

## Southampton Netball Association Disciplinary Regulations

Disciplinary Regulations to ensure excellence and enjoyment are achieved by participants and spectators through adherence to the highest moral, ethical and sporting standards. Breaches in standards must always be clearly and fairly handled in accordance with open and transparent regulations.

The application of Sanctions must be consistent, relevant and proportionate.

Our Codes of Conduct define the standards applicable to every Member and administrator involved in Southampton Netball Association.

### What constitutes a Disciplinary Offence

A Participant shall be liable to Disciplinary Action in accordance with the Disciplinary Regulations if their conduct is inappropriate, incorrect, improper, unlawful or unsporting and/or has the potential to bring the Southampton Netball Association (SNA), the sport, or officials into disrepute.

While it is not possible to set out a definitive list of the types of conduct this applies to, each of the following types of behaviour, without limitation,

1. Any breach, failure, refusal or neglect to comply with SNA Codes of Conduct.
2. Any refusal or neglect to comply with the rules and regulations of INF
3. Any conduct that is disgraceful or opposed to the general interests of SNA or the Sport.
4. Any breach of SNA Codes of Conduct, regulations or other policies
5. Behaviour that is otherwise considered unacceptable and contrary to the standards of behaviour or conduct expected.
6. On-court offences may also be the subject of action under the Disciplinary Regulations although these will be dealt with by umpires.
7. Examples of on-court misconduct which may be heard under the Disciplinary Regulations are:  
A player has been suspended, under the rules or regulations of the game or Competition, Where the behaviour is repeated or serious; An umpire or match official suffers any form of abuse or coercion (including intimidation, threats or violence) from anyone (including but not limited to a player, team official or Club official); this applies to both on- and off-court incidents; A player, umpire or official has used obscene, offensive, insulting or abusive language and/or gestures, or used violent conduct, or has violated the principles of fair play, or whose behaviour is unsporting in any other way; Any act of discrimination through words or actions concerning but not limited to, race, marriage, religion, age, gender, sexual orientation, gender identity or disability; Any other conduct which, in the opinion of the Appropriate Authority, is prejudicial to the best interests of the Sport or SNA.
8. An Officiating Umpire may submit a Complaint if they have ordered a player off the court and they believe the incident was so serious further action is warranted.
9. All Members of SNA have a duty to assist and are obliged to comply with and respond (within a stipulated time scale) to reasonable enquiries and requests for information or evidence by an Investigation, Disciplinary and/or Appeal Panel or the Disciplinary Secretary; failure to do so may constitute a Disciplinary Offence.

### Making and Handling Complaints

A complaint may be made by:

1. Any SNA Member
2. In the case of a Club or League, the Complaint must be made by the secretary or other officer acting on its behalf;

## **How to make a Complaint**

A Complainant must set out in writing the grounds for the Complaint and full details of the Disciplinary Offence or other conduct that gives rise to the Complaint. This formal written statement must be sent to the Disciplinary Secretary of SNA within 28 days of the alleged incident.

Complaints relating to an incident outside that timescale may not be considered unless the severity of the Complaint is such that it is in the best interests of the Sport to take it forward.

This includes those that would have a significant impact on the reputation of the Sport rather than on those involved in the incident for example use of racist or homophobic language.

An Investigation Panel will decide whether it is in the best interests of the Sport for a Complaint to proceed where received outside the 28 day period.

It is strongly recommended that as much detail as possible is given with the Complaint including, but not limited to, why the Complainant feels the incident was a Disciplinary Offence, witnesses, times, dates and location of the incident.

If the Complainant feels unable to reveal their identity while making the Complaint, allegations cannot proceed under SNA Disciplinary Regulations without the Respondent knowing the identity of the Complainant.

An Investigation Panel has the right to impose a fine of up to £250 or disciplinary sanctions on the Complainant for frivolous, vexatious and/or malicious Complaints, and further Sanctions and/or fines for persistent Complaints resulting in no case to answer. This should not be seen as a deterrent to making a genuine Complaint.

## **On receipt of a Complaint**

On receiving a Complaint, SNA shall first determine whether it has the jurisdiction to deal with it under the Disciplinary Regulation. If unable to handle a Disciplinary Case due to it being beyond their jurisdiction or a Conflict of Interest, it may request the County Association to accept responsibility for all aspects of the Disciplinary Procedure, with the administration costs paid by SNA.

Complaints must be acknowledged on receipt and dealt with as quickly as possible, but at least within 7 days of receipt.

Any information relating to a Complaint should be communicated through the Disciplinary Secretary. Information from a Member shall normally be acknowledged within 5 days of receipt.

