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Homophobia and Mysogyny:

A Case of Individual and Group Behaviour within a Professional Sports Environment

John Davies

Victoria University of Wellington

john.davies@vuw.ac.nz

ABSTRACT

This case examines the consequences of a post-season celebration that left individuals, their professional sport organisation, and their sport, with reputation damaging outcomes. The case provides opportunity to explore multiple phases of crisis management and stakeholder analysis, and the value of developing both internal and external perspectives in conducting such analysis. It also provides opportunity to explore issues of ethical and moral behavior especially as they manifest at multiple levels relating to individual athletes, team management, and franchise and national body governance. As a consequence, the case may also be used to explore issues that relate to role modelling and the responsibility for on-field/off-field athlete behaviour; that embrace athlete education, especially as it relates inappropriate homophobic and misogynistic attitudes, as well as to risk, crisis and media management. The case is organised in three parts to be examined in sequence, and accompanied by a comprehensive teaching/instructor guide.

KEYWORDS: ethical behavior, organizational moral governance, risk management, crisis management, stakeholder analysis, professional sport

CASE OVERVIEW

The case examines inappropriate post-season behaviour of professional rugby players 'celebrating' the end of a long and arduous playing season. In particular, it recounts rapid successive revelations and separate allegations of verbal abuse of presumably gay men, and of misogynistic and inappropriate sexual behaviour towards a young woman at a so-called end-of-season Mad-Monday event.

The case revolves around the Chiefs *Super Rugby* professional rugby union franchise, based in the Waikato province of New Zealand. It examines its management, its governing Board of Directors, and its governing body, the New Zealand Rugby Union (NZRU), first as they become aware of allegations; then, in terms of the actions they take; and then as they respond to criticism of those actions by politicians, human and women's right groups and the media.

The case is set out in three parts reflecting the chronology of events unfolding as three different, but related crises. Each part could be treated as a separate case exercise. The Part 1 case is sufficiently brief to be read or unfolded at the beginning of a 40-50 minutes class, and as a basis for a discussion of a wide range of issues, many of which surface again for the Part 2 and Part 3 cases.

Part 1 captures an incident where comments, which could be described as homophobic or as gay slurs, were uttered in a public space, in an unthinking way, in a matter of seconds by a player at the Mad Monday function.

The comments were relayed by an offended member of the public via Facebook on the same day, and came to the attention of the Chiefs management and players later in the evening.

Management and the player acted quickly, and on the next day, the player concerned offered a written public apology and a personal apology to the offended individual. The Chiefs CEO held a media conference to express their concern for the behaviour and the offense created, to state the actions that had been taken. These had included a brief investigation, apologies, and a

caution for the players. Chiefs management also sought to put the incident into perspective in terms of how it contrasted with the culture of respect that the Chiefs had tried to develop, under the leadership of Head Coach, Dave Rennie.

It seemed that the incident had run its course over just two days! Then ...

Part 2 covers the events that only came to light and to the notice of management on the Tuesday evening, just as they thought the initial mini-crisis and media furore had ended. Players had engaged the services of an adult entertainer for the Mad Monday event. The entertainer, Scarlette, had been unhappy at the manner in which players had related to her, but did nothing until she saw what she considered to be Allardice's 'supposed apology' for the 'gay slurs' on Facebook, following its posting on Tuesday. She posted serious allegations of inappropriate behaviour on Facebook, then deleted them, but not before other parties including mainstream media became aware.

She was quickly tracked down by mainstream media journalists, who approached the Chiefs for comment on the Tuesday night. The following morning, Wednesday, Scarlette featured in a revealing lengthy interview on Radio New Zealand's (RNZ) prime time *Morning Report* programme. Outrage surfaced across the media spectrum - with women's rights groups to the fore, not only condemning the player behaviour described by Scarlette, but also highly critical of the Chiefs organisation and the NZRU, first, in their management of the initial aftermath to the affair, and second, their seeming role in perpetuating the misogynistic, disrespectful culture perceived to have pervaded rugby.

Students would be provided with the Part 2 and Part 3 cases in advance of a second and third 40-50 minute class.

Part 3 reflects the pressures that came on to the Chiefs and the NZRU to conduct a formal investigation. It also reflects criticisms related to the investigation – criticism that surfaced when the findings of the investigation were released, and criticism about the conduct of investigation. Such criticisms, and critique of the roles played by NZRU and Chiefs management, also included relevant advice about improving behaviour, processes and practices, and culture.

Each Part of the case provides opportunity to explore issues that relate to attitudes and culture that exists within sport. Each part also provides opportunity to use cognitive frameworks that explore the nature and interests of stakeholders, stakeholder dynamics, the various phases of crisis management, and, as implied, athlete education issues that relate to attitudes and culture.

THE PART 1 CASE – MAD MONDAY, 30 SECONDS OF THROW AWAY COMMENTS?

The Chiefs

The Chiefs were formed in 1996, as one of five regional franchise teams initially licensed by the New Zealand Rugby Football Union (NZRFU) governing body to compete in the original *Super 12* international interprovincial competition in 1996, involving the leading southern hemisphere rugby playing countries – South Africa, Australia and New Zealand.

The Chiefs had their first *Super Rugby* Championship successes in 2012 and 2013, under the leadership of new head coach, Dave Rennie, a former Wellington Lions and Manawatu Turbos coach in NZ's national provincial championship, the ITM Cup. Rennie had previously coached the Lions to a national provincial championship title in 2002, and had won World Under-20 titles with the New Zealand Under-20 team in 2008, 2009 and 2010 before joining the Chiefs in 2012. His success as a coach at the Chiefs was considered to be based as much on his values and integrity as on his coaching expertise and experience.

Rennie, with lineage to the Cook Islands, and of Cook Island Maori heritage, fostered a team/club culture at the Chiefs that harnessed and celebrated the predominant Waikato Maori culture with Pacific Island and European cultures. His teams were noted for their embrace of Maori values, as much as their unity, selflessness and courageous play. They were regarded

as proud ambassadors for rugby, willing contributors to their communities, and highly supportive of their families and their fans. The Chiefs region, encompassing the Waikato, Bay of Plenty, Counties-Manukau, King Country, Taranaki and Thames Valley provinces, also took great pride in their achievements and how the Chiefs conducted themselves on and off-the-field and in their support of local communities. They were widely thought of as exemplars of what could be achieved with shared values, vision and a strong team culture.

Following their successes in 2012 and 2013, the Chiefs failed to make the playoffs in 2014 and 2015, only to be beaten semi-finalists in the following season to the eventual 2016 winners, the Hurricanes. Their last match in 2016 was on Saturday, July 23rd 2016.

Members of the Chiefs squad, whilst disappointed with their semi-final loss, continued with plans for a post-season celebration to take place on the Monday following the SuperRugby final one week later.

The Mad Monday Event

The post-season event for the Chiefs squad took place at the Okoroire Hot Springs Hotel near Tirau, not far from their Hamilton base, on Mad Monday, August 1st 2016, just two days after the *SuperRugby* final on Saturday, July 30th. Most players arrived around 2pm and left by 5.30pm.

Some players arrived by bus, others by car – most in fancy dress costumes. In total, twenty four playing members of the squad attended. Another sixteen were absent, many of whom were senior players, who had gone into camp with the national team, the All Blacks, who were preparing for the Four Nations Rugby Championship involving South Africa, Australia, Argentina and New Zealand (now SANZAAR). Those who arrived first were having drinks at the bar with other patrons, one of whom was Brendan Barracough who was at the hot pools with two friends. As others arrived at the hotel, they were welcomed with various comments before the players moved from the bar to their private outside function area.

The Name Calling

As players arrived at the hotel, one or more players were alleged to have made comments interpreted as homophobic within ear-shot of two members of the gay community who were returning to their car having also had drinks at the bar. The incident and the comments were relayed through social media – and attracted immediate and growing attention from mainstream media and human rights groups. The players were initially unaware of these developments and their celebrations unfolded with drinks and banter.

Brendan Barracough said the Chiefs players, who were clad in costumes and had been having a few drinks at the bar, were friendly and polite at first. But Barracough said when he and his partner left, it seemed that one of the players' attitude suddenly changed and he shouted homophobic comments at them.

"We were coming back up the hill towards the pub where you park, and you could hear someone yelling but you couldn't really hear it" (RNZ, 2016a)

As they got closer, Barracough realised that one player was shouting "Here come the gays, here come the gays!" and other sexually explicit comments, which Checkpoint radio host, John Campbell, later said that he couldn't read out on air!

Mad Monday, Consequences, Reactions and Responses

Monday, 1 August 2016 - Initial Reactions

Just a few hours afterwards, Barracough posted comment about the incident on social media. Interviewed a little later, he branded the player's behaviour as disgusting.

