

# Procedure for Handling Complaints Against NZGDA Members

Created by: Chelsea Rapp (Chairperson 20/21)

Creation Date: 09 March 2021

Revision Date: 02 April 2025

Effective Date: 03 June 2021

## 1. Definitions

1.1. The following table of definitions reflect terms used in this policy document.

NZGDA	New Zealand Game Developers Association
Board	The current elected members of the NZGDA Board at the time the procedure is initiated
NZGDA Sphere of Influence	The NZGDA sphere of influence includes all official NZGDA spaces such as the mailing list, official communication channels such as info@nzgda.com, the NZGDA website(s), social media spaces, the NZGDC conference, and all other NZGDA managed spaces both online and off. The NZGDA reserves the right to expand or contract this definition at any time at their own discretion.
NZGDA Files and Records	Formal document storage for the NZGDA
The Complainant	A person or persons who file a formal complaint against the Accused for violating <b>01 NZGDA Code of Conduct</b>
The Accused	A person or persons who are the subject of a formal complaint for violating <b>01 NZGDA Code of Conduct</b>

## 2. Purpose

2.1. To establish a fair procedure for managing complaints against members of the New Zealand Game Developers Association (NZGDA) community or the Board and assess potential violations of **01 NZGDA Code of Conduct**.

### 3. Limitations

- 3.1. The scope of this procedure is limited to members of the New Zealand Game Developers Association (NZGDA), members of the Board of the NZGDA, and participants of official NZGDA events and online spaces.
- 3.2. This procedure is limited to behavior and/or actions that occur or are considered likely to occur within the 'sphere of influence of the NZGDA'.
- 3.3. This procedure is limited to complaints and records filed after January 01, 2021 and does not apply to any disciplinary actions or rulings filed before this time.

### 4. Making a complaint

- 4.1. Prior to making a complaint, the NZGDA encourages all parties to have a good faith discussion about the issue whenever possible.
  - 4.1.1. In preparation for discussing the issue, the NZGDA recommends referencing MBIE's [Preparing for Mediation Workbook](#). This is a helpful tool for identifying the issue and determining possible goals and outcomes for the discussion.
- 4.2. An official complaint should be made in writing to the Chairperson of the Board via [info@nzgda.com](mailto:info@nzgda.com) or [chairperson@nzgda.com](mailto:chairperson@nzgda.com).
  - 4.2.1. Complainants are welcome to informally discuss their concerns with the Chairperson or any Board Member, but this procedure will not begin until an official complaint is submitted.
- 4.3. The complaint should detail which aspects of **01 NZGDA Code of Conduct** have been violated and provide a description of the violating behaviour. The complaint may also include a victim impact statement, relevant history, and any supporting documentation (ie: images, screenshots, videos, etc.).
- 4.4. Complaints should be made within one year of the violating behaviour, although this may be waived at the Chairperson's discretion.

### 5. Rights of the Complainant, the Accused, and the NZGDA

- 5.1. Both the Complainant and the Accused are welcome to involve a support person who will be included in all communications with them and the NZGDA.

- 5.2. As a part of submitting a complaint, the Complainant agrees to be identified to the Accused.
  - 5.2.1. The Complainant is not expected to speak to the Accused or communicate with them in any way.
  - 5.2.2. The information provided by the Complainant will be confidential to the investigation, but the Accused will be given the Complainant's formal statement, which will identify them.
- 5.3. Any person who is Accused of violating **01 NZGDA Code of Conduct** will be given the opportunity to review the formal statement made by the Complainant and provide a formal statement of their own. The procedure for submitting the formal statement of the Accused follows the process outlined in Section (04).
- 5.4. The accuser(s) and the Accused will be given a reasonable period of time to provide their statements, but no longer than two weeks. The statements may be shared in full or in part with the other party at the discretion of the Disciplinary Committee.
- 5.5. The NZGDA can and will defer cases to authorities at any time deemed necessary.
- 5.6. If a disciplinary action is taken, the NZGDA may:
  - 5.6.1. Make a public statement without sharing identifying information, and/or
  - 5.6.2. Share information, including identifying information, with external parties including industry bodies.