There is no obligation on disciplinary panel to keep any Complainant informed of the conduct or progress of any investigation or action, unless the circumstances dictate otherwise

An Investigation Panel shall be convened

## **Handling the Complaint – Investigation stage**

The Investigation Panel shall be appointed and administered by the SNA Disciplinary Secretary within 7 days of the acknowledgment of receipt of the Complaint.

The Investigation Panel shall meet within 14 days of being established.

The Investigation Panel is required to determine whether the allegation(s) or Complaint can be substantiated by the facts and relevant evidence. The Investigation Panel's job is to determine whether a Prima Facie case is established.

The Investigation Panel may wish to seek information from the Respondent. In this case, they will have to inform the Respondent that an investigation is being carried out and provide sufficient details of the allegations to enable the Respondent to provide a meaningful response, and invite the

Respondent to submit information to the Investigation Panel. The Respondent should be informed that enquiries by and meetings of the Investigation Panel do not constitute a Disciplinary Hearing. The outcome of this investigation will determine whether or not the Disciplinary Offence will proceed to a full Disciplinary Hearing, so their co-operation would be to their advantage.

Prior to and including the investigation stage, the Respondent has no right to know the identity of the Complainant; this will only be revealed if the Investigation Panel believes this is required.

The examination of evidence by an Investigation Panel shall not constitute a Disciplinary Hearing. There is no right of Appeal against the conclusion reached by the Investigation Panel. The Decision is final.

The Investigation Panel shall keep Confidential its findings and all related information, save where the law requires disclosure or it is required under the Disciplinary Regulations. On conclusion of its investigation, the Investigation Panel shall deduce from the evidence whether the Complaint which led to its formation should be:

1. Rejected because the Complaint was received more than twenty eight days after the incident and it is not considered serious enough to be in the best interests of the Sport to take it forward. Serious incidents include but are not limited to those related to discriminatory behaviour, safeguarding and those that would have a significant impact on the reputation of the Sport rather than on those involved in the incident;
2. Rejected because it does not amount to a Disciplinary Offence
3. Dismissed because the evidence does not substantiate a Prima Facie case;
4. Dismissed because the information received does not disclose that the Respondent is liable to Disciplinary Action or because it is not the concern of SNA
5. Dismissed because the Complaint is trivial, vexatious or malicious;
6. Lodged with another authority deemed more appropriate in practice or in law to handle it, including, but not limited to a Children's Services authority for child protection issues or the police for criminal matters,
7. Passed to the Lead Safeguarding Officer for consideration
8. Dealt with by Mediation, on the agreement of all parties, set up by the Appropriate Authority, especially where the incident is of a less serious nature and hence a full Disciplinary Hearing could be avoided.
9. Dealt with informally by way of advice or information because it is not serious enough to warrant a full Disciplinary Hearing [this does not constitute a finding of guilt hence no Sanction can be imposed];
10. To proceed formally to a Disciplinary Hearing in accordance with the Disciplinary Regulations

The written Decision of the Investigation Panel must be completed by the Chair of the Investigation within 7 days of the Decision and contain the following on the Investigation Decision Form:-

1. The identity and composition of the Panel;
2. The names of the parties;
3. A summary of the facts;
4. The grounds of the Decision;
5. The provisions on which the Decision is based;
6. Any Interim Suspensions imposed;
7. Any order for costs or disciplinary sanction for trivial, vexatious or malicious allegations; If the matter is brought to the attention of SNA via a Complaint and it is decided that such a Complaint should not be allowed to proceed to a full Disciplinary Hearing, the Disciplinary Secretary shall notify the Complainant of this Decision and will provide brief reasons for the Decision. There is no right of Appeal against the Decision. The Decision on whether or not there is a case to answer is final.
8. Where it is decided that the matter should proceed to a full Disciplinary Hearing, the Disciplinary Secretary shall advise the Member alleged to have committed the misconduct that they (the Respondent) are the subject of a Disciplinary Offence and notify them of the

intended Disciplinary Proceedings against them, details of the Charge and the Complainant within 14 days of the completion of the Investigation Decision Form.

## **Interim Suspension**

An Interim Suspension pending investigation should not be automatic. It should be used only after careful consideration of alternative remedies. Decisions on Interim Suspensions should be reasonable and proportionate given all the circumstances of the case.

An Interim Suspension is not a finding of guilt and should only be used in cases where the Investigation Panel is satisfied from reliable information received that it is necessary to safeguard other Members or those involved in the Sport (whether identifiable or not) or the reputation of the Sport, against potential harm in the period before the Disciplinary Panel can conclude the case or it is necessary to preserve the integrity of the evidence.

