



New South Wales Fencing Association

Code of Conduct

1. Purpose

This Code of Conduct sets out the standards of behaviour expected of participants in fencing events and activities and also describes behaviour that is not acceptable.

The Code provides a process for dealing with unacceptable behaviour and penalties that may be applied.

The Code is authorised under s38 of the Constitution of the New South Wales Fencing Association Inc. which authorises the Board to make regulations for the proper administration and advancement of fencing in NSW; and s10 which allows the Board to take disciplinary action against members and to appoint a judiciary committee.

The Code gives effect to s10 of the Constitution which empowers the Board to commence disciplinary proceedings against any member who fails to comply with regulations of the Association (such as this Code), or acts in a manner unbecoming of a member, or prejudicial to the purpose and interests of the Association or has brought the Association, the AFF, any other member or fencing generally into disrepute.

This Code replaces the Code of Conduct published in 2003.

2. Context

This Code applies in conjunction with and in the context of:

- The Technical Rules of the Federation Internationale d'Esgrime (generally known as the Rules of Fencing)
- The Member Protection Policy of the Australian Fencing Federation (AFF)
- The Child Safeguarding Policy of the NSWFA
- Standards set by Sport Integrity Australia
- Play by the Rules
- The NSWFA Black Card Policy
- AFF and NSWFA policies relating to conduct at camps and on tours
- AFF and NSWFA social media policies
- The NSW Fencing Centre Rules of Entry
- The NSWFA Privacy Policy

3. FIE Technical Rules and this Code

At fencing competitions, the FIE Technical Rules, generally known as the rules of fencing, will be applied first. Depending on the circumstances, breaches of the Technical Rules by unacceptable behaviour may also be dealt with under this Code.

4. Standards of Conduct

Generally, the conduct expected of members under this Policy is simply civil behavior as it would be expected and understood in the general community.

One special consideration in assessing behaviour is the presence of children at fencing events.

At all times and in all circumstances, members of NSWFA and other participants in the sport of fencing and those attending fencing events are expected to behave in accordance with the rules and traditions of fencing with respect for and courtesy towards

- An opponent.
- Tournament officials.
- Coaches and teachers.
- Spectators.
- And to uphold the reputation of fencing as an inclusive sport where all participants are treated equally.

The following behaviour is not acceptable and will not be tolerated:

- Disrespectful conduct towards an opponent or a tournament official, on or off the piste, conveyed by word, gesture, deed or in any other way.
- Disrespectful statements made about any identifiable member, or group of members, in any type of communication, especially including social media in all its forms.
- Deliberate disregard for the conventions and traditions of fencing.
- Disrespectful conduct directed at tournament officials, particularly in the performance of their duties.
- Assaulting anyone physically, directly or indirectly.
- Verbally abusing or disparaging anyone.
- Offensive behaviour (such as shouting & swearing), especially when children are present.
- Disruptive and disorderly behaviour at a fencing event or activity.
- Intentional damage to NSWFA equipment and premises.

It is not disrespectful conduct within the meaning of this Policy to use the procedures of challenge or appeal allowed under the rules of fencing and to instigate or participate in discussion about those matters.

Participation in and robust prosecution of a fencing bout by a participant acting within the rules of fencing is not a contravention of this Policy.

Members may not in any way threaten, harass, bully, abuse, belittle, scorn, hold up to contempt or otherwise act to deliberately cause distress to another member or official in their capacity as a member or official.

Differences among members in gender, age, language, racial & ethnic background, religious faith, political views, and physical or intellectual ability are factors that must be treated with sensitivity, respect and without discrimination at all times.

Fencing events, and fencing administration generally, are largely run by volunteers performing functions needed for the sport to operate. Participants in the event, as athletes or spectators, must not insult, harass, abuse, or disparage volunteers or demand that they act or do not act in a particular way.

5. Protection of children and young people

The protection of children and young people is dealt with primarily under New South Wales law. Any known, reported or suspected offence against children under the age of 18 will be reported immediately to the police and child protection authorities. It will also be reported to the AFF.

All participants in NSW fencing should be aware of and must comply with the NSWFA Child Safeguarding Policy and Child Safe Practices and follow the requirements and guidance on proper behavior towards children and young people set out in the Policy and accompanying documents.

NSWFA Child Safeguarding Policy and accompanying documents can be found [here](#).

6. To whom, when and where this Code applies

This Code applies to:

- All members of the New South Wales Fencing Association.
- All participants at NSWFA competitions and other events, including spectators.

This Code applies:

- At all fencing activities, including fencing competitions, training sessions, training camps and fencing tours organised by the AFF and/or NSWFA.
- At all competition and training venues and their immediate environs, including the NSW Fencing Centre and Affiliated/Registered fencing clubs.
- On social media and in all other forms of communication between members or between members and the Association or in public media.
- While on a fencing tour organised by either the AFF or NSWFA.
- At fencing related social events.
- In public places, including public transport, where a member can be identified as a fencer.

At all times and in all circumstances, fencers should proudly represent and be good ambassadors for the sport of fencing.

It is not the purpose of this Code to resolve inter-personal issues or business dealings between members unless any actions taken by members in the course of such relationships and dealings bring NSWFA and the sport of fencing into disrepute.

7. How breaches of the Code are dealt with

If inappropriate behaviour occurs:

7.1 In the case of an incident at a competition or other fencing event which may be a breach of this Code, within 48 hours of that incident a responsible person who witnesses the incident, or has it reliably reported to him or her, makes a written report describing the incident, including such other information as they know or are given, to the Secretary at secretary@nswfencing.org.au

In any other case, a member may make a written report to the Secretary, describing the incident and such other information as they know or are given.

