



# Rules

Effective as of 2<sup>nd</sup> May 2018

## 1 NAME

1.1 The name of the association is "Auckland Secondary Schools Heads Association Incorporated". The association is also known as "College Sport Auckland".

## 2 REGISTERED OFFICE

2.1 The registered office of College Sport Auckland shall be at such place as the Board may from time to time determine.

## 3 INTERPRETATION

3.1 In these Rules:

"Auckland Secondary School" means a secondary school in the greater Auckland area that is registered with the Ministry of Education as an accredited secondary school and includes state-owned, integrated, private secondary schools and charter schools;

"Board" means the Board of College Sport Auckland, constituted in accordance with rule 8;

"Bylaws" means any bylaws of College Sport Auckland made by the Board as contemplated by rule 14;

"CEO" means the Chief Executive Officer of College Sport Auckland, appointed in accordance with rule 10;

"College Sport Auckland" means the Auckland Secondary Schools Heads Association (Incorporated);

"College Sport Auckland Competition" means a sporting competition for students at Auckland Secondary Schools run by College Sport Auckland or by another body with the approval of College Sport Auckland;

"General Meeting" means an Annual General Meeting or a Special General Meeting of College Sport Auckland;

"Member" means a person who is a Principal of a Participating School;

"Member's School" means the Auckland Secondary School of which the Member referred to is Principal;

"Misconduct" means any conduct by any person in connection with any College Sport Auckland Competition which falls short of the standard of conduct that would reasonably be expected in connection with secondary school sporting contests and includes, but is not limited to:

- (a) any conduct which has a detrimental impact on the integrity of a College Sport Auckland Competition;
- (b) any conduct which brings into disrepute, or is reasonably likely to bring into disrepute, College Sport Auckland, a Participating School, or any Member or other person associated with a Participating School;
- (c) offensive, abusive, racist or threatening behaviour;
- (d) damaging any property; or
- (e) violent conduct.

“Participating School” means an Auckland Secondary School that wishes to participate in sporting competitions organised by College Sport Auckland and that has been approved as such by the Board;

“Principal” includes any permanent appointee as principal and also any acting principal;

“Rules” means these rules; and

“Sanctioned Sport” means a sport determined by College Sport Auckland as being a sport in respect of which College Sport Auckland Competitions will be conducted which is included in the Sanctioned Sport Schedule.

#### **4 OBJECTS**

4.1 The principal object of College Sport Auckland is to enhance the secondary school education experience through participation in sport at social and elite levels.

4.2 College Sport Auckland has the following additional objects:

- (a) to administer and control an inter-secondary school sports structure with a regular and stable competition for secondary school based sports;
- (b) to encourage and facilitate the maximum participation of students in sport and recreation at secondary level;
- (c) to provide the best possible conditions and standards for students to enjoy and realise their potential in sports competitions;
- (d) to promote public awareness of the benefits of students' involvement in sport at secondary school;
- (e) to assist Participating Schools, and the principals and other staff and coaches involved in sports at schools;
- (f) to promote a sound and principled base for sport as part of the educational process at schools;
- (g) to protect the integrity of sporting programmes of Participating Schools while also acknowledging the right of students to transfer between Participating Schools;

- (h) to provide a fair and transparent means of resolving sports related disputes between Participating Schools, or between Participating Schools and College Sport Auckland; and
- (i) to promote fair play and good faith in sports competitions and in the conduct of Participating Schools in respect of students and their transfers and their recruitment.

## **5 GUIDING PRINCIPLES**

5.1 Rule 5.2 contains guiding principles, which Members are encouraged to observe in their dealings with College Sport Auckland, other Members, staff of other Participating Schools, participants, coaches and administrators. The guiding principles do not create legal obligations.

5.2 The guiding principles are:

- (a) Members will at all times work together in a spirit of good faith, mutual trust, respect and co-operation;
- (b) The overall best interests of the student(s) concerned (including from both an educational and a sporting perspective) must be paramount in all decision-making; and
- (c) Members will use their best endeavours to resolve any issues involving any sporting issue relating to a Participating School by direct contact, unless exceptional circumstances apply.