If the Investigation Panel believes the allegation or Complaint is of sufficient gravity or concern, the Respondent may be suspended from some or all netball activities until the Disciplinary Proceedings under the Disciplinary Regulations are concluded. Such suspension shall be known as an 'Interim Suspension'.

An Interim Suspension may consist of, without limitation:- suspension from or prohibition on a Member taking part in any capacity in any or a specific netball activity; including but not limited to competing, training, officiating, coaching, management, attending meetings, volunteering at Clubs or Competitions, or from entering a venue where netball events are being held

An Interim Suspension against a Club may include but not limited to competing in Competitions

An Interim Suspension may consist of any length of time deemed expedient according to the circumstances, up to and including the issue of the Disciplinary Decision Notice Form.

The length of the Interim Suspension is at the discretion of the Investigation Panel, taking into account the gravity of the Complaint and the likely period between the start of the Interim Suspension and the final Decision determination to be made by the Disciplinary Panel.

Where it is decided that an Interim Suspension is appropriate, the Disciplinary Secretary shall notify the Member or Club, advising them of the reason for the Interim Suspension, the terms and conditions of the Interim Suspension and its applicable period (Notice of Interim Suspension). Other relevant Members shall also be informed to ensure that the Interim Suspension is adhered to; this may include (but is not limited to) the Club Chairman/Secretary.

There is a right of Appeal for any individual subject to an Interim Suspension. To bring an Appeal, the individual must send written notice of Appeal to SNA within 14 days of the date the Interim Suspension became effective, enclosing any material in support of the Appeal. SNA shall convene an Appeal Panel in accordance with the procedures set out in the Disciplinary Regulations.

If the Interim Suspension is appealed, the Interim Suspension will remain in force until it is removed (or its terms varied) on Appeal.

Any breach of the terms or conditions of an Interim Suspension shall constitute a new Disciplinary Offence pursuant to the Disciplinary Regulations and shall be dealt with accordingly.

## **Handling the Complaint**

### **Pre-Disciplinary Hearing**

The Disciplinary Charge must be clearly stated, detailing the alleged Disciplinary Offence(s), with specific reference to all the rules, regulations or codes of conduct considered to have been breached.

The Disciplinary Charge shall be served on the SNA Member by the Disciplinary Secretary within 14 days of the Investigation Panel Decision to proceed with formal Disciplinary Action

The Disciplinary Panel selected to hear the Disciplinary Offence must be, and must be seen to be, independent and impartial and should act in good faith.

The Disciplinary Panel will be formed by the Disciplinary Secretary, who shall nominate the Chairman within 7 days of the Notice of Disciplinary Charge Form being sent.

While the needs of the parties will be considered the primary consideration when deciding the date and venue for the Hearing will be based on operational needs.

Notice of the Disciplinary Hearing must be sent to the SNA member via a Notice of Disciplinary Hearing Form at least 28 days before the date of the Hearing, together with all supporting evidence, minutes and findings of the Investigation Panel and copies of witness statements. The Notice of Disciplinary Hearing Form shall also name the individuals, specifically identifying the Chairman, who will constitute the Disciplinary Panel.

The Respondent has 7 days from the date of the Notice of Disciplinary Hearing Form in which to:

1. lodge with the Disciplinary Secretary, in writing, any objection to any member of the Disciplinary Panel, stating the grounds for the objection;
2. accept or deny the Disciplinary Charge;
3. notify the Disciplinary Secretary whether they wish to attend the Disciplinary Hearing. This applies to the Claimant

The Disciplinary Secretary shall immediately forward any objection received re the Disciplinary Panel members to the Chairman of the Panel, who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chairman shall reject the objection. This Decision is final and cannot be Appealed.

If the Chairman of the Disciplinary Panel is in agreement with the objection, they will instruct the Disciplinary Secretary to make an alternative appointment and the date of the Hearing shall be postponed to a date no more than 14 days after the original date. The Chairman's Decision shall be final, albeit they shall identify the grounds for rejection when requested. Wherever possible, this process shall not prolong the timescales outlined.

If the objection is made against the Chairman, another member of the Panel must assess the objection.

If the allegation is being disputed, the Respondent should be informed in the Notice of Disciplinary Hearing Form of the need to identify any witnesses, provide brief details regarding their evidence and arrange for their attendance at the Hearing. The Disciplinary Secretary once notified of the names and addresses of any witnesses will send them a Statement of Evidence Form for completion and return in 7 days.

If the Respondent admits the allegation or accepts they have committed the Disciplinary Charge and requests that the matter is dealt with in their absence, they may provide to the Disciplinary Panel a written statement of mitigation within 7 days of admitting the Charge.

