

## **BWSW Code of Conduct**

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## **CODE OF ETHICS AND CONDUCT**

### **GENERAL**

Different aspects of the Code may have relevance to participants, competitors, officials, administrators, instructors and coaches involved in water skiing. The Code therefore applies to all these categories and should be understood by all concerned with water skiing.

For the purposes of this Code recreational participants, competitors, officials, administrators, instructors and coaches shall be called "participants"

### **ADHERENCE TO BWSW RULES, POLICIES AND CODES**

#### **IMAGE OF THE SPORT**

Everyone taking part in water skiing in any of its various forms must conduct themselves at all times in a way that brings credit to the image of water skiing in the eyes of others. The behaviour of each and every individual skier, driver, observer reflects on how outsiders view our sport, and ultimately, in what facilities the sport can obtain in the future.

Participants need to behave in a civilised, social manner, never take part in the sport whilst under the influence of drink or drugs, and treat other water users with respect.

#### **WATER SAFETY CODES**

Adherence to the BWSW Safety Recommendations and Codes of Practice as published is vital for all affiliated clubs and individual members. Copies of the Code are available on request or from the website [www.bsw.org.uk](http://www.bsw.org.uk)

#### **SAFEGUARDING**

All member clubs must accept the policy and procedures relating to safeguarding, as set out by BWSW, as a condition of their affiliation and require all their members to accept them as a condition of membership. Copies of the Child Protection / Safeguarding Policy are available on request.

#### **EQUITY**

BWSW aims to ensure that all people from all sections of the community have genuinely equal opportunities to participate in the administration and the sport of Water Skiing and all allied disciplines at all levels. BWSW will take all appropriate and reasonable steps to remove barriers and obstacles to such equal opportunities. Copies of the Equity Policy and Action Plan are available on request.

#### **NAMED SQUAD RULES**

Named Squad rules are published for all sports divisions of BWSW. These are sent to squad members annually as they are named by the Sports Division committees.

#### **OFFICIALS CODE OF CONDUCT**

This code is under preparation and will be published as soon as possible. In the meantime it must be noted that Officials including elected members, Judges, Instructors and Coaches are official representatives of BWSW and will at all times conduct themselves in a manner befitting such a privileged position. They will also be held responsible for seeing that all rules and policies of BWSW are observed on any occasion when they are present.

**BRIBERY ACT 2010** Bribery is defined as requesting, accepting or agreeing to accept an advantage (whether financial or otherwise), in exchange for improperly performing a function or activity. BWSW expects the highest levels

of conduct from all participants in ensuring that the sport is free from all forms of improper practices. Any transgressions and resulting disciplinary procedures are likely to result in permanent exclusion from the BWSW/IWWF/E&A activities.

## **DOPING CONTROL IN WATER SKIING**

Doping is strictly forbidden for all competitors taking part in water skiing events organised under the auspices of BWSW. **BWSW fully endorses and complies with the International Water Ski & Wakeboard Federation Anti Doping Policy.** As such BWSW will meet any and all of the requirements of the IWWF. A full copy of the IWWF Policy is available on request from BWSW. BWSW accepts responsibility for drug testing at competitions run under the auspices of the BWSW Federation.

Drug abuse is the use by, or distribution to, an athlete of certain substances that could have the effect of improving artificially the athlete's physical and/or mental condition and so augmenting his/her athletic performance.

### **DEFINITION**

A doping infraction takes place when:

- a prohibited substance is found to be present within an athlete's body tissue or fluids; or
- an athlete uses or takes advantage of a prohibited technique; or
- an athlete admits having used or taken advantage of a prohibited substance or a prohibited technique; or
- an athlete fails or refuses to submit to doping control after having been requested to by the responsible official; or
- a person is found to have assisted or incited others, or admits to having assisted or incited others to use a prohibited substance or prohibited technique.

The expression "prohibited substance" shall include a metabolite of a prohibited substance and any related compounds.