"You get it all the time. Random people say different things, but you get over it and learn to just brush it off. But does that make it okay? No. It just means that I ignore it.

"But there's lots of people who can't ignore it, and get affected by it."

It's an awful thing to hear. I was going to ignore it, but what if it was someone else that heard it. I'm older, I can handle it. What if it was a young guy who couldn't, and went home and topped himself?" (RNZ, 2016a).

The matter soon came to the attention of Chiefs management, the mainstream media, and then the wider public, as the media sought to cover the story and seek reactions from those involved in the incident, and from various parties including Chiefs management, their sponsors, the LGBT community etc.

Tuesday, 2 August 2016 - The Chiefs Sponsor

When made aware of the incident, the Chief's main sponsor, Gallagher Group, responded through its Corporate Services Executive, Margaret Comer JP, NZOM, and a trustee of the Waikato Women's Refuge, who said in an interview with *Radio New Zealand* (RNZ) that Gallagher Group was hugely disappointed by the comments. Comer was responsible for the human resources functions for over 500 staff, policy development and implementation, Born and bred in Hamilton, She had also been a Director of the Chamber of Commerce, Parentline and the President of the EMA Waikato, for two years. She was also on the Board of Waikato Stadium (WWR, 2016).

"Always be ready to put back into the community what you have been privileged to receive"

However, Comer also said she was confident it would be dealt with appropriately, and the Gallagher Group would not "pull" sponsorship.

"Everybody at some stage in their life makes a stupid mistake.

Being unaware of who had been involved, she added that:

"I just hope that this person, whoever it is, receives the correct and appropriate counselling and will face up to what has occurred. It's just not on."

Ms Comer said the player involved needed a crash-course in how to behave.

"One, how to behave as a Chief in the community, and two, about saying those sorts of things. That's blimming 1950s stuff" (RNZ, 2016a; Malone et al., 2016a).

The Player – Admission and Responsibility

Michael Allardice, the player who made the comments at the resort, became aware of the Facebook posts through others during the evening. On reflection, he decided to make a public statement and apology, which was released on the following day, Tuesday, after he had made contact with Barraclough, and had apologised to him. and said his comments were not directed at Mr Barraclough but in jest to a team mate.

Statement from Chiefs player Michael Allardice (Malone et al., 2016a)

"Yesterday while enjoying post season team bonding at a pub and local swimming pool I made a rude comment directed at my teammate. It was said in jest at a team mate and I did not intend to offend anyone.

When I learned of Brendan's Facebook post and comments to media, I realised he was referring to the comments I had directed at my team-mate. I was not aware he was there, or that he had mistaken these comments as being directed at him. They were not.

I have today contacted Brendan and apologised for the offence caused by my inappropriate comments, regardless of who they were directed at. I have expressed to Brendan that I have taken full responsibility for my actions, but I have also assured him that there was no malicious intent in my comments – I wasn't yelling at a stranger to inflict hurt.

I am deeply embarrassed and ashamed of the hurt I've caused Brendan and the wider LGBT community and anyone else who I have offended by my comments. I casually used very poor language and have learned a very big lesson today.

I have chosen to come forward because I believe in being accountable and taking responsibility for your actions, and also because I hope this can be a learning experience for others that homophobic language, even in jest, has wide-reaching and hurtful effects.

I have also apologised to the Chiefs, as my behaviour yesterday does not reflect the values of our team and organisation.

Thank you,
Michael Allardice

Andrew Flexman – Chiefs CEO

Flexman became aware of the incident and Facebook posts on the Monday evening. As he began to investigate what had happened, Allardice contacted Flexman to tell him of his role in the affair.

The following day, when conducting a stand-up media conference on the matter, Flexman indicated that the team were considering what, if any, action would be taken, and that he had, as yet, not spoken to the New Zealand Rugby Union (NZRU) who were the employers, or with the sponsors.

Flexman indicated:

"There is no defending those comments. We all know they were wrong and should not be said audibly in a public forum.

He (Allardice) has learnt it the tough way what should be said in public, but he's a quality young man."

Despite this I would unequivocally say they are an outstanding group of men (Malone et al., 2016a).

Flexman also said that Allardice's comments weren't aimed at Mr Barraclough and his partner but teammates walking behind the pair.

"The comment was directed at two of his teammates who had just entered the venue who were dressed in costume. Michael accepts that the comments that were made were offensive, they were inappropriate.

Michael's hugely regretful about having made them, but it's our position that they were not directed at Brendan."

Later, Flexman and Allardice rang Barraclough separately to apologise.

The NZ Falcons – Gemma Bright, chairwoman

Gemma Bright said it was "disappointing" that casual homophobia was still having to be dealt with in 2016.

"I'm glad that it looks like his fellow players or others around him called him out and said it wasn't acceptable. But when NZR has just signed a commitment to diversity in sport, maybe not everyone actually knows what that means."

"We are glad that he owned up and that he seems to have taken accountability for his actions. And if he wants to come and spend some time with a really great bunch of gay guys he's more than welcome to come down and meet the New Zealand Falcons."

"I'm sure we could teach him something about social justice, and he maybe he could teach us something about rugby" (Malone et al., 2016a).

She said that homophobia in rugby is still a problem.

"It is maybe as not prolific or visible as it has been, but it does still happen. It's often just passed off as casual hi-jinks, but people don't realise that when you have got people who aren't comfortable with their sexuality, or are up and coming in sport and it doesn't feel like a place for them, that can be quite disadvantaging."

Barraclough's Reaction

Barraclough said in an early morning radio interview that:

"They [The Chiefs] were very good. They were on to it, they contacted me very fast and I am quite happy with it."

"It's still on going because they don't know what they're going to do about it yet. But the fact that he's apologised about it is awesome" (Malone et al., 2016a).

The Politician and former Rugby Player

Louisa Wall, an openly gay Member of Parliament, a leading advocate for the LGBT community, and a national representative at two sports, a Black Fern at rugby and a Silver Fern at netball, said that:

"(it was) always disappointing when a public figure held in high esteem expresses sentiments that discriminate and belittle members of our families and communities".

There is no question that the comments are offensive and there is no excuse for making such statements in any public place.

Hopefully, there is a protocol to deal with this behaviour that provides zero tolerance for actions of this nature. We need to eradicate issues of homophobia in sport and this experience provides a good opportunity for (the) NZ Rugby Union and the Chiefs to demonstrate leadership on inclusiveness in rugby" (Malone et al., 2016a).

Wednesday, 3 August 2016

The Gay Community

The NZ Falcons – Captain Jeremy Brankin

In another early morning radio interview, Jeremy Brankin, captain of NZ's only gay rugby team, stated:

"It seems that every few months we're having instances where there's these homophobic comments in an interview, or from players or on the field, or on the sideline, and there just seems to be these apologies and they feel very empty, very token. Maybe the players' management sort of say 'maybe you just need to put out an apology' (RNZ, 2016c).

Brankin stated more needed to be done to curb anti-gay attitudes within the Chiefs team, and the rugby world, and that the Chiefs players should attend a LGBT community meeting, as actions would speak louder than a mere apology. He said the NZRU also needed to prove it was serious about its involvement in the '*Sport For Everyone*' initiative, which aimed to make the sport more diverse and tolerant.

Barraclough

In a media interview on Wednesday, Barraclough expanded on his previous comments, saying it (anti-gay attitudes and discrimination) was a wider problem and he wanted to do and see something that would change attitudes within the entire Chiefs team.

"Get somebody in and talk about all the discrimination that's going on, and what the Chiefs are going to have to be careful with around homosexuality, race, age, all of that. They need to understand that it's not OK to talk like that."

"Some young person out there could hear these comments, or see this person, and this is their role model, and they think 'he's not accepting of who I am'. Or another person thinks, 'He can say those comments, I can say them on the rugby field as well, because if he's doing it why can't I?' (RNZ, 2016c; Weber, 2016).

Having received the phone calls from Allardice and Flexman, read the statement from Allardice and then heard Flexman's comments at the Tuesday media conference that Allardice was

"hugely regretful ... but it's our position that they (the comments). were not directed at Brendan", Barraclough reacted by saying:

"I didn't believe his story, and I've spoken to the two other people that were there and there was nobody coming up the track behind us but, regardless of that, it's a big thing for him to ring up and apologise.

He'll be embarrassed and the fact that he's chosen to be named himself, because I've refused to name who it was all along, that's a big thing and I've accepted his apology" (RNZ, 2016c).

It seemed that Barraclough was as satisfied as he could expect to be. It seemed that the incident and media interest had runs its course. The Chiefs had done what was necessary, and the storm had blown out.