## **6 MEMBERSHIP**

6.1 Principals of Participating Schools who are members of Auckland Secondary Schools Principals' Association may become Members by completing any application form prescribed by College Sport Auckland and paying such annual membership fee as is set by the Board. The membership fee may be altered by the Board from time to time, but any fee increase which exceeds the Consumers' Price Index increase for the previous year must be approved by Members at a General Meeting.

6.2 A Member will cease to be a Member if:

- (a) that Member ceases to be the Principal of a Participating School;
- (b) that Member resigns his or her membership by written notice to College Sport Auckland;
- (c) the annual membership fee is not paid to College Sport Auckland by 31 March; or
- (d) the Board unanimously resolves to terminate that Member's membership, provided that the Member is given the opportunity to attend the meeting at which the Board will consider such a resolution and have the opportunity to respond to any issues raised by the Board.

6.3 A Participating School will be unable to participate in College Sport Auckland Competitions, unless:

- (a) the Principal of that school is a Member of College Sport Auckland and has paid the applicable membership fees; or
- (b) the Board resolves that it be permitted to participate, on such basis as the Board resolves.

## **7 RIGHTS AND OBLIGATIONS OF MEMBERS**

- 7.1 Subject to rule 6.3, each Participating School has the right to participate in College Sport Auckland Competitions, on the basis set out in these Rules and the Bylaws.
- 7.2 Where a Participating School has year 7 and 8 students, those students may participate in College Sport Auckland Competitions, on such basis as College Sport Auckland determines.
- 7.3 Each Member must personally:
  - (a) encourage the development of sport within that Member's School;
  - (b) ensure that that Member's School appoints a staff member as sports representative;
  - (c) take all reasonable steps to ensure that that Member's School complies with these Rules, the Bylaws (including but not limited to rules relating to eligibility) and, where relevant, competition rules applicable to each Sanctioned Sport (in each case, as they may be amended from time to time);
  - (d) not permit any sponsorship in connection with sport at that Member's School which conflicts with College Sport Auckland's major sponsor, is objectionable or is otherwise unsuitable for a secondary school environment; and
  - (e) take all reasonable steps to ensure that all sports coaches, team officials, administrators, staff, supporters and other relevant personnel associated with that Member's School are aware of and comply with these Rules, the Bylaws and, where relevant, competition rules applicable to each Sanctioned Sport (in each case, as they may be amended from time to time) and also of all relevant rulings of College Sport Auckland and its judicial bodies.

## **8 MEMBERSHIP OF THE BOARD**

- 8.1 The governing body of College Sport Auckland is a Board consisting of:
- (a) Four member Principals elected by the Members at an Annual General Meeting;  
plus
  - (b) Three non-Principals elected by the Members at an Annual General Meeting.
- 8.2 Nominations for Principal Board Members are to be received by College Sport Auckland 21 days prior to the Annual General Meeting. Nominations for non-Principal Board Members are to be received by the Appointments Committee 21 days prior to the Annual General Meeting.
- 8.3 An elected Board member will hold office for a term which expires at the Annual General Meeting two years after their election. A Board member whose term expires is eligible to stand for re-election. At each Annual General Meeting there will be an election for at least two places on the Board. If there would not otherwise be sufficient vacancies at an Annual General Meeting then the Board member(s) elected on the earliest date will stand down to allow an election for four places. Lots will be drawn if necessary where two or more Board members were elected on the same date.
- 8.4 Member Principals are eligible to be co-opted to the Board and co-opted Board member will hold office for such term as the Board determines, but not exceeding 12 months. A co-opted Board member may be co-opted for further terms not exceeding 12 months.
- 8.5 A Board member will cease to hold office:
- (a) on the expiry of his or her term in accordance with rule 8.3 or 8.4
  - (b) if that Board member ceases to be a Member;
  - (c) if that Board member resigns his or her office by written notice to the Board;
  - (d) if a resolution to remove that Board member from office is passed by a 75% majority at a General Meeting; or
  - (e) if that Board member fails to attend three consecutive meetings of the Board, without leave having been granted by the Board.
- 8.6 Where a casual vacancy arises, the Board may appoint any Member to fill that vacancy. Any Board member appointed to fill a casual vacancy will hold office until the next Annual General Meeting.
- 8.7 The Board shall elect a chair from among the elected Board members and may elect a deputy chair.