An admission may be made either orally in a verifiable manner or in writing. For the purpose of these rules, a statement is not regarded as an admission where it was made more than six years after the facts to which it relates. **The IWWF / BWSW will rely upon the most recently published IOC List of Prohibited Classes of Substances and Prohibited Methods. This list is available on request from BWSW.**

### **TESTING**

BWSW, through the facilities of the Sports Council or an Independent Testing Agent, may carry out drug testing at competitions and during training.

- At competitions, all competitors are eligible for testing. Those to be tested will be selected by a random draw and/or based on placing in event(s). Selection will be made by the testing agency chief official and the Chief Judge or a designated official from BWSW. All competitors will be in the draw.
- In certain circumstances, the designated official from BWSW may, at any time during the event select a competitor on whom he/she has reason to suppose a test would prove positive.
- A competitor shall submit to doping control whenever requested by an authorised official. All competitors taking part in competition under BWSW / IWWF Rules give tacit approval of doping control procedures. Refusal or failure to submit to doping control when requested shall be considered a positive test and dealt with accordingly.
- In training, only skiers who are named in a BWSW squad of any division will be tested. A random draw will be made of those squad skiers at the training venue visited. IWWF Rule 7 will also apply for out of competition testing.
- Skiers selected for any BWSW squad shall confirm their acceptance of these Doping regulations in writing. Failure to do so may result in the skier being removed from the squad list. Failure to sign does not, however, mean that a skier may not be tested out of competition.

Sample collection Rule 5 and Analysis of the Samples Rule 6 will all take place as per the IWWF Anti Doping Rules - except that BWSW shall replace IWWF throughout the rules for domestic events.

## **SANCTIONS**

The IWSF listed Sanctions will apply for any International competitors. In the case of a domestic infringement the Board shall determine the penalties for offenders when the circumstances of the case have been investigated. However, competitors are warned that offenders risk being banned for life. The procedures and rights of appeal are set out in the Disciplinary Procedures later in this document..

## **DESIGNER AND ILLEGAL DRUGS**

The BWSF Board has agreed to take an active stance against any participant who is found to be taking drugs that are illegal in British Law. In the case of a minor the parents of any participant suspected of taking drugs will be notified and efforts will be made by the relevant discipline committee to ascertain if the suspicions are true. Any interviews with the participant will be recorded in writing.

## **COMPETITION WATER SKIING**

BWSW supports the Rules of Water Skiing as published for various disciplines by the International Water Ski Federation. All competitions organised in Britain under the auspices of, or in conjunction with, BWSW shall be run according to the Rules of Water Skiing as amended and published annually by BWSW. .

This Code applies equally to all participants, whether they be involved in Barefoot, Cable, Disabled, Kneeboard, Racing, Tournament, Wakeboard or any other division. Competitors may be deemed to be responsible for the actions of their nominated representatives.

- Competitors who enter competitions thereby accept all regulations associated with the event and shall subsequently comply with them.
- No competitor shall withdraw from an event after submitting an application to enter without the consent of the organisers. Such consent will normally only be given under the following circumstances:
  - o When the competitor has incurred injury or ill health after submitting the entry when they have a duty to advise the organisers as soon as possible.
  - o When the application to enter is rejected by the organisers.
- Organisers are entitled to retain the entry fees of competitors who do not have consent to withdraw.
- All participants in any water ski event shall at all times comply with the technical rules governing that competition. Non compliance with the technical rules carries penalties as laid down in those rules.

## **IMAGE OF THE SPORT**

Participants must conduct themselves at all times in a way which brings credit to the image of water skiing in the eyes of the public, the media and sponsors.

- They must behave with dignity.
- They must recognise the legitimate interests of the media and make themselves available to meet reasonable requests for interviews, photo calls and press briefings.
- They must recognise their responsibilities to sponsors and event organisers and meet reasonable requests to attend formal and informal functions associated with an event.
- They must recognise the benefits which accrue to the sport through sponsorship and ensure they make no remarks to the media or other individuals which may prejudice the sport.

**The following rules are taken from those of the International Water Ski & Wakeboard Federation and apply to all British participants.**

### **OBLIGATIONS OF COMPETITORS**

Competitors competing in competitions shall at all times comply with the Rules governing competitions. In the case of an infraction sanctions varying from a written warning to temporary or permanent exclusion from IWSF activities may be applied by the appropriate authority.

