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# Achieving Resolution

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# 1. Directing and Managing a Complaint

Affiliated and financial members have a constitutional right to lodge a complaint they believe relevant to the RAS.

## 1.1 General Complaint Principles

- a. Any matter is an allegation until proven otherwise;
- b. When making a complaint, direct it as per the process;
- c. Any complaint must be in writing;
- d. Unless stated otherwise complaints should be made as soon as possible but no later than 10 calendar days of the Show/Event/Incident;
- e. Confidentiality applies - Do not copy in other parties, only give/send to the person who is to deal with the complaint (they will include other parties as necessary);
- f. If confidentiality is not observed the panel in charge of the complaint may initiate a separate proceeding against those who have breached the confidentiality requirement;
- g. Keep the complaint factual (rather than emotional) – deal with the facts – date, time, name of any witnesses if any, what occurred;
- h. Any investigation must be fair and without prejudice. To ensure this independent persons or panels will be called upon to assist in dealing with the complaint to ensure there are no possible conflicts of interest. An independent person is independent of any parties involved in the complaint and will need to be assessed on a case by case basis;
- i. Panels would normally consist of 3 people;
- j. Deal with the complaint promptly;
- k. All protests or complaints have the option of a review should this be required.

## 1.2 Where/who should a complaint be directed to?

- a. Any rule breach at a Show/Event is directed to the Show Manager/Administrator – use the show protest form at all times;
- b. Any complaint of a behavioural nature or abuse of an animal at a Show/Event should be directed to the Show Manager/Administrator and handled by the Show process with the following exceptions. If the individual the complaint is being made about holds any of the following positions the complaint should be directed to the RAS CEO who will facilitate the necessary process (if the complaint is against the CEO send it direct to the RAS President)
  - i. District personnel – any person who holds a position at district level – councillor (this includes a District Chair) or management (this includes District Manager/Secretary/Treasurer)
  - ii. RAS personnel – RAS Executive member, HSC Executive member, UBS Executive member
  - iii. RAS Equestrian Judge
  - iv. RAS Management level
- c. Any incident that occurs at a Measuring Stand can be handled by the Measuring Stand Convenor by a Yellow Card if the situation fits, otherwise a complaint can be laid with the party that owns the Measuring Stand (in most cases this will be an A&P Show) – please note exceptions in 1.2 b i-v.
- d. Any incident that is not covered, contact the RAS CEO.

## 2. Protest at a Show/Event (Rule breach)

Before proceeding:

- Check General Complaint Principles – page 3
- Where/who a complaint should be directed – page 3

### **2.1 Protest (rule breach) – see appendix 1 for template protest form**

- a. Shows/Events should state the protest format in their schedule and catalogue, and have a protest panel ready to handle any protests (normally three people) and would include a person that had knowledge of the particular section it concerns);
- b. To be effective a protest should be made within 30 minutes of the rule breach so if the protest is upheld it can be dealt with promptly;
- c. All Shows should have protest forms available and must have an up-to-date copy of the RAS Showing Rules & Regulations and/or RAS Equestrian Rule Book available. The person making the protest may ask for these as they must state the rule that has been breached in their opinion when making the protest;
- d. It is desirable that a protest fee is paid to avoid vexatious proceedings (suggest \$50), if the protest is upheld the fee should be refunded;
- e. Once the protest has been received on the Show Protest Form, call the protest panel together as soon as practical and ideally, deal with it on the day;
- f. The panel is only adjudicating on whether in their opinion a rule has been breached;
- g. If any party involved in the protest feels the protest panel has not adjudicated fairly they can refer the matter on to the District Manager of the District where the protest took place;
- h. In the case of g above, refer to page 7 of this process – Review of Protest or Complaint

## 3. Complaint (behavioural nature or abuse of animal) at Show/Event or Measuring Stand.

Before proceeding:

- Check General Complaint Principles – page 3
- Where/who a complaint should be directed – page 3

### 3.1 Complaint (behavioural nature or abuse of animal)

At the time of a complaint, a decision is going to need to be made by the person who receives the complaint as to whether they believe it can be handled informally or not, whether they issue a yellow card, or it goes through a formal process. If in doubt consult with another party at the level where it is being handled e.g. Show Administrator consults with Section Convenor, District Manager consults with District Chair, RAS CEO with Executive.

#### 3.1.1 Informal approach

A complaint may be able to be resolved informally. For example, if someone who has berated another person, accepts that it was out of line; is willing to apologize immediately and that is accepted by the person berated, the matter could be left at that. However, if it becomes obvious that either party will not be satisfied by this approach, end the attempt immediately and make a decision whether a yellow card is appropriate or whether you are going to follow the formal process.