It shall be the duty of the Complainant and Respondent to notify and arrange for the attendance of any witnesses they may wish to call. The number of witnesses allowed to give evidence will be at the discretion of the Chairman, however they should be adequate enough to establish or defend a case without resulting in duplication or time wasting.

The Chairman of the Disciplinary Panel may issue directions relating to the procedural aspects in the period leading up to the Disciplinary Hearing in order to ensure proper and fair conduct of the Disciplinary Hearing. The Disciplinary Secretary shall notify all parties of any such directions.

These may include, but shall not be limited to, the procedure and timetable for the:-

1. Pre-Disciplinary Hearing meetings of the Disciplinary Panel to agree procedural issues;
2. Production, inspection and/or exchange of documents, witness statements and other evidence;
3. Submission of the names and details of any witnesses the parties concerned wish to call;
4. Exchange of skeleton (outline) arguments.
5. The Disciplinary Panel may proceed to hear the case in the absence of any of the parties and witnesses if due notice has been provided.
6. The parties concerned may rely on written representations made prior to the Disciplinary Hearing and/or appearance in person. Documents will be deemed to be authentic unless advance notice has been served for them to be proved at the Disciplinary Hearing.
7. Unless the Disciplinary Panel Chairman instructs otherwise, at least 14 days in advance of the Hearing, each party to the proceedings must provide the Disciplinary Secretary with details of all witnesses they wish to call, together with copies of their written statements and any other documentary evidence they propose to rely on at the Disciplinary Hearing. In the case of the Respondent, details of evidence need only be brief. No written evidence shall be accepted less than 7 days before the Hearing without the prior agreement of the Chairman of the Disciplinary Panel.
8. Both Parties shall advise the Disciplinary Secretary, at least 7 days before the Disciplinary Hearing, if they will be using the services of any representative (legal, technical or otherwise) to present their case or advise them. The name and status of any representative must be provided to the Disciplinary Secretary at the time of notification. The person who represents either party may not also be a witness.
9. The Disciplinary Secretary shall notify each of the parties to the proceedings of the names of the other party's witnesses and the name and status of any representative who will be presenting a Respondent's case or acting as an adviser at least 7 days before the Disciplinary Hearing.
10. It should be clearly understood that travel or other expenses or fees will not be paid to any party (Respondent or Complainant) involved in the Hearing, their legal/technical representatives or witnesses in any Disciplinary or Appeal Hearing. This does not preclude the Panel from imposing costs orders on either party in respect of administrative costs.
11. The Disciplinary Secretary shall, in advance of the Disciplinary Hearing, send to the Chairman of the Disciplinary Panel the record of any 'live' previous offences of the Respondent. This shall be supplied in a sealed envelope that will be opened only in the event that the Disciplinary Panel find that the Disciplinary Charge is proven and is considering the appropriate Sanction. The Chair should keep the existence of this envelope from the other Panel members, until such time as there is a finding of guilt.
12. The Disciplinary Panel should check that the alleged behaviour constitutes a Disciplinary Offence and should ensure the Disciplinary Charge is properly set out on the documentation and that it has been sent to the parties concerned.
13. At any point in the process, the Disciplinary Panel has the right to change or add additional Disciplinary Charges. If Disciplinary Charges are changed or added, the Respondent has the right to request an adjournment.

### **Disciplinary Hearing adjournment request**

The Complainant or the Respondent may request in writing an adjournment of the Hearing within 7 days of the date of the Notice of Disciplinary Hearing Form. A detailed statement of the reasons for the request must be supplied. The request must be sent to the Disciplinary Secretary. The Chair of the Disciplinary Panel will consider the request and make a Decision that they, in their absolute discretion, shall consider fair and reasonable (although if any adjournment is ordered this should, normally, not exceed 14 days).

In making any order to adjourn, the Chair of the Disciplinary Panel shall bear in mind not only the interests of the party seeking the adjournment but also the interests of any other parties including witnesses and the Appropriate Authority and the administrative implications.



The Chair of the Disciplinary Panel will determine the date, time and place of any adjourned Hearing. The Disciplinary Secretary shall write to the Complainant or Respondent informing them of the adjournment and advising of the adjourned Disciplinary Hearing date, and requesting a written acknowledgement via email or post.

If the Respondent does not attend, or is not represented at any adjourned Disciplinary Hearing the Disciplinary Panel will consider the case in their absence. The Chairman of the Disciplinary Panel has the discretion to order a further Disciplinary Hearing date if there are compelling reasons for non-attendance by either party.

## Hearing

Procedure at a Disciplinary Panel Hearing:

The Disciplinary Hearing shall take place in private, with the Decision and any Sanction being treated as confidential by all parties until 28 days after that notification to allow the Complainant or Respondent to seek leave to submit an Appeal if they are eligible.