THE PART 2 CASE – MAD MONDAY, 30 MINUTES OF ENTERTAINMENT?

Wednesday, 3 August 2016

The Adult Entertainer - Scarlett

It had not come to anyone's notice that as part of the Mad Monday celebrations, members of the Chiefs squad had hired a stripper to provide an adult performance at their event. However, that was to change on Wednesday evening. The stripper, Scarlett, alleged that she had also been subject to name calling, verbal and sexual harassment and sexual abuse by members of the Chiefs squad. She had been subject to such behaviour before, and she had no intention of making a complaint.

However, when she read, on line, their (Allardice and Flexman) "supposed apology":

"... about the gay slurs, and the back-peddling on that, it just made me very angry, because I knew that wasn't the case, and that it was directed towards them (Barraclough).

And so, I just put in my two cents about what had happened to me that day, as well

I took a hold of it, shared it (on social media). I freaked out, deleted the post, ... and here we are" (RNZ, 2016e).

But deleting the post came too late as news of stripper incident spread fast! Scarlett was pursued by the media. The Chiefs went into action, began an investigation, and late Wednesday evening, a spokeswoman conformed that a stripper had been hired to perform at the Mad Monday event.

Thursday, 4 August 2016

Scarlette

In an interview on RNZ's flagship *Morning Report* programme, Scarlett said that her job included one hour of waitressing plus a strip performance. She said some of the players were "beyond drunk" when she arrived for the performance. She repeated that she had been sworn at, and touched inappropriately, despite being warned not to. She said it was an intimidating job but the players had no respect.

"I had one of the players going through my phone. They proceeded to lick me in places that I don't totally agree with. I felt like I was pressured for that."

I told them not to pull this stuff with me. It's not on. It was a pack mentality."

I made it very clear that I didn't want to be touched, even though I had a smile on my face, it doesn't affect the words coming out of your mouth - that was just me maintaining my professionalism, trying to get out of there safely."

Things escalated. Basically, they wanted me to be a whore, which I wasn't there to be. And when I went to collect payment they short-changed me and basically just made it very hostile and I had to leave immediately, because I was quite upset."

There were players outside when I walked outside – they were alright” (RNZ, 2016d, e).

Andrew Flexman, Chiefs CEO

Flexman confirmed that management were not present when the stripper was performing and would have prevented it if they had known. On the basis of his enquiries up to that point, Flexman questioned the allegations, saying:

“... independent witnesses supported his players’ accounts.”

You have got to remember this is one person’s accusation and her standing in the community and culpability is not beyond reproach”

I don’t think it’s a good look,

Clearly it’s something as an organisation, it’s not good, and it’s not acceptable.”

Scarlette

Scarlette’s immediate riposte to Flexman’s assertion that “independent witnesses supported his players’ accounts” was that:

"Well then they weren't looking, were they? I mean, that's where it turns into a 'he said, she said' part of the argument which I believe is present in any case of sexual abuse, anything like that.

"If my word means nothing, then so does every other woman's word that's ever said anything against someone" (RNZ, 2016e).

The Major Sponsor – Gallagher Group

Spokeswoman for the Gallagher Group, Margaret Comer was forthright in her views, when questioned:

"If a woman takes her clothes off and walks around in a group of men, what are we supposed to do if one of them tries to touch her," Comer told Fairfax.

It's not nice and perhaps the stripper shouldn't have been hired, but I'm reluctant to say that the boys were out of line. ... a stupid damn thing to do"

The Reactions to Flexman and Comer

Women's Refuge New Zealand

Women's Refuge New Zealand chief executive, Dr Ang Jury, described Comer's comments as: "appalling and disappointing".

"She's so far out of line I don't even understand where she is coming from ... this shouldn't have happened. It's the sort of [attitude] we fight off every day.

Maybe it's indicative of what a lot of people in New Zealand think. I hope not."

She said in a Checkpoint interview that being hired to take your clothes was "not a licence to touch".

"It's simply not good enough.

"We need to just knock this sort of stuff on the head, and leave it in the past where it belongs. There's just no place for it anymore."

The Media

The appropriateness of Flexman’s comments were challenged by the media at an early afternoon media stand-up, as questioning of Scarlette’s standing in the community on the basis of her profession, and as an implicit denial “straight off the bat before knowing the story.”

Lizzie Marvally – Celebrity Fan

"So, let me get this straight. His team hired a stripper, then proceeded to allegedly grope her without her consent to the extent where she was forced to use her martial arts training against one of them, and her standing in the community is called into question?

You know whose standing in the community I'm more concerned about? The players who seemed to think that they could allegedly touch, lick and pour beer over a woman without her consent. Or the sponsor who is "reluctant to say that the boys were out of line".

These men are heroes to little girls who call themselves Chiefs fans, and to the grown women who've supported them from the beginning. They are also highly paid professionals who should, frankly, show more respect to the mighty Chiefs who have come before them and to game we all love.

This fan is very disappointed."

Andrew Flexman – Chiefs CEO

Flexman had already reflected on his previous comments relating to Scarlette's standing in the community, and stated that

"whilst to a degree, there was some context, I believe, around those, I have to be honest, and say that I was disappointed with the way they were expressed.

In no way do I take, or as a person and the values that I have, given the vocation that this particular woman is involved in, do I cast aspersions on her as a person as a result of that vocation.

That is just simply not what I believe in.

With respect to his implicit denial of the allegations, he explained that:

"the reality is that we have made no assumptions about anything because we haven't as yet conducted an investigation. As I've alluded to, we will be ... starting ... that this afternoon. We are going to get a sense through that investigation of the facts. We've got varying versions of events, and once we've got to the bottom of things, we will make some decisions accordingly. There's varying versions of events"

Steve Hansen - All Black Coach

In response to media questions about the Mad Monday event and associated allegations, Hansen said there was "no place for them in the modern professional environment."

"I don't know if it's true or not true, I wasn't there. If it's true it's disappointing, if it's not true it's disappointing too because a whole lot of things are coming out of this which are not good for rugby.

The one thing I do know is that it's a massive lesson about mad Mondays. We should kick them to touch, we don't need them."

He said that he had given the All Blacks "a reminder that there is a certain way to behave."

Friday, 5 August 2016

Rob Nichol - NZ Rugby Players Association, CEO

Nichol said he was pleased the NZRU would lead the investigation but did not think it would result in players being dropped.

"I cannot see that, based on the information I've seen," he said.

"Having said that, that's exactly why we go through the process, establish the facts and move forward from there."

Nichol believed that "rugby culture" had come a long way in recent years,

"But you're going to have, every now and again, situations where young men or young people make poor decisions."

He said the players were "feeling the impact" of what had happened.

You can't undo what's happened... The way in which you deal with it is perhaps ultimately a test of character and how you can make good from a situation that is far from ideal."

We accept that as professional players and professional sports teams we have a level of responsibility that is higher than normal members of the public.

The key to us now is that we deal with it appropriately.

We won't let this slide. We won't shy away from this and that's important to emphasise.

We need to use this incident to reinforce the standards of behaviour we expect and be clear that there are things that will not be tolerated. Some bad decisions were clearly made."

The Media - Chris Rattue - NZ Herald columnist

Rattue indicated that he was "absolutely shocked" at the statement from Margaret Comer.

"This is not an issue about what is good for the team. It is about personal rights, and society's attitude to women.

Comer doesn't need to say the Chiefs players are out of line before the results of an investigation are known. But as a general principle, she does need to make it clear that a woman's right to say no must be respected. Under any circumstances.

This is actually one of those reverse situations where a sporting franchise needs to publicly distance itself from a sponsor's statement.

In addition, he said that "the Chiefs have fallen short so far. "

"Their chief executive Andrew Flexman fluffed his early lines.

Flexman's initial response casting doubts on Scarlett's character, because she is a stripper, also displayed what is hopefully an archaic attitude.

Scarlette is ... using sex to make a living, but she has the right to draw boundaries, and to be respected when she says no. Whatever the investigation's outcome, we need to hear some Chiefs players make it clear that they understand and wholeheartedly support that.

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Margaret Comer – Gallagher Group Corporate Services Executive, Chiefs Director

Given time to reflect on her initial comments that that hiring a stripper was a "stupid damn thing to do", Comer said that she was "regretful":

"I feel terrible that my poor choice of words have caused hurt and alarm. I am even more regretful given that I have always been passionate about championing causes and organisations that improve our communities both professionally on behalf of Gallagher's philanthropic efforts and personally on a number of not-for-profit boards.

"I most definitely do not condone any kind of mistreatment of women and am extremely regretful that my words yesterday do not reflect the high standard I expect of myself and those I am associated with."