A record of the complaint and the outcome should be held on file with both parties ideally signing the outcome.

#### 3.1.2 Yellow Card (abuse of animal or inappropriate behaviour) – note this suffices as a warning only

The Yellow Card process is detailed in Appendix 2.

If the Yellow Card is rejected, the District where the Yellow Card was issued handles the review as per 4.

#### 3.1.3 Formal Process

- a. At all times the general complaint principles should be followed and if the complaint involves a person mentioned in 1.2 b i-v then direct it to the RAS CEO (if against the RAS CEO to the RAS President);
- b. It is desirable that a complaint fee is paid to avoid vexatious proceedings (suggest \$100.00), if the complaint is upheld the fee should be refunded;

- c. An appointed panel of the party (show/district/executive) concerned will consider whether there is sufficient evidence for the complaint to proceed and who else may be included in the process;
- d. The administrator for the process will be the Show Administrator, District Manager or RAS CEO as applicable, or nominee as appointed by the panel investigating the complaint;
- e. All communication is to go through the administrator or nominee;
- f. If the complaint is to proceed the person who the complaint is against should receive a copy of the complaint and be asked for a response within 10 calendar days – when informing the person of the complaint notify them that even if no response is received, the process will continue with the information the panel has to hand;
- g. At the time of sending the complaint to the person concerned, that person should be notified they have a right to appear before the panel who is investigating the complaint to be heard in a fair and impartial manner – see Hearing Procedure – Appendix 4;
- h. To uplift this right (Hearing) the person the complaint is against must notify the administrator of the process within 10 calendar days of receiving the complaint and pay the deposit – see Hearing Procedure – Appendix 4. This should be done in conjunction with issuing their response as requested in f;
- i. If the person the complaint is against invokes the right to be heard the person who made the complaint is to be notified, and they also have the right to attend – see Hearing Procedure – Appendix 4;
- j. Even if the Hearing Procedure does not take place it would be acceptable for the administrator or nominee of the appointed panel to make direct contact with both parties and any other parties to gather information if the panel thought that was appropriate – this should ideally be dealt with within 10 calendar days of receiving the response from the person who the complaint was about;
- k. The panel will review all information, including the Hearing if applicable, and will compile an Interim Report;
- l. The Interim Report would be sent to any involved parties and they would be asked for any final comments (within 10 calendar days);
- m. The appointed panel would then consider any final comments from either party and produce their “Final Report” within a ten calendar-day timeframe and send this to both parties as their decision;
- n. The panel will note any actions resulting from their decision and they may include
  - i. An apology
  - ii. Formal censure
  - iii. Removal or dismissal (this would depend on level of complaint)
  - iv. Payment of full or part costs of the investigation
- o. If either party believes the decision is faulty then they can request a review of the decision as per 4 or 6 as applicable;
- p. Any review at the next level is the final decision.

## 4. Review of a Protest or Complaint dealt with at Show Level – goes to District.

Before proceeding:

- Check General Complaint Principles – page 3
  - Where a complaint should be directed – page 3
- 
- a. A District Council of the RAS will receive complaints or protests in relation to Shows/Measuring Stands, where the Show/Measuring Stand has considered the matter and either the person who made the complaint or the person complained about believes a faulty decision has been made.
  - b. The District Council will be the District where the protest or complaint was made
  - c. District details, including the District Manager, is on the RAS website [www.ras.org.nz](http://www.ras.org.nz) About RAS – NZ RAS rules, Regulations & Policies;
  - d. The request for a review must be received by the District Manager within 10 calendar days of the complaint / protest having been heard by the Show and include the following.
    - i. In the case of a protest review– the protest form with the decision
    - ii. In the case of a complaint review –
      - the original complaint along with
      - Final Report
    - iii. In both a protest and complaint review, reason why the party believes the decision should be reviewed.
  - e. The District Manager in consultation with the District Chair would form a panel of three people to review the complaint/protest.
  - f. The District Manager or nominee would be the administrator of the process
  - g. The process at 3.1.3 Formal Process gives the framework to work within and the process of an Interim Report followed by a Final Report with comments from all parties should be implemented by the District Panel, including the Right to be Heard.
  - h. Prior to the Interim & Final Reports being released the District Manager or nominee is to send through the reports to the RAS CEO for review;
  - i. The Final Report will be the final decision on the matter

## 5. Complaint that comes through to RAS CEO

Before proceeding:

