harassment can include any of the following:

- telling offensive jokes involving race, colour, ethnic origin or nationality
- teasing or comments about cultural differences
- offensive labels
- making derogatory remarks about groups or the attributes of groups on the basis of race, colour, ethnic origin or nationality.

Racist comments, jokes, stereotypes or insults, or abuse because someone is from another culture or religion are never acceptable. People might be feeling uncomfortable or unsafe, even if some people laugh or feel they can't call the behaviour out. It is up to everyone in activity/sport to take personal responsibility for stopping this behaviour by calling it out if they see it and also taking it on board if someone calls them on it. It is not the responsibility of people who feel they are being racially abused to correct the behaviour, but they can call it out if they feel safe and comfortable.

## **What isn't bullying or harassment?**

Occasional differences of opinion, conflicts and problems in relationships are part of life and do not necessarily represent bullying or harassment. Fair management, coaching, managing under-performance, or other legitimate actions in line with New Zealand Chess Federation, Inc. policies and procedures are not harassment or bullying.

These are some examples of behaviours that are usually not seen as harassment or bullying:

- one-off or occasional instances of forgetfulness, rudeness or tactlessness
- friendly, occasional banter, light-hearted exchanges, non-sexual mutually acceptable jokes and compliments
- issuing reasonable instructions, in a reasonable way, and expecting them to be carried out
- warning or disciplining someone in line with New Zealand Chess Federation, Inc. policies
- insisting on high standards of performance; legitimate criticisms about activity/sporting or work performance (not expressed in a hostile, harassing manner)
- giving honest feedback and requiring justified performance improvement
- expressing opinions that are different from others
- free and frank discussion about issues or concerns in New Zealand Chess Federation, Inc., without personal insults
- targeted affirmative action policies or reasonable accommodation and provision of work aids for disabled people
- a single incident of low-level unreasonable behaviour.

If behaviour is not repeated or unreasonable and so might not be bullying, but it causes a person in the activity/ sport distress, there is still a problem to be discussed in a calm way, to stop it becoming a more serious problem. The behaviour might be affecting one person, but it could also be affecting many others, directly or indirectly.

## **Informal resolution**

Any person who feels they or someone else is being bullied or harassed can:

- discuss the situation with family/whānau/other support person
- following that discussion, decide how they would like to address the behaviour.

People are always encouraged to raise concerns directly with the person who has behaved in a way causing concern but only if that feels safe and likely to be helpful. Otherwise, asking an organisation official or family/whānau member to help raise the issue and seek a constructive conversation is a good idea.

Both parties involved should have a chance to be heard respectfully and feel safe to be able to say what they want to say, through both informal and formal processes.

If direct resolution isn't appropriate or successful, the issue should be raised with the relevant organisation committee, which, in consultation with the people involved, will put in place a culturally appropriate process to try to resolve it. This may include holding a facilitated meeting in a place and following a process that meets the needs of the people involved.

Informal processes might not be suitable, for example if the behaviour is violent or threatening, involves someone very senior or people are scared of being punished for raising a concern.

It is important any person involved in an informal resolution process is supported to feel safe in the process. Anyone involved can have family/whānau support throughout the process. If anyone changes their mind about being involved the process, that must be respected.

## **Making a formal complaint**

People who want to make a formal complaint about behaviour they are experiencing, or they see happening to anyone else should follow the complaints procedure outlined in the Complaints Policy and Procedure (referred to in the Tournament Regulations chapter of the NZCF Handbook).

People can also make a complaint about sexual or racial harassment to the Human Rights Commissioner. If behaviour is sexual or indecent assault, violent, threatening or cyberbullying, people can complain to the New Zealand Police. Employees can also raise a personal grievance in accordance with the Employment Relations Act 2000.

Anyone in a position of authority in New Zealand Chess Federation, Inc. who receives a complaint or becomes aware of a serious issue of bullying or harassment needs to take steps to support the people involved, ensure everyone is safe and make sure the issue is addressed by the appropriate person or committee.