Roni Albert - Waikato Women's Refuge Te Whakaruruhau

Ms Albert spoke in support of Margaret Comer who was subject to criticism for her initial comments especially since she was a trustee of the Waikato Women's Refuge, saying that "For me, it's not what Margaret's belief (really) was."

Ms Roni said that) was" apologised to Scarlett, and for harm following the comments of Waikato Women's Refuge Comer's comments.

"To the men who were involved in this incident we would like you to know that we believe the behaviour to be reprehensible and that you have a responsibility to ensure that it never happens again. It is not time to hide or point the finger but to stand up as the brothers, fathers and sons we know you to be and to redress this wrong."

Scarlette

In a Friday interview on *Checkpoint with John Campbell*, Scarlett added to her previously stated reasons for going public with her allegations.

"If I could help one girl from going through the same things. Honestly, that would be enough – just raising awareness, and just letting people know that it's not OK, and you can speak out and be heard" (RNZ, 2016 f, g).

Friday, 5 August 2016 - A Third Incident Emerges from the Past

On the same Friday, a second stripper, "Laura", emerged with further allegations against Chiefs rugby players at the 2015 Mad Monday celebration. - claiming they touched her inappropriately and called her a "filthy slut".

She had met with the police, and contacted *MediaWorks radio network* to outline her similar claims – that she had been touched inappropriately.

"They were just full on. I was trying to dance and they are all surrounding me and I asked them several times to back off – "I need space," "They ended up spitting alcohol, beer all over me.

I'm trying to dance and they're in a tight circle and I can't move - everyone in that circle's just grabbing, just putting their hands in" (Kerr, 2016).

She said the players called her names, including "filthy slut", and after "three songs", she'd had enough and left as "quickly as possible".

Saturday, 6 August 2016

Cecilia Robinson - Chiefs Sponsor, My Food Bag, CEO and founder

Robinson said the players' conduct was unacceptable for a professional team.

"We have asked for an investigation into this matter and our continued support of the Chiefs and the individual players we support will depend on the outcome of this investigation" (Wynn, 2016).

Strippers R Us – Scarlett's Employer

Scarlette worked as an independent contractor for two adult performance organisations. Strippers R Us manager, Rachel Kirk, confirmed that Scarlett had been removed from the organisation's website – denying her further employment with the organisation. Although Scarlett was not employed by Strippers R Us for the Mad Monday event, Kirk said:

"I run a reputable company and I don't want anyone working for me who will provide extras for \$50, including ... licking.

We provide a service and what she did was not part of what we do at Strippers R Us. It was stepping over the line.

I have a reputation to protect and there are plenty of girls around. What we don't want is to give our industry a bad name" (Wynn, 2016).

Sunday, 7 August 2016

The Media - Gregor Paul, NZ Herald

Gregor Paul (2016a) provided a different perspective on the affair, redirecting attention from the players to management. He said that:

"The role of management also has to be put under scrutiny. While there is corroboration that no Chiefs management or support staff were in attendance, they did, however, know there were plans for the players to have a mass get-together to farewell the season.

And it's in knowing but choosing not to take control that the Chiefs management is likely to be adjudged to have failed when the investigation is complete.

He implied that:

"for management not to have taken responsibility to ensure the planning was appropriate and reasonable was the second-biggest mistake of the night."

He said that there is a legitimate expectation that players should be able to enjoy themselves and unwind after a long and demanding campaign.

However, he also suggested that "history has shown the lid can blow off with spectacularly bad consequences if it is allowed." As a consequence, he also suggested that "post-season celebrations are best advised to be in controlled environments with ample supervision."

Cushla Wood – Manager, Okoroire Hot Pools Hotel

Wood said that on arrival, the players in Superman, Leprechaun, Ninja and Storm Trooper costumes mingled with other guests in the bar, drinking and playing pool and "no player stood out as being drunker than the other."

"if someone was getting a bit loud, someone would steer him outside or the back of the bar and quieten them down, then they'd come back. Nobody was getting carried away or falling all over the show."

I don't have any problems with the Chiefs, they are welcome back here. But not with a stripper.

The Chiefs players were tamer than a Friday night.

Referring to Scarlett, she commented that:

"My husband said he saw her at the bar talking to the players and didn't look worried at all. I was told she was in the bar afterwards having a couple of drinks before she left" (Meng-Yee, 2016).

Monday, 8 August 2016

The Chiefs Statement on Facebook

One week after the Mad Monday incidents, Chiefs management posted a clarifying statement on Facebook:

"We have always prided ourselves on the values and behaviour of our team and like you, we are disappointed and concerned by the allegations we are hearing.

There is an investigation under way, which is being led by New Zealand Rugby, regarding the allegations that have been made.

We welcome the investigation as given the varying accounts of what occurred it is important for both the players and the women involved that we establish exactly what happened" (Chiefs, 2016b; NZ Herald, 2016b).

They indicated that the Chiefs would make a decision about whether any further action would be undertaken once the investigation was completed.

"While we understand it is frustrating for the fans, sponsors, stakeholders, players and their families, it is important that the investigation process be respected by everyone involved.

The Chiefs have a set of organisational values around accountability and authenticity, and we remain incredibly proud of the hard work and success the Chiefs have had. This success has been widely recognised by others and our players have been a huge part of building that.

Given the nature of the allegations we are hearing, as a management team we have a responsibility to our fans, all the members of our organisation, our sponsors, stakeholders and the players, to look at the behaviour of our team to ensure we live up to our values at all times."

"It is important that our players, as role models in our society, live up to the high standards you expect of them. As a management team it is our role to make sure our players are the best they can be both on and off the field."

THE PART 3 CASE – MAD MONDAY, NO END IN SIGHT

Wednesday, 7 September 2016

Findings of the NZRU/Chiefs Investigation of Allegations relating to Mad Monday

The outcomes of the investigation were released at a Media Conference led by NZRU Chief Executive, Steve Tew, following explanation of the conduct of the investigation (RNZ, 2016h). Tew stated that the investigation was conducted by the general counsel at the NZ Rugby Union - a very experienced legal practitioner in employment law. He stated that his work had been very thorough, and the NZRU were satisfied that the conclusions reached, are valid and realistic.

Offering thanks to all who took part in the investigation, he said that many requested that they not be publicly identified.

"We have taken some confidence in the conclusions from the clear and unbiased account of some of the independent witnesses, and also of those players interviewed, some of whom had been drinking, and some of whom who had not.

The investigation found that the allegations made publically are not substantiated by the witnesses' accounts, and as such, we will not take action against any individual players.

But we are far from satisfied that as a collective, that our players are blameless. The found themselves in this position as a direct result of a decision to engage a form of entertainment that is completely inappropriate for a professional rugby team.

As a result, we have today issued the Chiefs players with a formal caution that will sit on their record. This leaves a black mark on rugby and on the Chiefs, in particular.

We are deeply embarrassed in dealing with this matter, and we have made our views very clear to the Chiefs and to the players.

It is important to note that from the outset the investigation was not about the woman at the centre of these claims, and our focus, quite rightly, was on the conduct and choices of our players, and the management structure we had behind them.

We will now work with the Chiefs and the Players Association to determine how they can best rebuild the public's confidence in them, and we are sharing our learnings with our other teams.

As for post-season celebrations, we shall be issuing strong warnings to other teams, and they have responsibilities for how they conduct themselves.

"While the investigation concludes that the balance of the evidence, based largely on independent witnesses, strongly supports a finding that the alleged sexual assault did not take place as reported in the media, we are far from satisfied that players should not bear some culpability for the harm done to the game, to the Chiefs brand, and to their families" (RNZ, 2016h).

Tew expanded on his summary:

"We are far from satisfied that a group of our professional players would in engage this type of entertainment, We are far from satisfied that they then allowed this entertainment to take place, in effectively, a public space, and we are far from satisfied that we had sufficient structures in place, ourselves, to stop this happening in advance of it occurring. So we've got work to do, as well.

The allegations were very serious. It is worth noting the police have taken no further action. Certainly, we could not corroborate any of the allegations that were made, other than the

performance took place, which, as far as we are concerned, for us is enough to caution all these players – which is quite a serious move.

I'm not going to second guess what happened. – My very senior general counsel in this organisation interviewed over 15 people, nine of whom are independent, and he has not been able to confirm any of allegations.

The routine took place, the woman was paid to dance, she danced

They have been cautioned because they made a poor decision in hiring this form of entertainment that as a group of players that could be recognised as the Chiefs.”