7.2 A responsible person may be a tournament official (a member of the Directoire Technique, an appointed referee, a coach appointed by NSWFA), a member of the NSWFA Board, a NSWFA team manager/coach, an official of an Affiliated/Registered Club, a Senior Affiliated/Member of NSWFA, a parent/guardian of a Junior Affiliated/Registered member of NSWFA. Responsible persons also include directors or officials of the AFF attending an AFF fencing event in NSW.

7.3. Within 7 days, the Secretary will acknowledge receipt of the report and refer the matter to the Conduct Committee of the NSWFA Board. The Conduct Committee may, at its discretion, disclose the nature of the report having regard to its nature and the need, or not, to maintain confidentiality.

7.4 Within 7 days, the Conduct Committee will decide whether the incident reported should be (a) dealt by the Conduct Committee in any manner as the Committee deems appropriate; or (b), in serious cases, referred to the AFF to be dealt with under the AFF Member Protection Policy or (c) referred to the Member Protection and Disciplinary Tribunal; or (d) referred to the Board to be dealt with in any manner as the Board deems appropriate; or (e) dismissed as trivial or vexatious.

7.5 If the matter is referred to the Member Protection and Disciplinary Tribunal, the Conduct Committee may determine the relevant terms of reference.

7.6 In each case, the person who made the report or laid the complaint shall be advised of the course of action to be followed.

7.7 While it is expected that the Board, the Conduct Committee or the Member Protection and Disciplinary Tribunal will deal with most matters arising under this Code, in exceptional circumstances the Board may decide, taking into account the advice of the Conduct Committee and/or the Tribunal as appropriate, to refer the matters to the AFF and request they be dealt with under the AFF Member Protection Policy.

8. Conduct Committee

The Conduct Committee of the Board comprises at least two Directors appointed by the President and given the task of considering conduct and member protection matters of relevance to the

Association and its members. Members or non-members with relevant experience may be co-opted to the Conduct Committee.

The Conduct Committee may elect to deal with the matter itself and make a report in writing to the Board recommending appropriate action. Or, in more serious cases, the Conduct Committee may recommend to the Board that the matters be referred to the Member Protection and Disciplinary Tribunal or to the AFF in accordance with 7.7 of this Code.

Where a member has made a complaint against another member, the Conduct Committee should ensure the person against whom the complaint has been made is aware of the complaint and given an opportunity to respond. The Conduct Committee may wish to interview all or some of the parties to the complaint.

The Conduct Committee will report its findings to the Board and recommend action to be taken.

The Conduct Committee's inquiries and discussions will be conducted in confidence and with fairness towards all parties.

9. Member Protection and Disciplinary Tribunal

The Member Protection and Disciplinary Tribunal is an independent commission whose members are appointed by the Conduct Committee in consultation with the Board.

The Tribunal comprises three or more persons with a mix of genders, at least one of whom must have legal qualifications, and, if the matter relates to competitive fencing, at least one of whom must be an experienced fencer.

The composition of the Tribunal may be changed by the Conduct Committee from time to time and as appropriate for particular cases.

One of the appointed members will be nominated by the Board as the chairperson of the Tribunal.

The Conduct Committee may appoint a Board member as an ex-officio member of the Tribunal for all or particular cases.

A person appointed by the Conduct Committee to the Tribunal need not be a member of the NSW Fencing Association.

The Tribunal may, in consultation with the Conduct Committee, take advice from a person or persons with relevant professional expertise in matters of the kind dealt with by the Tribunal.

The Conduct Committee may refer to the Tribunal:

- Matters arising under this policy (NSWFA Code of Conduct).
- Matters arising under the NSW Fencing Association's Member Protection Policy.
- Matters arising from the NSWFA Child Safeguarding Policy
- Matters that arise from the grievance procedure in section 31 of the constitution of the NSW Fencing Association.

- Any matter that the Conduct Committee decides or any matter that the Board decides, either on the recommendation of the Conduct Committee or of its own volition, should be referred to the Tribunal.

10. Matters referred to the Tribunal

In matters referred to the Tribunal, the Tribunal will make such inquiries as are necessary to establish the material facts and circumstances of the matter, consider all relevant aspects and make recommendations to the Conduct Committee and/or the Board as appropriate. The Tribunal's recommendations may be or may include that:

- No action be taken.
- A formal written warning be issued to the person(s) who committed the offending behaviour.
- A formal written reprimand be issued to the person(s) who committed the offending behaviour.
- The person(s) who committed the offending behaviour be required to apologise in writing to the person(s) who were directly affected and/or to members of the Association in general.
- The person(s) who committed the offending behaviour be suspended from membership of the NSWFA and participation in any NSWFA activities for a set period.
- The person's current membership of NSWFA be discontinued (cancelled), with or without a recommendation as to how any future application to join the Association by the person should be dealt with.
- Any other remedy deemed appropriate by the Tribunal be applied.

The Board will consider and will ratify and apply the Tribunal's recommendations if the Board considers it appropriate to do so. The Board may decide to publish to the membership the Tribunal's recommendations and its acceptance of them if the Board considers it appropriate to do so.

There is no appeal within NSWFA processes against Tribunal recommendations and the Board's application of them.

The Tribunal will keep confidential records of all cases it considers.

Authorised by the Board of the New South Wales Fencing Association – January 2019

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