- Check General Complaint Principles – page 3
  - Where a complaint should be directed – page 3
- 
- a. All complaints are to be addressed to the CEO of the RAS (unless the complaint is about the CEO in which case it should go direct to the RAS President);
  - b. The CEO will seek advice where necessary and will follow the same principles as outlined in the general complaint principles, informal and formal process (a yellow card is not available as this is a process for show/events or a measuring stand to utilize);
  - c. If the formal process is to be followed panels to investigate the complaint will be formed along the following lines:
    - i. Complaint against District Councillor or District Management – members of the District Council and/or other independent parties;
    - ii. Complaint against District Chair – other District Chairs, members of other District Councils and/or other independent parties;
    - iii. Complaint against RAS Equestrian Judge – District Judge Convenors, Horse Stewards Executive and/or other independent parties;
    - iv. Complaint against Horse Stewards Council Executive or United Breed Society Executive – District Chairs and/or other independent parties;
    - v. Complaint against Executive Member – previous RAS Executive members and/or other independent parties;
    - vi. Complaint against RAS President – RAS Vice President and other independent parties;
    - vii. Complaint against RAS Management – RAS Executive
  - d. The RAS CEO will act as administrator for all complaints except if the complaint is against the RAS CEO (this will be dealt with by the RAS Executive);

## 6. Review of a Complaint Decision at 5

- a. The RAS CEO will receive all reviews of complaints at 5 and act as the administrator with the exception if the complaint is about the RAS CEO – this will be handled by the RAS Executive;
- b. The request for a review must be received by the RAS CEO within 10 calendar days of the complaint having been heard by applicable panel as detailed in 5 c i-vii;
- c. As the administrator of the original complaint, the RAS CEO will have the necessary information to forward on to the review committee;
- d. The review committee will consist of the RAS Executive or a quorum of the Executive including either the President or the Vice President but excluding the person that is the subject of the complaint;
- e. The process at 3.1.3 Formal Process gives the framework to work within and the process of an Interim Report followed by a Final Report with comments from all parties. This should be implemented by the applicable panel, including the Right to be Heard;
- f. The Final Report will be the final decision on the matter.

Society's Logo

# PROTEST FORM – RULE BREACH

Name & Contact Details of Person/s Lodging Protest: .....

Date: ..... Section: .....  
(where incident occurred)

Time incident occurred: ..... Time protest lodged: .....

Rule being disputed (specify the rule/s that you believe have allegedly been breached)  
.....  
.....  
.....  
.....

Explanation as to how rule was breached: .....

Signature/s of Person/s Lodging Protest: .....

Protest Fee of \$50.00 deposit received in cash Yes / No (please circle either yes or no)

**Office use only (retain copy for your records and give any party involved a copy):**

Date & Time Received: ..... Date & Time Concluded: .....

Rule breach upheld: Yes / No (please circle either yes or no)

Protest Fee returned: Yes / No (please circle either yes or no)

Name of Panel Chairperson: ..... Signature: .....

## Appendix Two

# YELLOW CARD

### Points to follow before/when issuing a Yellow Card

- a) Consider the situation – can it be handled in another way? For example - a quiet word to the person advising their behavior is inappropriate and ask them to stop, and if applicable, to apologise.
- b) Do not rely on hearsay – if a yellow card is to be issued – a statement of the incident should be written up and signed by the person/people who witnessed the situation. This can then be kept on file should the person reject the Yellow Card and RAS Head Office require more details
- c) Abusive behaviour over a telephone is a difficult one as it becomes one person's version versus the other person's version to which there may be no witnesses. Unless the conversation has been recorded, and can be used as evidence, this is a situation where the issuing of a yellow card needs to be considered carefully.
- d) If issuing a yellow card at the time of the event, always have two people present the yellow card (one presenting, one support/witness). Ideally the card should be presented discretely and in a non-threatening manner. Request the PR to sign to say they have received it. This does not mean they have accepted it (they still have their 10 days as outlined below). If they refuse to sign, the RAS Resolution Process is automatically initiated. It would be wise to add a note to the show office file if they refuse to accept the YWC and the information about what they need to do, in case it needs to be referenced to later.
- e) If there is not the opportunity to deal with the matter at the show, deal with it immediately afterwards. You have 10 days to issue after the event, and this needs to be done by registered mail. Equally the PR also must have 10 days to respond.
- f) The new format of the Yellow Card (booklet with carbonated copy) is to ensure that all parties have a copy of the applicable information – original to PR, 2<sup>nd</sup> copy RAS Head Office, 3<sup>rd</sup> copy retained by Show/Event/Measuring Stand). The full original page needs to be given to the PR - it is to ensure the PR has the necessary information to make an informed decision about accepting or rejecting the Yellow Card, and should they wish to reject, what procedure they need to follow.
- g) When you send the YWC (2<sup>nd</sup> copy) to RAS Head Office, please also include any supporting information – witness statement, notes to file etc.