## **9 POWERS AND PROCEEDINGS OF THE BOARD**

- 9.1 The Board will be responsible for all aspects of the operations of College Sport Auckland and will have the power to do all things (consistent with these Rules) which in the Board's view are necessary or desirable to achieve the objects of College Sport Auckland.
- 9.2 The Board will oversee the running of sporting competitions for Sanctioned Sports.
- 9.3 A meeting of the Board may be called at any time by the chair. Normally at least 14 days' written notice will be given, but a shorter period of notice may be given where the Board has an urgent issue to consider. The chair will call a meeting of the Board if a meeting is requested by three or more Board members.
- 9.4 The quorum for meetings of the Board is five.
- 9.5 If agreed by the Board, Board members can participate in any meeting of the Board by telephone or other electronic communication.
- 9.6 The Board must meet at least six times each year.
- 9.7 Meetings of the Board will be chaired by the chair, or in his or her absence the deputy chair or if neither is present, another Board member chosen by the Board. The chair of any meeting of the Board will have a deliberative and a casting vote.
- 9.8 The Board can establish sub-committees as it considers fit.
- 9.9 The Board can regulate its own procedure in relation to matters not covered by these Rules.

## **10 CHIEF EXECUTIVE OFFICER**

- 10.1 The Board may appoint a CEO on such terms as the Board determines.
- 10.2 The Board may delegate to the CEO such powers and duties as the Board determines.

## **11 GENERAL MEETINGS**

- 11.1 College Sport Auckland will have an Annual General Meeting on such date as the Board determines.
- 11.2 The Board may call a Special General Meeting at any time and must call a Special General Meeting if it receives a written request to hold such a meeting from at least ten Members. Any such request must specify the matters to be discussed at that Special General Meeting.
- 11.3 Each Member is entitled to attend any General Meeting and each Member is entitled to one vote on any resolution.
- 11.4 The Board will give all Members at least four weeks' written notice of the date and place of the Annual General Meeting and of any Special General Meeting. A Special General Meeting called following a request by Members in accordance with rule 11.2 must be held within six weeks of such request.
- 11.5 The quorum for a General Meeting is one third of the Members.

- 11.6 A Member may appoint a proxy to vote on his or her behalf at any General Meeting. The proxy may be a senior management team representative from that Member's school, or another Member.
- 11.7 Voting at General Meetings will be by show of hands, except that a ballot shall be held if requested by any Member.
- 11.8 General Meetings will be chaired by the chair of the Board, or in his or her absence the deputy chair and in the absence of both of them, by such person as the Members present determine. The chair of the General Meeting will have a deliberative and a casting vote.
- 11.9 The accidental failure to give any Member notice of a General Meeting will not invalidate the meeting or any resolution passed at that General Meeting.

## **12 FINANCIAL MATTERS**

- 12.1 The financial year of College Sport Auckland will end on 31 December.
- 12.2 College Sport Auckland has power to borrow and invest money on such basis as the Board determines, for the purpose of fulfilling the objects of College Sport Auckland.
- 12.3 No Board member will be paid for performing that role. However College Sport Auckland will reimburse expenses legitimately incurred by Board members in connection with College Sport Auckland business, provided that those expenses are approved in advance by the Board.

## **13 AUDITOR**

- 13.1 College Sport Auckland will have its accounts audited. The auditor will be appointed at each Annual General Meeting.
- 13.2 The auditor is entitled to attend and speak at the Annual General Meeting or any other General Meeting called to consider the annual accounts.

## **14 BYLAWS**

- 14.1 The Board will have the power to make Bylaws in relation to the conduct and management of College Sport Auckland Competitions and to amend or revoke those Bylaws from time to time. Without limiting this power, the Board can make Bylaws regarding:
- (a) eligibility for participation;
  - (b) stand-down periods applying to any specified Sanctioned Sport in the case of students transferring between Participating Schools;
  - (c) event or competition rules;
  - (d) levies; and
  - (e) criteria for a sport to be a Sanctioned Sport.

- 14.2 The Board will give at least 30 days' notice to Members of any amendment to the Bylaws, unless the Board resolves that a lesser notice period is appropriate having regard to the significance of and reasons for the amendment.