### **OBLIGATIONS OF OFFICIALS**

Officials, whether or not appointed to an event, shall act in a proper manner in keeping with their responsibilities.

At all times they shall:

- Be current members of their National Governing Body
- Act impartially, completely disregarding nationality.
- Be in possession of and follow scrupulously and conscientiously all rules and regulations published by the IWSF and Region E&A.
- Comply with the decisions of the Chief Judge and/or the Jury, taken within their authority.
- Make no personal comments, either in private or in public, on matters which are or have been the subject of discussion within the Jury.
- Uphold the authority and dignity of the IWWF and Region E&A.
- Attend all events to which they have been appointed unless having given prior reasonable notice to the organisers and the relevant Council Chairman.

In the case of an infraction sanctions varying from a written warning to temporary or permanent exclusion from IWWF/E&A/BWSW activities may be applied by the appropriate authority.

## **DISCIPLINARY PROCEDURES**

The aims of BWSW can only be accomplished if all participants involved in the sport of water skiing including water skiers, their parents, officials, coaches, etc. share a common vision and understanding of their role for the wider good of the sport. BWSW recognises the importance of the contribution by all participants in the sport in changing the image of the sport for the better.

As such BWSW believes it is the best interests of the sport to take an active stance against participants whose behaviour has an adverse impact on the image of the sport.

## **DISCIPLINE**

Sanctions may be taken against participants who transgress the generally accepted norms of good sporting and good social behaviour. Participants may be held responsible for the actions of their family or representative(s). Such transgressions / infringements are in the following list which is not intended to be comprehensive:

- Violence or injury to others.
- Theft
- Vandalism
- Verbal abuse or swearing, insulting or offensive words or behaviour
- Abuse of equipment
- Unsporting conduct
- Disputing decisions made by an Official
- Substance abuse

## **DISCIPLINARY ACTION**

Failure to comply with the Code of Conduct of BWSW shall be subject to disciplinary action varying from a written reprimand to temporary or permanent exclusion from the BWSW/IWWF/E&A activities.

Disciplinary action may be taken by:

- The Board through the Disciplinary Committee
- Any relevant BWSW Development or Sports Division Committee
- The Chief Judge and/or Jury at competitions

Reports / complaints may be made by team officials, Federation officials, team members, individual members and should normally be sent to the Chief Executive Officer of BWSW. However, in some cases it is anticipated that the initial report may be sent to the Chairman of a Divisional Committee.

On receipt of a report the CEO shall copy details to the Chairman of the relevant Divisional Committee and the Chairman of the relevant Directorate.

## **WRITTEN WARNINGS**

In certain cases of bad behaviour a written warning may be issued to offenders by the BWSW CEO or the Chairman of a Divisional Committee.

The written warning will contain an opportunity for the offender to state his/her case for further consideration. Otherwise the written warning will remain in the participants file and may be referred to if future transgressions occur.

### **INFRACTIONS OF SAFETY CODES AND GENERAL SPORTING BEHAVIOUR AT CLUBS**

BWSW would normally expect Affiliated Clubs to take disciplinary action against their members who break Club Rules or transgress the accepted norms of sporting or social behaviour. However, in the case that a club believes the infraction warrants the involvement of BWSW then the club may ask BWSW to assist.

### **INFRACTIONS OF DOPING RULES, THE CHILD PROTECTION POLICY OR THE EQUITY POLICY**

Complaints under any of the Rules listed above shall be reported to BWSW as detailed within each Policy. In any of these cases the Board will form a Disciplinary Committee to investigate the complaint as necessary.

### **AT COMPETITIONS – DISCIPLINARY ACTION BY THE JURY**

At competitions the Chief Judge and/or Jury has immediate authority to disqualify a participant from the competition after considering any representations the offender may wish to make. Such action taken by the Chief Judge and/or Jury shall have effect only at the time and place of the competition at which the infringement occurs and shall be limited to actions at that competition.