The Disciplinary Panel shall decide any issue by a majority and no Member of the Panel may abstain from voting.

The Complainant or a representative of the Complainant is responsible for proving the alleged misconduct to the Disciplinary Panel.

The standard of proof in Disciplinary Cases is the balance of probabilities

The Disciplinary Secretary may appoint a Recorder to record Disciplinary Panel proceedings. The proceedings may be audio-recorded; the Chair will inform those involved in the Disciplinary Hearing about the audio-recording at the start of the proceedings.

The procedure for the Disciplinary Hearing shall be flexible and shall be at the discretion of the Chairman of the Disciplinary Panel, who may make such Decisions as necessary to ensure the orderly and effective conduct of the Hearing, subject to the overriding requirement of fairness. The Chairman of the Disciplinary Panel will outline the basic procedure of the Hearing at the start of the proceedings.

Usually, this will be:-

1. The case against the Member or Connect Participant will be presented, together with relevant evidence and a reasonable number of witnesses;
2. The Respondent or their representative will be asked to admit or deny the Disciplinary Charge and will then have the opportunity to speak, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Panel.
3. The attendance of further witnesses will be with the prior agreement of the Chairman of the Disciplinary Panel.
4. Before being called, witnesses will not be allowed in the room while evidence is being given;
5. Questions may be put by the Disciplinary Panel to the Respondent and Complainant and each witness on conclusion of their evidence;
6. The Respondent and Complainant may be able to raise questions in cross-examination through the Chairman of the Panel; no direct questioning will be permitted;
7. The Respondent charged will be allowed to make a closing statement to the Panel;
8. The room will be cleared and the Panel will deliberate and determine whether, on the balance of probabilities, the Disciplinary Charge has been proved;
9. The Hearing will reconvene and the Chairman of the Panel will announce whether or not the Disciplinary Charge has been proved;
10. If the Respondent admits the Disciplinary Charge or the Panel decides the Disciplinary Charge has been proved, the Panel will look at the Respondent's previous disciplinary record, where relevant, before any move to consider Sanctions and costs;
11. The Panel will invite the Respondent to set out any mitigating circumstances relevant to the Charge;

12. The room will again be cleared and the Panel shall determine the appropriate Sanction in accordance with the Sanctions guidelines
13. The Hearing will reconvene and the Chairman of the Panel will pronounce the Sanction and any order for costs.
14. Those representing either party at a Hearing may present and sum up their case, as well as put questions via the Chairman but they are not permitted to answer questions put to the Respondent.
15. If the Chairman of the Disciplinary Panel feels it is necessary, bearing in mind all the circumstances surrounding the case, the Panel may, at their discretion, request an Independent Person to act as adviser to the Disciplinary Panel. The cost of this may be taken into consideration in any award of costs or borne by SNA.
16. The Chairman of the Disciplinary Panel has the authority to adjourn the Hearing to allow for additional evidence to be presented only if they consider it important and relevant in reaching a Decision.
17. The Disciplinary Panel Chairman has the discretion to adjourn the Disciplinary Hearing for a maximum of 14 days if at any time they think the interests of justice require it (e.g. to secure the attendance of a key witness or other important evidence).
18. In exceptional circumstances, attendance by the Complainant, Respondent and any witnesses may be via conference call, subject to the agreement of the Chairman of the Panel.
19. If the Respondent accepts that they committed the alleged Disciplinary Charge and requests that the case be dealt with in their absence, the Respondent may provide a written statement of mitigation for consideration by the Disciplinary Panel.
20. If the Respondent does not attend the Disciplinary Hearing arranged as above, provided that the Disciplinary Panel is satisfied that Notice of the Disciplinary Hearing Form was served properly, it may proceed to hear the evidence in the absence of the Respondent.
21. In the light of the evidence presented to it, the Disciplinary Panel may find a Respondent guilty of a lessor or more serious Disciplinary Charge than originally charged.
22. If the alleged Disciplinary Charge has not been proved, the Chairman shall so state and the Disciplinary Panel shall dismiss the Complaint.
23. The Disciplinary Panel may limit questioning.
24. After consideration of the evidence presented to it the Chairman of the Panel may:-
25. Announce the Decision of the Panel and at the same time announce its findings; or Announce the Decision of the Panel with the grounds of the Decision being given at a later date; or Defer the Panel's Decision to a later date, no longer than 7 days after the Disciplinary Hearing date.
26. If the Panel feels the Complaint has arisen out of a wider dispute between the Complainant and Respondent and will culminate in a series of retaliatory Complaints, it can recommend the dispute is resolved through mediation, to be arranged by SNA.
27. Any deviation from the Disciplinary Regulations by a Disciplinary Panel shall not invalidate any finding, procedure or Decision unless that deviation raises material doubt as to the reliability of the finding, procedure or Decision.
28. The Disciplinary Panel shall not be bound by the Rules of Court (or any legislative provision) governing procedures. All Disciplinary Hearings shall be conducted in a fair and orderly manner, with each party having a reasonable opportunity to give and call evidence, address the Disciplinary Panel and present their case.