## Royal Agricultural Society of NZ Yellow Warning Card System

The following outlines the rules and implementation of the RAS Yellow Warning Card (YWC) System.

1. The President of the Show/Show Official/Committee Member and/or the Chief Steward of the Section/Stand may issue a yellow warning card instead of fines or other penalties applicable as indicated in the RAS affiliated Show or Event own Rules and Regulations, to the Person Responsible (PR) – (see definition of PR at conclusion) in the following instances:
  - i. Abuse of animals in any form as provided for

- a. Equine - Rule 52 (RAS Equestrian Competitors & Judges Rule Book & Guidelines) and Article 142 (FEI General Regulations)
  - b. Dairy – as per the RAS Showing Rules & Regulations for Dairy Cattle.
  - c. Any other livestock including equine and dairy – as per rule 3 under Health & Safety, RAS Showing Rules & Regulations.
- ii. Inappropriate behavior towards show officials, judges, fellow competitors or any other third party connected with the RAS affiliated Show/Event, including registered Measuring Stands and their grounds, bringing the A&P movement into disrepute, or cases which are of a less serious nature to the above in accordance with the Conduct of Members, Owners, Lessees, Competitors and/or Exhibitors as provided.
- a. Equine – refer to RAS Equestrian Competitors and Judges Rulebook
  - b. All Persons Responsible, including equestrian – refer to rule 8 under Disruptive or Unacceptable Behaviour, RAS Showing Rules or Regulations
  - c. Rule 5.4 b) and 9.3 of the RAS Constitution.

Inappropriate behaviour constitutes any behaviour deemed by the President of the Show/Show Official/Committee Member and/or the Chief Measuring Steward of the Section/Stand involved that brings the A&P movement into disrepute including but not limited to inappropriate language, swearing, cheating or deliberately attempting to work outside of the generally accepted show rules and protocols. This also extends to inappropriate written communication via Facebook, twitter, text, on-line forums and the like

2. A YWC may be issued at the time of the offence or within 10 days of the offence
  - a) A yellow warning card may be delivered to the PR by hand if the matter is dealt with at the time of the offence. It is advisable that the person who is presenting the YWC has a witness. Any presentation of a YWC should be done as discretely as possible and both the presenter and witness need to sign the form. The PR will also be asked to sign as receipt of the YWC only; they still have the option to reject it within 10 days of the show/event/measuring stand. If they refuse to sign, it will be taken they have rejected it and the RAS Resolution Process will automatically be implemented.
  - b) If a yellow warning card is delivered by registered mail to the PR after the Show/Event or registered Measuring Stand and their grounds to which the yellow carding card relates, this must be done within 10 days of the event/show/measuring stand giving rise to the incident.
3. If the PR accepts a yellow warning card, no other penalty recorded in the RAS Bylaws or Rules & Regulations will be imposed against the Person Responsible in respect of the actions for which the yellow warning card was issued with the exception the Show/Event may reserve the right to withhold prize money and ribbon, or request the return of both.
4. A PR may reject a Yellow Warning Card within 10 days of having received it. They can do this by notifying RAS Head Office by email ([enquiries@ras.org.nz](mailto:enquiries@ras.org.nz)) or by registered mail (PO Box 54, Woodend 7641). At the time of notifying RAS Head Office they are rejecting the Yellow Warning Card, the PR must note the show/event/measuring stand and date, and include a reason why they are rejecting the Yellow Warning Card. At that time the matter will follow the RAS Resolution Procedure.
5. **Immediately after issuing a yellow warning card, the Show/Event/Measuring Official concerned shall forward the second copy of the yellow warning card**

**to RAS Head Office along with any notes or witness statements. The RAS will support this by maintaining a register of yellow warning cards and record such details on that register.**

6. If a person receives a second yellow warning card at the same or at any other Show/Event/ registered Measuring Stand and their grounds within 12 months of the first yellow warning card being issued to that person, the case shall be follow the RAS Resolution Procedure. In deciding the penalty to be imposed on the Person Responsible the RAS Resolution Committee will take into consideration whether the offence for which the first yellow warning card was issued is similar to the offence causing the second yellow warning card to be issued to the same person within 12 months of the first.
7. Notwithstanding this warning card system, cases of repetition in the same type of offence within two years from the first offence shall be penalised by up to the maximum penalty foreseen for the offence in question.
8. Any rejected YWC that is upheld through the RAS Resolution Process is publicly notified.