- If the competition is an International a report of the infringement and the action taken shall be made by the Team Captain and/or Manager to the relevant division Committee of BWSW within 14 days.
- If the competition is a National a report of the infringement and the action taken shall be made by the Chief Judge to the relevant division Committee of BWSW within 14 days.

The relevant Divisional committee of BWSW may decide to take the matter further, with or without the advice of a Team Captain, and if so will conform the the timescales shown below.

### **OTHER INFRINGEMENTS**

Any infringement of good sporting behaviour occurring in or out of competition, training sessions, seminars, etc. shall be reported to the relevant divisional Committee of BWSW within 7 days *of the date of infringement*. Or, in the case of overseas trips, within 7 days of the return of the complainant to a maximum of 30 days from the final day of the competition.

### **DISCIPLINARY COMMITTEE**

On receipt of an infringement report the Divisional Committee shall decide if they wish to deal with the issues within that Committee or whether to place the matter directly to the Disciplinary Committee for hearing. The Divisional Committee has 10 days from receipt of the report to make this decision.

As and when necessary, the Board shall select a Disciplinary Committee of 3 persons. They shall not be members of any relevant BWSW Development or Sports Division Committee which may have already discussed the case. For the time being the Disciplinary Committee of 3 persons will be drawn from the seven BWSW Board members or any others that the Board deem appropriate.

Therefore disciplinary issues may be heard by either:-

- The relevant Divisional Committee
- The BWSW Disciplinary Committee

### **DISCIPLINARY PROCESS AND TIMESCALES**

In any case whichever committee is reviewing the case and deciding sanctions the following procedures shall be applied:-

- The deciding committee shall start the process of collation of submissions within 14 days of receipt of the infringement report.
- Those persons making submissions must do so within 14 days of receiving the request from the deciding committee.

- No person with a direct interest in the case may sit on the deciding committee
- The deciding committee shall give the complainant an opportunity to state their case. This may be verbally by interview or in writing.
- The complainant may include depositions from witnesses and other evidence.
- The deciding committee shall give the offender an opportunity to state their case. This may be verbally by interview or in writing.
- The offender may include depositions from witnesses and other evidence.
- Any previous written warnings may be taken into account by the deciding committee if appropriate to the current situation.
- The deciding committee shall sit and make their decision as soon as possible after the case information is received. Normally this should be within 14 days of receiving submissions from both sides.
- The deciding committee shall notify the offender, the complainant, the BWSW Board of their verdict as quickly as possible.

## **APPEALS**

- Any party to a disciplinary procedure other than a procedure at a competition may appeal the outcome of that disciplinary procedure. This includes the BWSW or any other party to the procedure.
- The Appellant must lodge a written Notice of Appeal, setting out the detailed grounds of appeal and giving clear reasons why it is said that the outcome of the original disciplinary procedure was wrong, with the Board within 28 days of being notified of the outcome of the original disciplinary procedure.
- On receipt of such a Notice of Appeal, the Board shall as soon as practicable:
  - Provide copies of that Notice of Appeal to the other parties to the original disciplinary procedure; and
  - Appoint an Appeals Committee of three members: a Chairman and two wing members. The Chairman of the Appeals Committee (the "Chairman") shall be a legally qualified solicitor or barrister independent from the BWSW with at least 10 years post qualification experience (the "Chairman"). The wing members of the Tribunal shall have no connection with and be independent from the underlying issues and/or people. Preferably, one of those wing members should be drawn from a different sporting environment. The Board shall inform the parties to the original disciplinary procedure of these appointments as soon as practicable. Those parties may object to any of those appointments in writing within 7 days of notification, with reasons. The Board will consider and rule on such objections in a fair and reasonable manner.
- The subsequent procedure shall be at the Chairman's discretion, subject to the following:
  - The Appeals Committee shall have the power to lift or suspend any sanction imposed at the conclusion of the original disciplinary procedure, on an interim basis pending the determination of the Appeal, if appropriate to do so;
  - Parties other than the Appellant shall be entitled to file written responses to the Notice of Appeal, in good time before the Appeal hearing (the Chairman being entitled to set a reasonable deadline in this regard);
  - All parties will subsequently be entitled to file any written or documentary evidence upon which they wish to rely (including witness statements), in good time before the Appeal hearing (the Chairman again being entitled to set a reasonable deadline in this regard);
  - All parties must be given at least 21 days' notice of the Appeal hearing, which should be arranged for their convenience to the extent possible;
  - The Appeal shall be determined following a hearing, which shall, if possible, take place within 90 days of the Notice of Appeal being filed. All parties will be entitled to attend and participate in the Appeal hearing, including with legal representatives should they so wish. Formal rules of evidence shall not apply and the Chairman shall be responsible for managing the Appeal hearing in a fair and just manner to ensure that all parties have a proper opportunity to be heard;
  - The Appeal Committee will have full power to review all facts and law, and the hearing may at the Appeal Committee's discretion proceed by way of rehearing if it is in the interests of justice to do so;
  - The Appeal Committee may alter, vary or quash the original disciplinary decision, and may substitute for it any other decision or sanction as it considers just. The Appeal Committee