## **Evidence**

The Disciplinary Panel may give directions on the:-

1. Issues on which it requires evidence;
2. Nature of the evidence which it requires to decide those issues;
3. Way in which the evidence is to be placed before the Disciplinary Panel.
4. The Disciplinary Panel may admit any evidence it considers fair and relevant, whether or not such evidence would be admissible in a court of law. The Panel may accord such weight to the evidence as they think appropriate in all the circumstances.



5. The Complainant's initial written Complaint will automatically form their evidence for the Hearing and may be supplemented with additional written statements
6. Subject to the requirements of a fair Hearing, the Panel may exclude evidence that would otherwise be admissible to ensure fairness between the parties.
7. The Disciplinary Panel may decide any issue of fact and draw any inference of fact that it considers to be supported by the evidence.

## **Sanctions**

Where the Disciplinary Charge is admitted or proved, the Disciplinary Panel shall have power to determine and pronounce Sanctions.

Sanctions must be reasonable and proportionate in all the circumstances. Where a Disciplinary Charge has been proved against or admitted by a Young Person, any Sanction imposed should be proportionate to that Young Person's age.

The Disciplinary Panel may order that any part of a Sanction be suspended for a specified period (not exceeding six months). If the SNA Member benefiting from a suspended Sanction commits another Disciplinary Offence during the suspension, the suspended Sanction will automatically take full effect. This Sanction will be in addition to any Sanction imposed as a consequence of the additional Disciplinary Offence, 1

Any period of suspension imposed may be backdated to take into account any Interim Suspension that may have been imposed.

Sanctions may be held over until the next appropriate playing period of the year/season. Sanctions cannot be held over for more than 12 months unless the SNA Member is no longer involved in the Sport or no longer a Member or Connected Participant, in which case the Sanction may be held over for the shorter of 5 years or until the Respondent resumes its involvement in the Sport.

Any Sanction, including a partial or full suspension by a Disciplinary Panel, shall be binding on all SNA Members. Any attempt to induce a breach of a Sanction imposed by a Disciplinary Panel, or any deliberate attempt to contravene, or facilitate the contravention of, a Sanction will be a Disciplinary Offence.

Any monetary sanctions (fines) imposed by the Disciplinary Panel must be paid within 28 days of the date the fine was imposed. Interest could be payable following the end of the 28 day period until the actual date of payment.

Failure to comply with a Sanction, including failure to pay a fine will be taken seriously and will lead to an immediate suspension of SNA membership pending compliance with the Sanction and or payment of the fine. Equally, if a suspension is combined with a fine the suspension may be prolonged until the fine has been paid in full.

Where the Decision involves a Sanction and an Appeal against that Sanction is lodged in accordance with the Disciplinary Regulations, the Sanction and any order for costs should be stayed pending the determination of the Appeal. If the Appeal process has not been completed within 20 days of the Appeal being lodged, the Decision to continue with the stay, or to lift the stay and impose the Sanction, will be reviewed by the Appeal Panel.

The Panel may impose Sanctions regardless of whether they have been committed deliberately and with intent, or merely negligently.

## **Costs**

The Disciplinary Panel may make any order in relation to the costs of the Disciplinary Action at its discretion and as it sees fit, to be payable in such proportion as it may decide by any of the parties to the Disciplinary Action and the Hearing

An order in relation to the costs of the Disciplinary Action may include, but may not be limited to, all reasonably incurred costs preparing for (and the holding of the Hearing) as well the costs involved in the Investigation Panel investigations. Any such order may also include any reasonably incurred travel and accommodation expenses. For the avoidance of doubt, the costs orders relate to the costs of the proceedings (which may for example include the costs of the Hearing and the Investigation Panel stage). Any such costs orders are entirely separate from the Sanctions, for example a fine imposed by the Disciplinary Panel which must be paid in accordance with the Sanction Guidelines.

All costs orders must be paid within 28 days of the date the costs order made by the Disciplinary Panel. Please note that failure to comply with a costs order will be taken seriously and will lead to an Immediate Suspension of SNA membership. Interest could be payable following the end of the 28 day period until the actual date of payment.

## **Post-Disciplinary Hearing**

The Chairman of the Disciplinary Panel shall report its findings to the Disciplinary Secretary on a Disciplinary Decision Form no later than 7 days after the date of the Decision.