In summary, it was noted that:

- No complaint was laid with police and police are not pursuing either incident
- The discrepancies between the reported accounts of both women, and those of the players and independent witnesses could not be reconciled in a number of key respects
- The allegations of sexual assault, were strongly denied by players, and were not substantiated by the witnesses' who did not see players touch, throw anything or pour alcohol on any women at either celebration
- Nine independent witnesses to the performances were interviewed and gave statements that were considered genuine and credible
- Players organised the end-of-season celebrations including the entertainment
- Chiefs management were not involved in the celebrations or their planning and did not ask for details, but did advise players to be responsible
- At both functions, some players were intoxicated to varying degrees, and some – designated as minders for those drinking – were sober

Andrew Flexman – Chiefs CEO (RNZ, 2016h)

“We accept the findings and recommendations of the NZ Rugby led investigation which has found the allegations of sexual impropriety unsubstantiated.

However, these events have brought some really serious matters to our attention which certainly need addressing. We need to deal with the fact that our players were in this position in the first place, and that no one stepped in to stop the performances.

We also recognise that the celebrations did not have appropriate levels of management oversight or supervision.

There is no doubt that these issues have put our organisation in a vulnerable position, and we are sorry to the people that we have let down as a consequence.

In terms of the players involved, they have collectively accepted responsibilities for their poor decision making.

We have apologised to our supporters, sponsors, their work colleagues, and are really committed to restoring confidence in our club.

Now that the investigation has been concluded, and the facts established, we need to work really, really hard on restoring lost ground, and returning our club to the heights it has enjoyed in recent times. This will involve working alongside NZ Rugby and the RPA on the implementation of guidelines right across our game to ensure we do not get a repeat of these incidents – and that work is already underway.

Internally, we will commit to ensuring these functions are much more aligned with our organisational values. We plan to work through a series of plans with management, our players and our sponsors to reinforce this.”

Response of Dave Rennie, Chiefs Coach

Whilst Tew was “adamant that a formal caution was an appropriate response from NZR and sent a very clear message ... not only to the Chiefs, but all the professional players in this country”, Rennie's view was that:

"What it'll highlight is they're just normal Kiwis who make mistakes and unfortunately with our guys, you're in the public arena all the time and anything you get wrong, you get exposed for it," said Rennie.

"It's a lesson in regard to that and if you have a celebration behind closed doors and no-one knows what goes on, then that's where it ends regardless of what happens. That's the cross you bear being a professional athlete" (RNZ, 2016h).

Rennie said all the Chiefs franchise wouldn't be defined by this incident and the good community work done by the players wouldn't be forgotten.

"In the end, people will make their own minds up. I've spoken to a lot of people out there who've already moved on.

"We don't call it Mad Monday, but people saw it as a celebration that wasn't applicable. In the end there will be certain people we want respect from and there'll be others out there who, regardless of what we do or say, will look for an opportunity to put the boot in" (RNZ, 2016h).

Message to Fans from the Chiefs

Message to fans from CEO Andrew Flexman

The Chiefs accept the NZ Rugby investigation findings released today, which found the allegations of sexual misconduct by players at post season events in 2015 and 2016 were not able to be substantiated.

While we are pleased the allegations are unsubstantiated, it was important the issues were brought to our attention.

As a club we understand the importance of dealing with the fact players were even in that position to begin with. It is also clear that for us to allow end of season celebrations to go ahead without management oversight was unwise and put the entire organisation in a vulnerable position.

We have an expectation of our players around celebrating responsibly and not engaging in behaviour or activities which do not reflect the Chiefs values. On both occasions clearly some of the decision making around the events was not in keeping with those values.

Management was aware of the end of year celebrations but were not aware of the itinerary, nor did we ask for detail of the planned events.

We know not all of the players were drinking, or involved in the events. However, what happened at both events and the fact others didn't step in to stop it, is something that as a club we have had to deal with the consequences of.

The players have collectively accepted responsibility for their behaviour and have apologised for the impact it has had.

We don't want to stop players celebrating as a team, but it's important we do that responsibly, so we will be implementing guidelines around how future events are run.

We'd like to thank our fans for their understanding and support through this challenging time.

Message from Head Coach Dave Rennie.

As a club we have worked really hard to build a strong culture and this team would be the best group of men I have ever worked with. Their willingness to connect with the community and charity organisations is something we are really proud of.

There were poor decisions made post season. We have to accept responsibility for that and put in processes that will ensure this doesn't happen again. Based on the work we have done in our community, we hope this doesn't define us.

THE PART 3 CASE – RESPONSE TO THE FINDINGS / CONDUCT OF THE INVESTIGATION

Thursday, 8 September 2016

The Entertainment Industry Scarlette

In a written statement, Scarlette said she was disappointed with the outcome of the investigation, but not surprised.

Rachel Kirk - Strippers R Us, Managing Director

"I do question that it was all the team, all their management and their lawyers against one girl.

"I don't believe for a second that none of it happened [to Scarlett] because I've seen where things can go before in that situation. One random girl in a group of guys who have been drinking for hours.

It was always going to be a "she said", "they said" situation (Weber, 2016b).

The Sponsors

Cecilia Robinson - Chiefs Sponsor, My Food Bag, CEO and founder

On learning the outcome of the investigation, My Food *Bag* withdrew as a Sponsor of the Chiefs, and would donate the equivalent sponsorship fee to *Women's Refuge*. Cecilia Robinson, the founder, said the team's "conduct at the post-season event was insupportable and does not reflect the values of My Food Bag, its staff or the thousands of families that My Food Bag serves each week" (Weber, 2016b). However, the organization would continue to sponsor a four of the team's individual All Blacks.

Margaret Comer - Gallagher Group, Corporate Services Executive

Ms Comer confirmed the company would continue to sponsor the Chiefs and it had no plans to end their partnership.

"We support the findings, we are happy with the process that was followed and really other than that we have no further comment."

Lion Nathan

Spokesman Ben Wheeler said that Lion Nathan would still support the team, but that the company was not impressed with their behaviour on the day in question.

"Clearly the behaviour demonstrated at the post-season celebrations was not acceptable and is very disappointing. It does not align with Lion's values, or the values we expect of our sponsorship partners, and we have made that position very clear to the Chiefs.

We welcome the action taken by New Zealand Rugby to ensure that the culture that enabled such behaviour is addressed, particularly the development of protocols around celebrations for rugby environments, and the development of a respect and responsibility programme" (Weber, 2016b).

The Politicians

Prime Minister, John Key

"I'm sure in the cold light of day, not only the Chiefs, but probably the rugby football union has learned quite a few lessons through this.

"And I think the Chiefs would be very disappointed in their behaviour" (Walters & Sachdeva, 2016).

John Key said the Chiefs didn't behave properly and the team, as well as other rugby organisations, needed to take a step back and learn from what had happened.

"We're brought up in New Zealand to have respect for women and what looks to be the case in this particular instance is that that wasn't on display."

Poto Williams - Labour MP

Ms Williams believed that the NZ Rugby Rugby could have taken stronger action against the Chiefs, and had now "left the door open" for future misbehaviour.

"It seems as though they've kind of left the door open for antics like this to happen in the future," she said.

Once you just start to leave the door a little bit open, it means that you're providing an opportunity to say there's not much to see here and let's go away, and that's not the case because we really need to [say that] disrespecting anyone in our community is not on.

"One was hoping there would be a better outcome. It was a great opportunity to address how men treated women, but it was missed" (Sachdeva, 2016).

The behaviour of Chiefs players was "completely out of line" with their stance as role models, and a concern given their good work in the past.

"If we think about the stance that the Chiefs had a few years ago, they were outstanding champions in the area of family violence and were fully participant in the It's Not OK campaign, and they seem to have really fallen off that wagon, so to speak."

Jan Logie - Green Party women's affairs spokeswoman

"They've set up a process that you could describe as bogus and at the end of it said that this woman has misrepresented the situation, which is again putting her in a really terrible situation.

"Not only have they missed the opportunity to apologise to this woman who was treated badly...but they've also gone public and kind of made it worse."

"Stripping *per se* is not bad, but people not being able to do their job safely is bad..

"We have very high rates of violence against women in this country and we have had far too many public cases of women coming forward with concerns around their safety being publicly sacrificed for speaking out, and sadly I think this is another example of that."

Social Cause and Rights Advocates

Jackie Blue - Equal Employment Opportunities Commissioner

Dr Blue commented that provincial rugby unions throughout New Zealand were doing a much better job than the national organisation (NZRU) of inspiring and unifying all people that support the sport. Commenting on the process of the investigation, she said:

"The internal investigation into the incident involving Scarlett and members of the Chiefs rugby team has highlighted to all New Zealanders that NZ Rugby's judiciary process is not appropriate for dealing with issues of integrity, mana, respect and basic personal rights.

It went off the rails completely. The first error was obviously not having independence and doing their own internal inquiry conducted by a paid employee.