#### **TIME OF IMPLEMENTATION OF DECISIONS**

1. Decisions against which there cannot be an appeal shall be effective from the date of the notification to the persons or bodies concerned.
2. Decisions to which the parties concerned have formally renounced their right of appeal, shall become effective on the date when the renunciation reaches the RAS.
3. Decisions taken by *President of the Show/Show Official/Committee Member/Chief Measuring Steward OR Disputes, Protests or Hearing Committee* shall be effective from the moment the time limit for lodging an appeal has expired.

July 2017

Definition of Person Responsible

- the person committing the offence whether it be abuse of animal or inappropriate behavior. In the case of the specific dairy cattle rules, the PR will be as referred to in those rules.

Note – All affiliated Shows/Events were issued with a carbonated Yellow Card pad in 2017.

## Appendix Three

# RAS COMPLAINT FORM

Any complaint should include the following information

Date (of complaint)

Name (or person making complaint)

Address:

Phone Numbers:

Email:

To (who the complaint is being addressed to)

Date and time of when complaint occurred:

Complaint - Explanation as to why a complaint is being made – keep the explanation factual and to the point – emotional language is unhelpful. If you have witnesses to the complaint, please include their names and full contact details – the administrator of the process will make contact with them.

## **Appendix 4**

### **Hearing Procedure**

To invoke a hearing, the person being complained about must uplift this right at the time of responding to the complaint received from the administrator of the panel concerned (refer 3.1.3 h).

Payment of a \$500 deposit is required to the RAS account 06 0601 0528903 00 with name as reference at the time of requesting a hearing. A receipt will be issued. The deposit will be refunded if the complaint is not upheld.

The hearing provides those who are the subject of the complaint an opportunity to present their case in person and submit any evidence (hard copy) to support their submission. They will be entitled to have witnesses present if the witness statements will be relevant. Witness's expenses are not reimbursed by the RAS.

If a hearing is requested, the person who made the complaint will be notified and have the opportunity to attend the hearing. Any expenses incurred will not be reimbursed.

All persons who expect to participate in the hearing will be required to have signed a Commitment to Confidentiality – see following page and sent it to the Administrator one week before the scheduled date of the hearing. Any person who has not signed the Commitment to Confidentiality shall not participate in the hearing.

Those who are the subject of the complaint are expected to make their own submission however, they may be accompanied by a personal support person who will not take an active part in the hearing. The presence of a personal support person is not meant to create an adversarial proceeding.

The panel will include any information from the Hearing as part of their Interim Report

### **Commitment of Confidentiality**

In order to promote honest and candid communication among the parties, all participants in the hearing agree to enter into this confidentiality agreement.

It is understood between the parties that the hearing will be strictly confidential.

The parties will not disclose to any person not present at the hearing any information or document tabled or discussed during the hearing. The only exception is where a party needs to do so to obtain professional advice. Any party disclosing information or documents in these circumstances must inform the professional advisor that the information or documents are confidential.

Personal Commitment:

I agree that I will preserve total confidentiality in relation to the course of the investigation, hearings and all exchanges within the investigation that may come to my knowledge, whether oral or written.

Name:

Signature:

Date:

## Appendix 5

### Reporting Investigation Outcomes

Conference agreed in 2016 that it was appropriate to publish the findings of any formal Investigation.

Because the Yellow Card was a warning, it would not be reported other than to publish the number of Warnings given that season and the reasons for their issue.

Any informal resolution would not be reported other than to note the number of matters resolved informally and in confidence.

The Executive will be mindful of the fact that it is in the interests of the membership to be transparent about complaints and issues associated with how the organisation operates, and where there are breaches of codes and rules. They will balance this with the appropriate confidentiality considerations for the individuals involved.

Once the Investigation is closed and the final report has been sent to the parties, the RAS Executive will publish a summary report of the Investigation and its findings. The summary report will be published on the RAS website and emailed to:

- Member A&Ps and Breed Societies
- District Councils, and
- Other sections / persons as may be appropriate.

## Appendix 6

### Version Control

Version	Reviewer	
Draft - Version 1	Executive	21 June 2012
Draft – Version 2	Post Conference	01 July 2012
Draft – Version 3	Confirmed at conference	September 2012
Draft – Version 4	Confirmed at conference	September 2017
Draft Version 5 (Revision for simplicity)	RAS Executive Reviewed by District Chairs	August 2018