The written Decision of the Panel must contain on the Disciplinary Decision Form

1. The identity and composition of the Panel;
2. The names of the parties;
3. A summary of the facts;
4. The grounds of the Decision;
5. The provisions on which the Decision is based;
6. The Sanctions imposed;
7. Any order for costs;
8. Appropriate Appeals procedure;
9. Length of time the Disciplinary Case documents and Decision will be retained on file (if more than 2 years).

The Disciplinary Secretary shall notify the Disciplinary Panel's Decision to the Respondent and Complainant as soon as possible, and no later than 7 days after receiving the Disciplinary Decision Form, using the wording contained in the Disciplinary Decision Form, along with details of the Appeal process. The Respondent will also be notified of any Sanction imposed.

The Appropriate Authority will communicate information relating to any Sanction where it is necessary to give that Sanction effect, on a need to know basis to Staff, Members and Connected Participants including Club, and officiating.

SNA is entitled to publish the Decision of the Disciplinary Panel in such a manner as it considers appropriate after the Disciplinary Secretary has notified the Respondent and the Appeal period has passed. Parties to a Disciplinary Hearing are deemed to have consented to such publication.

## **Appeals**

The Respondent and the Claimant in a Disciplinary Process have the right to Appeal against the Decision within 10 days of the date of the Disciplinary Decision Form and under the grounds set out below, providing they attended, were represented at or made submissions in writing to the Disciplinary Panel Hearing.

An Appeal can only be sought against a Decision of the Disciplinary Panel on one or more of the following grounds:-

1. The Decision of the Disciplinary Panel was based on error of fact or could not have reasonably been reached by a Disciplinary Panel when faced with the evidence before it;
2. There was injustice because of a serious procedural or other irregularity in the proceedings before or during the Disciplinary Panel;

3. Significant and relevant new evidence has come to light which was not available before the conclusion of the Disciplinary Panel Hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different Decision; and/or
4. The Sanction imposed was manifestly unreasonable in the light of the Disciplinary Panel's Decision made on the facts.

An Appeal should be set out in writing within 10 days of the date on the Disciplinary Decision Form being issued and should identify the Decision and reason for Appeal as set out in Regulations

The stated grounds of an Appeal shall not be amended after submission except as agreed by the Chairman of the Appeal Panel appointed to hear the Appeal.

## **Procedure for making an Appeal**

Disciplinary Secretary will send all the relevant documentation, to the Appeal Panel, who are not the same members of the Disciplinary Panel within 5 days,

### **Notice of the Appeal Hearing**

The Notice of the Appeal Panel Hearing shall state the date, time and place and shall be sent to the Appellant, the original Complainant and the Chairman of the Appeal Disciplinary Panel no later than 28 days prior to the date of the Appeal Hearing. It shall also name the Appeal Panel members, specifically identifying the Chairman.

The Appellant shall be entitled, within 7 days of the Notice of Appeal Hearing Form, to lodge with the Disciplinary Secretary, in writing, any objection to any member of the Appeal Panel, stating the grounds for the objection. The Appellant shall provide appropriate evidence in support of any such claim.

The Disciplinary Secretary shall immediately forward any objection received in relation to the Appeal Panel members to the Chairman of the Panel who shall consider the objections and determine whether they are valid or in their opinion, the grounds for objection are frivolous, unfounded or ill informed, in which case the Chairman shall reject the objection. This Decision is final and cannot be Appealed.

If the Chairman of the Appeal Panel is in agreement with the objection, they will instruct the Disciplinary Secretary to make an alternative appointment and the date of the Hearing shall be postponed to a date no more than 14 days after the original date.

If the objection is made against the Chairman, another member of the Panel must assess the objection.

The Appellant may request in writing, an adjournment of the Appeal Hearing within 7 days of the date of the Notice of Appeal Hearing Form. A detailed statement of the reasons for the request must be supplied. The request must be sent to the Disciplinary Secretary. The Chair of the Appeal Panel will consider the request and make a Decision that they, in their absolute discretion, shall consider fair and reasonable. If any adjournment is ordered this should, normally, not exceed 14 days.

In making any order to adjourn, the Chair of the Appeal Panel shall consider not only the interests of the party seeking the adjournment but also the interests of any other parties including witnesses and SNA.

The Chair of the Appeal Panel will determine the date, time and place of any adjourned Hearing. The Disciplinary Secretary shall write to the Appellant informing them of the adjournment and advising of the adjourned Appeal Hearing date, and requesting a written acknowledgement.