It really means the inquiry failed, it absolutely failed.

There should have been some strong recommendations about the process, about the management, about the fact there's a woman who felt so unsafe that she went public.

If you're going to ask the same questions of the same people, by the same person, you're going to get the same result."

We have no names [of people involved in the investigation], we don't know what kind of questions were asked, we know none of this."

NZ Rugby has previously refused to take up offers of support and expertise from external parties with these sorts of investigations. Until they do, these investigations will continue to produce the exact same results.

The open letter is about letting NZ Rugby know that enough is enough and we want them to take us up on our offer to support them through this process.

As much as New Zealanders love rugby - we need New Zealanders to respect women" (Stuff, 2016c).

Dr Blue had previously offered advice and support to the Chiefs directly and urged them to do an independent inquiry after news of the incident broke. One of the first people she would have told them to contact would have been sexual assault victims' advocate Louise Nicholas.

"They [were] obviously getting on with their inquiry, didn't feel that they needed our support, so we just left the matter."

#Love Rugby Respect Women – Human Rights, Equal Opportunities and Women's Rights Movement

**LOVE RUGBY.
RESPECT
WOMEN.**



Human Rights Commission
Te Kāhui Tika Tangata

An open letter, *#Love Rugby, Respect Women* was launched online at 5pm on Thursday, 9 November, 2016, and by 9.45pm, encouraged by the Human Rights Commission, it had attracted 2500 signatures.

Dear New Zealand Rugby management and board members

Right now, thousands of New Zealanders are questioning the culture of our country's favourite sport and those in charge to do better.

We are writing to you publicly in the hope that you will listen to our calls for you to act with courage.

The internal investigation into an incident involving a woman called Scarlett and members of the Chiefs rugby team has highlighted to all New Zealanders that NZ Rugby's judiciary process is not appropriate for dealing with issues of integrity, mana, respect and basic personal rights.

We are offering our expertise, experience and support. Louise Nicholas has been working alongside NZ Police to successfully enhance their internal culture for some time now. We encourage you to do the same. Dr Jackie Blue offered to assist a month ago and this offer still stands

Rugby is like a religion in New Zealand, with players worshipped by young kiwis throughout the country. NZ Rugby could not operate without thousands of women volunteers and players in clubs and towns across the country: we must address the culture that exists from the top down and set the right example, particularly for our young New Zealanders.

Now is the time for you and those involved in the incident with Scarlett to be courageous and to take personal leadership on an issue that we can all work on addressing together.

As much as New Zealanders love rugby - we need New Zealanders to respect women.

We look forward to hearing from you

#LoveRugbyRespectWomen

Signed,

- | | |
|---|--|
| • Dr Jackie Blue, EEO Commissioner | Dame Susan Devoy, Race Relations Commissioner |
| • Louise Nicholas, Sexual Violence Survivors Advocate | Prue Kapua, President, Maori Women's Welfare Lge |
| • Barbara Williams, National Council of Women | Caren Rangī, National President, P.A.C.I.F.I.C.A |
| • Nive Sharat Chandran, Co President YWCA of Aotearoa NZ | Sina Wendt-Moore, Co President, YWCA of A NZ |
| • Monica Briggs, CEO, YWCA | Karen Johansen, Indigenous Rights Commissioner |
| • Jan Logie, Member of Parliament | Ruth Dyson, Member of Parliament |
| • Catriona McClennan, Barrister & Social Justice Advocate | Tracey Martin, Member of Parliament |
| • Leonie Morris, Auckland Women's Centre | Eileen Brown, Council of Trade Unions |
| • Dr Kim McGregor QSO, Director of Tiaki Consultants. | Sue Kedgley, UN Women |
| • Vicky Mee, Business and Professional Women | Jane Drumm, Shine |
| • Erin Polaczuk, PSA | Deborah McKenzie, Inner City Women |
| • Christine King, President, Pacific Women | Denise Ritchie, Stop Demand |
| • Dr Janette Irvine | |

Response of Steve Tew, NZRU Chief Executive

In responding to the Human Rights Commission letter, Tew acknowledged that "recent events show we have not got it right" (Stuff, 2016c).

"Despite all we are doing in this area, recent events show we have not got it right, so we will talk with the commissioner on what more we could do,"

He said that NZR would speak with Blue "as a priority on what more we could do".

"By way of context, in recent years, New Zealand Rugby has ramped up programmes that provide education for players as they enter our environment," Tew said.

These include our induction programmes for professional players which deliver modules relating to risk awareness and their heightened responsibility as public figures, social media, healthy relationships and mental well-being. We are continuing to expand on this work, and are developing a respect and responsibility education programme focused further on healthy relationships and consent issues.

Friday, 9 September 2016

Reaction of the Media - Dominion Post Editorial (DomPost, 2016)

OPINION: Rugby's confused and biased approach to investigating what happened at a post-season function for the Chiefs is a disgrace.

It supports all the worst clichés about the sport, from the matey, closed-off style of its ruling fraternity, to a lack of respect for women and outsiders.

At issue, remember, is whether a woman was sexually harassed or assaulted at the Waikato team's "Mad Monday" party, as she said that she was.

New Zealand Rugby's response was to ask its own in-house lawyer to run an investigation. The person's "seniority" in the legal profession and employment law experience made him a suitable choice, NZR boss Steve Tew has suggested.

Yet that is wrong. In fact, the lawyer's position at the heart of rugby's governing body made him a foolish choice. However flawless his inquiry, his acquittal of the players, revealed this week, would always be seen as a foregone conclusion.

Even if this were an acceptable process in a normal employment environment, NZ Rugby is no ordinary employer, and more was at stake here than whether the players had breached their contracts.

Tew also claims that **NZ Rugby has been "incredibly transparent"** about the episode. **That is not right either.** The lawyer who ran the inquiry did not emerge to talk about it, and neither did any players. Independent witnesses rejected the woman's story, we are told, but how independent they were remains unclear. How did they join the party?

NZR's public statements have been a **model of distraction.** The woman received a sort of mumbled apology, but for what? Not for any misbehaviour. Perhaps for being hired at all, Tew seemed to say. That is an odd thing to apologise for.

As for the players, the stern but irrelevant message was that it was disappointing that they had hired a stripper. **Yet that is not what is at issue.** Rugby players and strippers are hardly a novel combination.

Last year, the All Blacks partied till dawn at a London strip club called Platinum Lace after winning the Rugby World Cup. A month later, Waikato's provincial team took the Ranfurly Shield to a Hamilton strip club.

Neither team was censured. The Waikato Union's boss said he had no issue with the trip, as the shield had "been in a lot of worse places".

A proper inquiry may not have meant a different outcome. It, too, may have found that nothing wrong happened, or that the evidence was lacking. The men's guilt is not assured, despite what some believe.

But **at least it would have been a transparently serious attempt at uncovering the truth.** Instead it was left to sponsors to point out how unsatisfying the process was.

The inquiry wasn't even thorough enough to be dismissed as a whitewash. This was a missed opportunity for rugby to drag itself into the modern world.

NZ Rugby's investigation into the Chiefs' stripper scandal, with no punishments beyond a formal caution handed out to players, after it found Scarlett's claims to be unsubstantiated

New Zealand Rugby boss Steve Tew says the inquiry into events at a Chiefs celebration has been "incredibly transparent".

Fiona McNamara - The Sexual Abuse Prevention Network

Ms McNamara offered a view that:

"That all ... of these incidents have been raised at once shows clearly that the Chiefs have a culture problem" (Stuff, 2016c).

Ms McNamara thought it was inappropriate for the investigation to be carried out by the general legal counsel for NZR. She also believed that Scarlette should not have been the final person interviewed, as it meant her full account could not inform questions put to the "independent witnesses".

"The imbalanced power structures in this case imitate the larger, society-wide responses we see to sexual violence," she said.

In her view, groups holding powerful positions often close ranks, have access to powerful lawyers, public relations managers, and enjoy hero status.

"These privileges are not shared by Scarlette, or other victim-survivors of sexual violence."

She also thought that the collective warning to all Chiefs players could act to diminish personal accountability for gendered violence.

McNamara said it was good, nevertheless, to see New Zealand Rugby admitting "it had dropped the ball" and it now had the opportunity to take the lead in "transforming harmful sport culture".

She hoped that this would result in NZRU engaging in:

"a robust review of policies and procedures around respectful relationships, as well as taking a critical look at the sport-wide culture towards consent" (Walters & Sachdeva, 2016).