## **6. Records**

- 6.1. A record of all disciplinary complaints, actions, committees, and sanctions will be kept in the NZGDA records.
  - 6.1.1. In recognition that people can remedy their behaviour over time, a reported person's file is held as current until three years have passed with no activity.

- 6.2. Any evidence, including screenshots, pictures, statements and video recordings, that are generated as a part of the investigation will be committed to the NZGDA record.
- 6.3. The Board may review and revise the list of Disciplinary Actions at any time.
- 6.4. Records can be shared with relevant authorities or other parties at the discretion of the Board.
- 6.5. Records can be shared with NZGDA Board members and volunteers managing events and online spaces.

## **7. The Disciplinary Committee**

- 7.1. Upon receipt of a complaint in writing, the Chairperson of the Board will appoint a Disciplinary Committee, of at least 3 current board members, and act as its Chair.
- 7.2. If the Complainant or the Accused are members of the NZGDA Board, they will be excluded from the Disciplinary Committee.
  - 7.2.1. If the Chairperson of the Board is excluded from the Disciplinary Committee, the Committee will elect a Committee Chair from the remaining eligible members by majority vote.
  - 7.2.2. If the Chairperson of the Board cannot be a member of the Disciplinary Committee, then the newly elected Chair will become the new party liaison for the Complainant and the Accused.
  - 7.2.3. Board members with conflicts of interest will be excluded from the Disciplinary Committee.
- 7.3. If the Disciplinary Committee cannot be made of 3 Board members, the Committee Chairperson will appoint Disciplinary Committee members.

## **8. Disciplinary Action**

- 8.1. Any behaviors or actions that violate laws, bylaws or regulations will be reported to the relevant authorities.
- 8.2. The record of past Disciplinary Actions may be reviewed when considering current or future actions.

- 8.3. Upon review by the Disciplinary Committee, the Board may decide to take one of the following actions:
  - 8.3.1. The board may take no Disciplinary Action.
  - 8.3.2. The offending person(s) may receive a Warning
    - 8.3.2.1. A warning will be issued and recorded in the NZGDA records.
    - 8.3.2.2. Past Warnings may be reviewed when considering current or future Disciplinary Actions
  - 8.3.3. The offending person(s) may be Sanctioned
    - 8.3.3.1. Sanctions prevent the offending person from attending or otherwise engaging in any activities, events, or social media activities within the NZGDA sphere of influence.
    - 8.3.3.2. Sanctions may include exclusion from NZGDA representative (board, committee, volunteer) or platform (speakers, facilitators) roles.
    - 8.3.3.3. Sanction terms are not to exceed 2 years.
    - 8.3.3.4. Sanctions will automatically expire unless renewed by the Board at the time of expiry.
  - 8.3.4. The offending person(s) may receive a Lifetime Ban
    - 8.3.4.1. A lifetime ban prevents the offending person from attending or otherwise engaging in any activities, events, or social media activities within the NZGDA sphere of influence.
    - 8.3.4.2. Lifetime bans do not have an expiry date, however they can be reviewed and/or revised by the Board at any time.

## **9. Complaint Handling Procedure**

- 9.1. Upon receipt of a complaint, the Disciplinary Committee will be formed as described in Section (7).
- 9.2. The Chair of the Disciplinary Committee will solicit formal statements from the accuser(s) and the Accused, and these will be stored in the NZGDA Disciplinary Records as described in Sections (4), (5), and (6).

- 9.3. The Chair will then convene a Disciplinary Committee meeting, where the official statements will be discussed, and the Committee will decide whether the NZGDA Code of Conduct has been violated.
- 9.4. The Committee may request additional information from both parties in writing or verbally. The Committee may request information from third-party witnesses, but will disclose this to both parties.
- 9.5. In the event that the Code of Conduct has been violated, the Disciplinary Committee will provide a recommendation for Disciplinary Action as described in Section(8).
- 9.6. The proceedings of the Disciplinary Committee meeting and any Disciplinary Action(s) will be recorded in the official record as described in Section (6).

## **10. Appeals**

- 10.1. If any party wishes to appeal the process or outcome, they may contact the Chairperson of the Board at any time stating their reasons for appeal.
- 10.2. Appeals will be conducted at the discretion of the Chairperson of the Board.