shall endeavour to take decisions on a consensual basis but may do so on a majority basis if necessary;

○ Subject to the provisions as to costs below, the parties shall bear their own costs of the Appeal, unless exceptional circumstances justify otherwise.

The decision of the Appeals Committee shall be notified to the parties as soon as practicable after the Appeal hearing and shall be final.

### **COSTS**

If the person who has had sanctions applied by a Divisional or Disciplinary committee decides to appeal, that person shall lodge £100 with BWSW pending the outcome of the appeal. If the appeal is successful the £100 will be returned to the appellant. If the appeal is unsuccessful BWSW will retain the £100 to defray the costs of the appeal.

### **SANCTIONS**

Sanctions will vary in severity, but may include the following:

- Removal of any BWSW qualification
- Suspension of qualification or participation
- A ban from membership of the BWSW
- Retrospective disqualification and removal of results from competition, league table and/or standings list and return of medals or prizes.
- Removal of competitors licence for a set period.
- A ban from competition for a set period
- In the case of cash prize events, a fine may be levied
- A ban from eligibility for team or squad membership
- Any other action deemed appropriate

## **PROCEDURE FOR HANDLING OF COMPLAINTS**

### **DEFINITION OF A COMPLAINT**

Any expression or statement of dissatisfaction made about BWSW to any member of staff working within BWSW. Any statement of dissatisfaction may come from any person associated with BWSW e.g. a voluntary committee member or an individual holding current membership or e.g. a representative of an affiliated club. The member of staff receiving the statement of dissatisfaction is responsible for clarifying with the individual that their statement is a complaint.

### **PROCEDURE FOR HANDLING COMPLAINTS**

Normally a complaint should be made within six months from the incident that caused the problem.

All complaints whether verbal or in writing must be dealt with according to the procedure. It is essential to clarify with the complainant that they wish to make a complaint.

### **VERBAL COMPLAINT**

When a verbal complaint is received it is frequently the case that a member of staff can deal with it there and then. A record must be kept and indicate whether the complaint has been responded to, to the satisfaction of the complainant.

If the complainant is not satisfied or of a very serious nature a full investigation must be initiated. In these cases a letter must be sent to the complainant to acknowledge the complaint and to state that it will be investigated formally.

### **WRITTEN COMPLAINT**

On receipt an initial response acknowledging receipt must be given within 48 hours. The written acknowledgement must identify the issues to be investigated. Once the complaint has been received BWSW has 20 working days to respond in writing to the complainant.

The BWSW CEO will appoint a person (a member of staff or a committee member) to investigate the complaint.

Once the investigator has received the complaint it is recommended that the identified issues be clarified with the complainant. This is best achieved by a personal telephone call.

The investigator, to demonstrate that the investigation has taken place, compiles a report of the investigation findings.

The investigation findings and resulting actions are communicated to the complainant in the form of a letter that must be signed by the Investigator. In the event of a complainant wishing further investigation the CEO would direct it to the BWSW Board. Throughout the investigation review the information obtained must be documented regularly.