The NZRU's Commitment

Steve Tew, NZRU Chief Executive

Following Tew's promise the previous day to talk with Dr Blue, he reported on meetings that had taken place, with Sexual Abuse Victim Advocate, Louise Nicholas and Equal Employment Opportunities Commissioner Dr Jackie Blue. He welcomed their help. Tew had taken the opportunity to take Dr Blue and Ms Nicholas through the Chiefs investigation process (NZ Herald, 2016c).

"They accepted that there was no need for the inquiry to be re-litigated by us.

We, the NZRU, also remain willing to help the police in any way we can and that includes making available the report our senior counsel has prepared.

Rugby has an important place in our community. Women, young and old, as players, supporters, parents and volunteers, are at the very heart of our game. Recent events show that attitudes among some of our people towards women leaves a lot to be desired.

These views let rugby down. Today we are reaffirming our commitment to ensuring all our players know what's expected of them in the professional game.

We're already doing a lot of good work in this area, but clearly we need to do more.

We're absolutely committed to ensuring our programmes underline the importance of healthy relationships and respect for women.

We know Louise and the Human Rights Commission have a lot to offer in this area and we look forward to cooperating with them in the future to improve our education for the rugby community.

For the past year we have been developing a respect and responsibility education programme in association with ACC focussed further on healthy relationships and consent issues. This week we began advertising for a Respect and Responsibility Manager to spearhead the project."

With respect to the woman who made the allegations, Tew said:

"Scarlette has no wish to see the events surrounding the Chiefs' end-of-season celebration re-investigated, either by New Zealand Rugby or any other agency.

She did not make a complaint to the police at the time and she does not intend to make a complaint to the police now.

She wants to be left alone and, once again, she asks media to respect her privacy."

We tried very hard to talk to Scarlette at the beginning of this inquiry. We talked to police, Victim Support, and a range of other people and it wasn't until the very end that she was prepared to speak.

But actually she couldn't tell us anything that she hadn't already said on television."

Tew was firm in his view that the Binnie report reflected the "truth of the situation".

"We got to the truth of why happened around the Chiefs 2016 event."

With respect to the process, Tew said:

"I am completely satisfied we did enough to find the truth, but given the very sensitive nature of what we were doing, we weren't very transparent with the findings," Tew said.

I remain comfortable that the work we did is fine.

[With] the benefit of hindsight it might have been easier for people to believe us if we had brought someone from the outside to sit alongside us."

Rob Nichol - NZ Rugby Players' Association, Chief Executive

Rob Nichol, chief executive of the New Zealand Rugby Players' Association, said the players involved were really disappointed by the allegations when they came out.

"The allegations were really serious and embarrassed the players, and surprised the players, because it was ultimately their decision which led to an environment which the allegations subsequently came from," said Nichol.

"From a players perspective, we made it very clear early on that we would cooperate.

"The guys have received a formal caution and they've accepted that. They know they made a poor decision and they want to learn from it and help put things right" (Stuff, 2016c).

Saturday, 17 September 2016

A Surprise Revelation - The Bus Driver

A 70-year-old bus driver confirmed to the *Herald on Sunday* that he was the man who touched the entertainer "Scarlette" at the centre of the Chiefs' Mad Monday scandal, saying he is sorry it happened.

"I didn't intentionally want to do anything that she didn't want".

"I would never have done that if I knew she was going to be upset."

"I went down to see if they were ready and they said come in and then they got me to sit in this chair for her to give me a lap dance" (NZ Herald, 2016d).

He said he was not told he couldn't touch Scarlette, so thought what he did was acceptable.

"She kind of did a backward flip and ended up with her legs around my neck kind of thing," he said." They [the players] were standing around shouting out, encouraging me."

It was reported that the man said he briefly licked Scarlette and she then flipped back and kept dancing.

She then got partially dressed and walked around chatting to the players before packing up.

"She came up and gave me a hug and a kiss and gave one of the other players a hug. She didn't seem upset at all."

The contact with the bus driver followed the *Weekend Herald* viewing of part of the investigation's preliminary report based on the witness statements.

The report had revealed (NZ Herald, 2016e):

- That it was a man associated with the team who touched the stripper, after the players paid an extra \$100 for the stripper to perform for him. And according to the report, the man said the

stripper laughed and hugged players after her performance, and hugged and kissed him on the cheek.

- The report said players called the contract worker into the function and negotiated the deal for Scarlett to dance for him.
- The report said the stripper asked the players for an extra \$50 payment because the man had licked her, before agreeing to receive the original agreed amount.
- Independent witnesses said in the report they were "adamant" they did not see any players throw gravel or alcohol at the stripper, expose their private parts, lick or grope the stripper or chant for her to perform sex acts on them.
- The report outlined how Chiefs management initially told players they could not use their clubhouse for Mad Monday celebrations because of damage caused to property by players the previous year. Players were later told they could use the clubhouse for the first hour of the event.

EPILOGUE

Wednesday, 9 November 2016

The Outcomes of NZ Rugby's Dialogue with Social Cause Advocates

Following ongoing discussion with Dr Jackie Blue and other Women's Rights advocates, about the need for rugby, as a whole, to address attitudes to women, gays, minorities and violence, the NZRU decided to engage in what was termed a *respect and responsibility review* of the national game.

It appointed Kathryn Beck, president of the New Zealand Law Society and an employment lawyer, to head a nine-person panel charged with examining "the quality and effectiveness of the NZR's current policies, procedures, and programs, and to help improve and further build a culture of respect and responsibility in professional rugby environments" (Skipwith, 2016).

The panel was constituted All Black rugby icons, Michael Jones and Keven Mealamu; double Olympic canoeing champion, Lisa Carrington; former World Anti-Doping Agency head David Howman; former All Blacks doctor Dr Deb Robinson; New Zealand Cricket and Hurricanes board member Liz Dawson; Sport New Zealand board member; former netball administrator Jackie Barron; and HR and communications executive, Kate Daly.

Tew said that a preliminary report was scheduled to be provided to the NZR board in April 2017, with the final recommendations expected in May. He said that policies and programs relating to drugs and alcohol would also come under the microscope.

Beck believed education around all of these issues could begin at the lowest levels of junior rugby.

"The sooner you start appropriate messages the better.

"Drugs and alcohol, we've seen that in some of the recent events, is certainly an issue that we need to look at.

"There are some good policies in place around drugs and alcohol already, the question is what's happening underneath that" (Skipwith, 2016).

Thursday, 18 December 2016

Barbara Chapman – ASB Bank Chief Executive, NZRU Sponsor

Speaking at the annual NZRU gala awards event, Chapman said before a black-tie audience:

"As a New Zealander, and a woman, I share with you the joys and highlights of the game but despair at the controversy which can engulf the sport we all love.

In many ways, rugby is a microcosm of New Zealand society; so much good and positive work is done by the rugby community and yet, just like New Zealand society as a whole,

there is always more work to be done around building diversity and ensuring people from all backgrounds feel included and valued."

Rugby, as well as being something we love, is a lightning rod for everything which is good, and a few things which are not good, about New Zealand.

As a nation we feel that rugby represents us and we want to be proud of it. As a sponsor our team at ASB aligns with what is best about rugby, and we feel bad when that standard is not met" (Burgess, 2016).

REFERENCES

- Burgess, M. (2016). All Blacks sponsor: 'I despair at the controversy'. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11768400, 16 December, 2016.
- Chiefs. (2016b). Chiefs Statement. *Facebook*. Retrieved from: <https://www.facebook.com/chiefsrugby/posts/10154372981617210>, 8 August, 2016.
- Dominion Post (2016d). Editorial: Rugby's inquiry into the Chiefs scandal is no reassurance. Retrieved from: <http://www.stuff.co.nz/dominion-post/comment/editorials/84052527/editorial-rugbys-inquiry-into-the-chiefs-scandal-is-no-reassurance>, 9 September, 2016.
- Feek, B. (2016b). Two sponsors terminate Chiefs agreement after stripper scandal. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11705389, 8 September, 2016.
- HRC (2016). Love Rugby. Respect Women. Retrieved from: <https://www.hrc.co.nz/news/update-love-rugby-respect-women-open-letter/>, 09 September, 2016.
- Kerr, F. (2016). Police confirm contact with Chiefs stripper. Retrieved from: <http://www.stuff.co.nz/sport/rugby/82881350/Police-confirm-contact-with-Chiefs-stripper>, 5 August 2016.
- Malone, A., Pearson, J. & Van Royen, R. (2016a). Chiefs forward Michael Allardice admits anti-gay slur at post season party. Retrieved from: <http://www.stuff.co.nz/sport/rugby/super-rugby/82713817/chiefs-apologise-launch-investigation-into-alleged-antigay-slur-at-post-season-party>. August 2 2016.
- Meng-Yee, G. (2016a). Chiefs and stripper: Players dressed as Superman, Jesus, storm troopers. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11689646, 8 August, 2016.
- NZ Herald (2016c). Steve Tew: Louise Nicholas to help NZ Rugby. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11706809, 9 September, 2016.
- NZ Herald (2016d). Chiefs rugby scandal: Bus driver admits touching stripper. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11711892, 18 September, 2016.
- NZ Herald (2016e). New details emerge in Chiefs' stripper scandal. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11711414, 17 September, 2016.
- NZ Herald. (2016b). Chiefs stripper scandal: Management speaks out over sexual assault allegations. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11689426, 8 August, 2016.
- Paul, G. (2016a). Rugby: Stupidity spoils the party. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11688624, 7 August, 2016.
- RNZ (2016a). Chiefs player apologises for homophobic slur. Retrieved from: <http://www.radionz.co.nz/news/national/309989/chiefs-player-apologises-for-homophobic-slur>, 2 August 2016.