## **15 RULES OF SANCTIONED SPORTS**

- 15.1 The rules of a Sanctioned Sport will apply to any College Sport Auckland Competition for that Sanctioned Sport.
- 15.2 The Board may agree that the disciplinary processes for any Sanctioned Sport will apply to College Sport Auckland Competitions. However disciplinary action under such processes in any case will not prevent any breach of these Rules or the Bylaws being investigated and sanctioned by College Sport Auckland.

## **16 CONFLICT BETWEEN RULES**

- 16.1 Where there is any conflict between these Rules and any Bylaws, these Rules will prevail.
- 16.2 Where there is any conflict between these Rules or the Bylaws and the rules of any Sanctioned Sport, these Rules or the Bylaws will prevail.

## **17 INDUCING STUDENTS TO TRANSFER BETWEEN PARTICIPATING SCHOOLS**

- 17.1 Members acknowledge that students will from time to time transfer between Participating Schools. However Members must not improperly entice, and they must use their best efforts to ensure that no person in any way associated with that Member's School improperly entices, any student at a Participating School to transfer to that Member's School.
- 17.2 The issue of whether a student has been improperly enticed to transfer between Participating Schools must be determined on a case by case basis. However:
- (a) discussions with a student of a Participating School regarding a change of schools must not be initiated by anyone associated with another Participating School; and
  - (b) Participating Schools must not offer students of other Participating Schools any inducements to attend their school, which are not generally available to all students.

## **18 RESOLUTION OF ISSUES**

- 18.1 Members will endeavour to resolve between themselves through good faith discussions any issue arising between those Members' Schools. Any Member may request that a Board member facilitate such discussions.

## **19 SANCTIONS FOR BREACHES OF RULES OR BYLAWS**

- 19.1 In the event of any Misconduct or breach of these Rules or the Bylaws by any Member, Participating School or person associated with any Participating School, the following sanctions may be imposed by the CEO, the Independent Judicial Panel or the Commissioner (as applicable):



- (a) suspension of a Participating School, any person associated with a Participating School, or any team from participation in or attendance at College Sport Auckland Competitions;
  - (b) censure;
  - (c) forfeiture of a match;
  - (d) requiring that a match be replayed;
  - (e) loss of competition points or disqualification from any College Sport Auckland Competition;
  - (f) a suspended sanction; or
  - (g) such other sanction as is in the circumstances appropriate.
- 19.2 Sanctions imposed must be proportionate to the seriousness of the Misconduct or breach, taking into account any relevant factors.
- 19.3 Any decision of the CEO, the Independent Judicial Panel or the Commissioner may be made public by College Sport Auckland, provided that details regarding students are omitted and the Privacy Act is complied with.

## **20 INVESTIGATION OF MISCONDUCT OR BREACHES**

- 20.1 The CEO shall have the discretion to investigate any possible Misconduct or breach of these Rules or the Bylaws and, if the CEO determines that there has been a breach, to impose appropriate sanctions or take any other appropriate action in respect of any such Misconduct or breach.
- 20.2 Any investigation by the CEO may be commenced upon receipt of a complaint by a Member (on behalf of that Member's School) or at the CEO's own initiative. To avoid doubt, the CEO may decline to commence an investigation.
- 20.3 Members will co-operate fully with and take all reasonable steps to ensure that all sports coaches, team officials, administrators, staff, supporters and other relevant personnel associated with that Member's School co-operate fully with any investigation under rule 20.1,
- 20.4 The CEO may delegate his or her powers under rule 20.1 to such person as he or she considers fit.
- 20.5 Where an issue is in the CEO's sole discretion more appropriately dealt with by the Independent Judicial Panel, the CEO may refer the issue directly to the Independent Judicial Panel for determination.
- 20.6 When investigating any possible Misconduct or breach of these Rules or the Bylaws the CEO (or any delegate) shall follow a fair process, having regard to the seriousness, complexity and urgency of the issue.
- 20.7 A Member may appeal to the Independent Judicial Panel in accordance with rule 21 any decision of the CEO (or any delegate) made pursuant to this rule which affects that Member, the Member's School or a person associated with that Member's School. Any

such appeal must be lodged with College Sport Auckland within seven days of the decision being notified to the Member's School. A non-refundable appeal fee of \$1000 is payable at the time of lodging any appeal to the Independent Judicial Panel.