If the Appellant does not attend, or is not represented at any adjourned Appeal Hearing the Appeal Panel will consider the case in their absence. The Chairman of the Appeal Panel has the discretion to

order a further Appeal Hearing date if there are compelling reasons for non-attendance by the Appellant

## **Appeal Pre-Hearing**

Where the Decision Form does not contain sufficient information, the Chairman of the Disciplinary Panel responsible for the Decision, shall, not less than 7 days before the date of the Appeal Hearing, provide to the Chairman of the Appeal Panel a written statement of the Decision and any Sanction and order for costs, together with any relevant supporting documents, detailing:-

1. The circumstances of the alleged breach or misconduct;
2. Any appropriate justification or explanation;
3. The information that was considered in reaching the original Decision (e.g. regulations, reports, correspondence, witness evidence);

The Disciplinary Secretary of the SNA shall ensure that all relevant information is provided to the Appellant, including any statement from the Chair of the Disciplinary Panel and to all members of the Appeal Panel at least 7 days before the Appeal Hearing.

The Appellant may present to the Appeal Panel whatever written submission they consider appropriate to be received by the Disciplinary Secretary not less than 14 days before the Appeal Hearing.

The Disciplinary Secretary may appoint a Recorder to record Appeal Panel proceedings. Such proceedings may be audio-recorded.

## **Procedure at the Appeal Panel Hearing**

The Appeal Panel shall give the Appellant the right to be heard and to be represented. Where the Appellant is an individual, they may be accompanied by one person of their choice. Where the Appellant is a Club it may have one or two of its officers present or one officer and a representative.

The Appeal Panel may call the Chair of the Disciplinary Panel or the original Complainant to provide additional information if they deem it necessary.

The Appeal Panel shall have the power to decide how an Appeal Hearing is to be conducted and shall have the same powers set out in relation to any Sanctions and the costs of the Appeal Hearing.

The Appeal shall be by way of a review only and not by way of a rehearing.

The Appeal Panel will review whether the Sanction imposed by the Disciplinary Panel was fair, reasonable and proportionate in all the circumstances (without rehearing all the evidence).

The Chairman of the Appeal Panel should ensure that the Appeal is heard in a manner that allows all parties to state their case fairly, and the Panel may invite an Independent Adviser (e.g. a respected senior official, lawyer or accountant) to be present if it considers this would be of assistance to the Hearing of the Appeal.

In reaching its Decision, the Appeal Panel may take into account any relevant evidence

If any of the parties do not attend and are not represented at the Appeal Hearing, the matter may be dealt with by the Appeal Panel in the absence of that party, taking into account any written representations that may have been received and provided that the Appeal Panel is satisfied that appropriate notice has been provided

Appeal Hearings will be in private, with the Decision and any Sanction made public after the Disciplinary Secretary has notified all relevant parties. All parties to an Appeal Hearing are deemed to have consented to such publication.

## Appeal Decisions

Decisions of an Appeal Panel shall be made by a majority; no member of the Panel may abstain from voting.

The Decision of an Appeal Panel is final and binding on all parties.

The Appeal Panel shall have the power to:-

1. Confirm, vary or revoke the Decision of the Disciplinary Panel;
2. Confirm, increase, reduce or quash any Sanction or order made by the Disciplinary Panel;
3. Substitute any Sanction that would have been available to the Disciplinary Panel
4. Make any other order or determination it considers right or just.

The Appeal Panel may defer the Panel's Decision to a later date, no longer than 7 days after the Hearing date.

1. If the Appeal Panel considers it necessary, in the light of new evidence produced, it may order that the case be reheard by the original or a different Disciplinary Panel.
2. The relevant payment may, at the Appeal Panel's discretion, be returned to the Appellant in whole or in part. This includes (but is not limited to) circumstances where the Appeal is successful.

## Procedure following an Appeal Hearing

The Chairman of the Appeal Panel shall report its findings to the Disciplinary Secretary on an Appeal Decision Form no later than 7 days after the date of the Decision. 18.7.2

The written Decision of the Panel must contain on the Appeal Decision Form:-

1. The identity and composition of the Panel;
2. The names of the appellant;
3. A summary of the facts;
4. The grounds of the Decision;
5. The provisions on which the Decision is based;
6. The Sanctions;
7. Any order for costs;
8. Any amendment to the length of time record will be retained on file (if more than 2 years).

The Disciplinary Secretary shall notify the Appeal Panel's Decision to the Appellant as soon as possible, and no later than 7 days after receiving the Appeal Decision Form, giving brief reasons for the Decision, detailing the accepted facts on which the Decision is based and any Sanction imposed and details of the Appeal process.

SNA is entitled to publish the Decision of the Disciplinary Panel in such a manner as it considers appropriate after the Disciplinary Secretary has notified the Appellant. Parties to an Appeal Hearing are deemed to have consented to such publication.