- RNZ (2016b). Chiefs CEO responds to claims of homophobic comments. *RNZ Checkpoint*. Retrieved from: http://www.radionz.co.nz/audio/player?audio_id=201810899, 2 August 2016.
- RNZ (2016c). NZ's only gay rugby team wants Chiefs to front up to comments. *RNZ Morning Report*. Retrieved from: http://www.radionz.co.nz/audio/player?audio_id=201810655, 2 August 2016.
- RNZ (2016e). Stripper for Chiefs rugby team denounces her treatment. *RNZ Morning Report*. Retrieved from: http://www.radionz.co.nz/audio/player?audio_id=201810655, 4 August 2016.
- RNZ (2016f). Police speak to woman at centre of Chiefs controversy. *RNZ Checkpoint*. Retrieved from: http://www.radionz.co.nz/audio/player?audio_id=201811052, 05 August 2016.
- RNZ (2016g). Police speak to woman at centre of Chiefs controversy. *RNZ Checkpoint*. Retrieved from: <http://www.radionz.co.nz/news/national/310258/'if-i-could-help-one-girl,-that-would-be-enough'>, 05 August 2016.
- RNZ (2016h). Chiefs cautioned over 'Mad Monday' behaviour. *RNZ*. Retrieved from: <http://www.radionz.co.nz/news/national/312761/'this-leaves-a-black-mark-on-rugby>, 07 September 2016.
- RNZ (2016k). NZ Rugby slammed for Chiefs investigation. *RNZ Checkpoint*. Retrieved from: <http://www.radionz.co.nz/national/programmes/checkpoint/audio/201815387/nz-rugby-slammed-for-chiefs-investigation>, 08 September 2016.
- RNZ. (2016d). Second stripper comes out against Chiefs. *RNZ*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11687985, 5 August 2016.
- Sachdeva, S. (2016). NZ Rugby investigation into Chiefs stripper scandal 'bogus', politicians say. Retrieved from: <http://www.stuff.co.nz/national/politics/84036784/nz-rugby-investigation-into-chiefs-stripper-scandal-bogus-politicians-say>, 8 September, 2016.
- Skipwith, D. (2016). Rugby: Review panel tasked with improving attitudes towards women. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11745137, 9 November, 2016.
- Stuff (2016c). Chiefs scandal: 'We have not got it right' - NZ Rugby CEO Steve Tew. Retrieved from: <http://www.stuff.co.nz/sport/rugby/super-rugby/84066913/human-rights-commission-calls-for-nz-rugby-to-address-culture-issues>, 9 September, 2016.
- Walters, L & Sachdeva, S. (2016). Tew admits an independent voice would have helped Chiefs investigation. Retrieved from: <http://www.stuff.co.nz/sport/84078856/chiefs-stripper-scandal-womans-ordeal-recounted-in-interview>, 9 September, 2016.
- Weber, A (2016b). Chiefs criticised for 'in-house' investigation. *RNZ*. Retrieved from: <http://www.radionz.co.nz/news/national/312800/chiefs-criticised-for-'in-house'-investigation>, 08 August 2016.
- Weber, A. (2016). Chiefs should attend LGBT meeting - gay rugby team captain. *RNZ*. Retrieved from <http://www.radionz.co.nz/news/national/310038/chiefs-should-attend-lgbt-meeting-gay-rugby-team-captain>, 3 August 2016.
- Wynn, K. (2016). Chiefs' stripper sacked for 'stepping over line'. *NZ Herald*. Retrieved from: http://www.nzherald.co.nz/sport/news/article.cfm?c_id=4&objectid=11688603, 7 August 2016.

Note: A teaching guide and associated bibliography are available upon request. The Guide is in two Sections: Section 1 provides an overview of the approach to the case analysis; Section 2 addresses the Case Questions/Discussion.

**Homophobia and Mysogyny:
A Case of Individual and Group Behaviour within a Professional Sports Environment**

CASE DISCUSSION QUESTIONS

Introductory Question – First Class - Why has the case attracted such media attention?

- (a) Describe why this case should have created so much public interest and attracted such attention in the sports world?
- (b) Comment on the social context, the athletes, the sport, the fans, the media.
- (c) **Outline the events** associated with the Affair in chronological order; describe Allardice's escalation of involvement, and identify moments when he could have made different decisions.
- (d) Draw parallels with examples of unethical behaviour that have targeted sports organisations and events.

Phase 1 Stakeholders and Stakeholder Analysis

Outline the major "players" involved in, or affected by the Mad Monday incidents

ie **identify the key stakeholders** relating to the Strippergate Affair.

- (a) Describe their main attributes, responsibilities, stakes and interests.
- (b) Describe how the stakeholders impact on, and were impacted by public perception of the sports event and the public protest.
- (c) Provide a chart of **generic** stakeholders of the Chiefs club and state how they may have been impacted by the actions of the key players such as: Michael Allardice (Player), Andrew Flexman (Chiefs CEO), Dave Rennie (Chiefs Coach), Steve Tew (NZRU CEO)

Indicate two **specific** stakeholders that can be labelled as dangerous or dominant stakeholders.

Phase 2 Crisis Management

- (a) Outline the phases of Crisis Management, following Bundy et al.'s framework.
- (b) Evaluate the Chiefs' management of the Mad Monday offensive comments incident (Part 1)
- (c) Evaluate the Chiefs' management of allegations made by Scarlette (Part 2)

Phase 3 Ethical Dilemmas and Ethical Behaviour

Chronology of Ethical Dilemmas

Allardice, Flexman, and later Steve Tew, would each have faced a series of ethical dilemmas as the case unfolded.

- (a) Outline the particular **chronology of ethical dilemmas** faced by Allardice, Flexman and Tew and the decisions that they took:
- (b) Consider what factors may have given rise to the unethical behaviour
(Use Cressey's Triangle to assess motivation/pressure, opportunity and rationalization for such behaviour.

Moral Values and Moral Emotions

- (c) What **moral values** were breached by Michael Allardice and other Chiefs in their contributions to the Strippergate Affair? (Use Lumpkin, Beller and Stolle's Conceptualisation of Moral Values)
- (d) What moral values may have been breached by Chiefs Chief Executive in his initial denial of Scarlette's allegations, and his reference to her culpability and profession?
- (e) Provide some examples of the **moral emotions** manifest in the media coverage of the Stripper Affair? (Use Haidt's notions)
- (f) **Describe the moral emotions** that appear to have surfaced in those commenting on events, and how those emotions may impact on moral judgments and decisions taken by the different actors.

Moral Reasoning

- (g) Using Kohlberg's framework, indicate the level of **moral reasoning** exhibited by Michael Allardice, by the players involved in hiring an adult entertainer, and by Andrew Flexman for the dilemmas each was confronted by.
- (h) Briefly indicate how Michael Allardice and Steve Tew (the player and CEO) could have **managed** those **situations** differently if they had recognised the successive dilemmas.

Phase 4 Governance, Multiple Jurisdictions, Justice and Fairness, and Locus of Responsibility

- (a) Offer some brief comment on where the **locus of responsibility** should lie in the Strippergate Affair? – players, coach, club management, NZRU, the IRB, and/or the Players Association? That is, offer reasoned comment on whom should take responsibility for promoting ethical behaviour.

Phase 4 Applicability to other Managerial or Professional Situations

- (a) What are the implications, the ethics lessons, for those involved in management and governance?
- (b) Can the situation be seen as presenting opportunities for the key people to accept responsibility for leadership, values and ethics; to be honest, to behave appropriately and to convey integrity?
- (c) Consider whether and why such inappropriate behaviour – treatment of women and minorities - is more or less acceptable in some contexts than in others.
- (d) If cheating is less acceptable in a professional environment, what actions could sport managers and/or sport governing bodies take to reduce the likelihood of cheating?