## **21 INDEPENDENT JUDICIAL PANEL**

- 21.1 The Board shall appoint an Independent Judicial Panel comprising at least three members. The Board may appoint or remove members of the Independent Judicial Panel at any time. Any member of the Independent Judicial Panel may resign at any time. Members and employees of College Sport Auckland may not be members of the Independent Judicial Panel.
- 21.2 The Independent Judicial Panel shall have the following functions:
- (a) to determine any appeal from a Member (on behalf of that Member's School) from any decision of the CEO (or any delegate) made in accordance with rule 20.1; and
  - (b) to determine any matter referred to the Independent Judicial Panel by the CEO in accordance with rule 20.5.
- 21.3 The Independent Judicial Panel shall determine its own process, having regard to the seriousness, complexity and urgency of any issue. Without limiting this, the Independent Judicial Panel may request information or views from College Sport Auckland or any other person or organisation. Where appropriate, the Independent Judicial Panel may also encourage the parties of any dispute to resolve that issue without having the matter determined formally by the Independent Judicial Panel.
- 21.4 The Independent Judicial Panel shall make its determinations as quickly as is reasonably possible, having regard to the seriousness, complexity and urgency of the issues. Any determination of the Independent Judicial Panel shall be made by a panel of at least two members of the Independent Judicial Panel.
- 21.5 A Member may appeal to the Independent Judicial Panel in accordance with rule 22 any decision of the Independent Judicial Panel made pursuant to this rule which affects that Member, the Member's School or a person associated with the Member's School. Any such appeal must be lodged with College Sport Auckland within seven days of the decision being notified to the Member's School. A non-refundable appeal fee of \$5000 is payable at the time of lodging any appeal to the Commissioner.

## **22 COMMISSIONER**

- 22.1 The Board shall appoint from time to time a Commissioner pursuant to these Rules. The Commissioner shall hold office until he or she resigns by notice in writing to the Board or the Board determines to appoint a replacement Commissioner.
- 22.2 The Commissioner shall be or have been a practising lawyer. The Commissioner may not be a Member, nor be employed by College Sport Auckland, nor be a member of the Board of Trustees of a Participating School.
- 22.3 The Commissioner's sole function shall be to determine appeals from Members (on behalf of the Member's School) from decisions of the Independent Judicial Panel. The Commissioner shall not have any power to initiate investigations, or conduct investigations.

- 22.4 The Commissioner shall agree with College Sport Auckland his or her remuneration for the services to be performed.
- 22.5 The Commissioner shall have the power to award costs and disbursements against parties that appear before the Commissioner, but may not award costs or disbursements against College Sport Auckland unless the Commissioner considers that College Sport Auckland has acted in bad faith.
- 22.6 Where the Commissioner is unable to perform his or her role, whether due to illness, conflict of interest, or otherwise, the Board may appoint a joint Commissioner to deal with the matter/matters. The joint Commissioner shall have the same power and authority as if he or she were the actual Commissioner exercising their powers under these Rules.
- 22.7 The Commissioner shall determine his or her own process, having regard to the seriousness, complexity and urgency of any issue. Without limiting this, the Commissioner may request information or views from College Sport Auckland or any other person or organisation.
- 22.8 The Commissioner shall make his or her determinations as quickly as is reasonably possible, having regard to the seriousness, complexity and urgency of the issues.
- 22.9 The decision of the Commissioner is final. There is no right of appeal from any decision of the Commissioner.

## **23 AMENDMENTS TO RULES**

- 23.1 These Rules can be amended by a resolution passed at any General Meeting of Members.
- 23.2 Notice of any proposed amendment to these Rules must be given to Members at least 14 days prior to the General Meeting at which the resolution to amend the Rules will be considered.

## **24 COMMON SEAL**

- 24.1 College Sport Auckland will have a common seal. It will be affixed to documents only with the approval of the Board with the affixing of the seal being witnessed by any two members of the Board, or a member of the Board and the CEO.

## **25 WINDING UP**

- 25.1 College Sport Auckland may be wound up if a motion to that effect is passed by two thirds of the Members attending and voting at any General Meeting called to discuss such a motion and is confirmed at a second General Meeting held no earlier than 30 days after the date of the first meeting.
- 25.2 If College Sport Auckland is wound up its surplus funds shall not be distributed to the Members. The surplus funds shall be distributed to such charitable organisation as the Board determines.