### **WHEN THE COMPLAINT HAS REACHED BOARD LEVEL**

A convenor is elected who will ensure that the complaint is dealt with impartially. The convenor must collect all documentation, which relates to the complaint and advise any person who is complained about. The convenor obtains a written statement from the complainant to establish exactly why dissatisfaction continues to exist. The convenor decides whether a panel should be established.

They will consider whether: -

- BWSW could take further action short of establishing a panel in order to satisfy the complainant.
- BWSW has already taken all practical action and therefore the establishment of a panel would serve no useful purpose.

This decision must be made within 20 working days.

The convenor should not establish a panel

- If the complainant has begun any legal proceedings, or if there is likelihood legal proceedings will occur.
- BWSW has already taken all actions that are reasonably possible so that a panel is unlikely to add anything to the outcome.

If the convenor refuses the request for a panel the reasons for the decision must be communicated in writing to:

- The complainant
- Any person who is complained about
- Anyone who has been consulted

If the convenor decides a panel should be established they must

- Decide the terms of reference for the panel, identifying any issues, which are to be excluded from consideration.
- Advise the complainant in writing about the decision and the terms of reference of the panel.

- Advise the Chairman.

### **THE PANEL**

Shall be appointed within 20 working days, and will consist of a Chairman, the convenor and another.

The purpose of the panel is to investigate the complaint fully and objectively, it must

- Hold the proceedings in private.
- Ensure the complainant and those complained about have reasonable opportunity to express their views.
- Ensure any disagreement about procedure is resolved by the Chairman
- Provide the opportunity for any person interviewed to be accompanied by a person of their choice (but not someone legally qualified as an advocate).

The panel will investigate the elements of the complaint set out in the convenors terms of reference. The panel must maintain a full record of the proceedings. Following their investigations the panel will issue a final report to the complainant, those complained about and others involved within 60 working days of its appointment. The BWSW Board considers the recommendation of the panel and the complainant is informed in writing of any action to be taken by BWSW within 20 working days.

### **ARBITRATION**

The overall aim of these Rules is to avoid unnecessary conflicts within our sport by means of an agreed procedure of unforeseen disputes in areas not covered by the existing rules.

The rules shall apply to, and settle, all issues or disputes extending across the boundaries between any and all of the parties mentioned below.

- Financial claims
- Alleged violations of any official rules adopted by BWSW.
- Disputes over the interpretation of same
- Disputes over alleged unfair or unsportsmanlike conduct
- Other administrative or organisational disputes

The Rules shall not apply to:

- Disputes over competition and disciplinary rules, or other subjects where full authority resides with the IWWF/E&A
- Issues that are unrelated to the sport of water skiing
- Issues involving civil or criminal offences under the jurisdiction of the law.
- Doping Offences where separate rules apply.

### **PARTIES CONCERNED**

Committed by the Rules will be BWSW, its committees, member Clubs, Individual members and Officials.

Also committed will be outside organisers of a competition, whether commercial or not.

### **COMPULSORY ARBITRATION**

If a claim or a dispute cannot be resolved by mutual agreement within 12 months of its origin, either party is entitled to demand a settlement by arbitration. The demand for arbitration shall be made by registered letter to BWSW with a copy to the other party or parties.

### **INITIATION OF ARBITRATION**

Arbitration may be initiated upon expiration of the said 12 months by any of the parties or by the BWSW Chairman with a copy to both parties involved.

In case of urgency, arbitration may be initiated prior to the expiry of 12 months, provided the BWSW Chairman gives his motivated consent in writing.

### **METHOD OF ARBITRATION**

Disputes which cannot be settled by agreement between the parties shall be referred to the *Sports Dispute Resolution Panel* as a final authority. The judgement will have a definite and executory nature.

## **Document History**

First issued 1994

Revised October 2001

Revised January 2004

Reviewed June 2011 Minor amendments

Reviewed June 2012 Minor amendments / reference to Bribery Act

Reviewed August 2014 Revised disciplinary process (D Saoul – Barrister)

Reviewed February 2015 Minor amendments

Reviewed May 2017 Minor amendments