



DISCIPLINARY TRIBUNAL

INTRODUCTION:

These guidelines were developed as a direct result of dealing with any inappropriate conduct at Karingal Football Netball Club (KFNC) official functions.

The interpretation of "official function" is any function that has been condoned by the Executive and Committee of the KFNC.

These Disciplinary Guidelines is the mechanism that shall govern the Tribunals response to in appropriate conduct and shall be read in conjunction with the KFNC "Code of Conduct".

If consulting the Code of Conduct and Disciplinary Guidelines, one needs to be aware, one document identifies breaches of conduct and the other is the mechanism by which we follow in the application of the Disciplinary process.

APPLICATION:

These Executive Disciplinary Guidelines if formally adopted apply to all Karingal Football Netball Club's Officials; Players (both Football & Netball), Members; Supporters; and Visitors. They are developed gender neutral though acknowledge that any female indiscretion shall have a female representative in attendance and part of the hearing tribunal.

FOOTBALL BODY:

This term refers to and applicable to any coach; players; officials; spectators; administrators and all people reasonably connected to the Karingal Football Netball Club shall comply with these guidelines.



Karingal Bulls

Founded 1969 Inc. No A 0006673H

Karingal Football Netball Club

ABN 65 297 861 914



THE GUIDELINES:

These **guidelines shall govern** the conduct of players both football and netball and all officials; administrators; members; and supporters.

The Karingal Football Netball Club is the entity in which these guidelines shall be implemented to meet our “duty of care” to all parties affiliated with KFNC.

These procedures as outlined in the guidelines shall be implemented either when an indiscretion of any form of inappropriate conduct can and may be deemed as “anti-social behavior”. The conduct can be either of a verbal and or of a physical nature and also inclusive of any form of substance abuse, abuse of either prescribed or illegal drugs or the supply of these illegal or prescribed substances within an endorsed function of KFNC. Or any other form of behavior that can bring the KFNC into disrepute.

These events can either be witnessed by the Executive and or action taken when official notification of complaint is received by an official; other player; member; and supporters of KFNC. Club functions shall be classified as any function whether at the Club Rooms or at any external facility facilitating Club authorized activities.

DISCIPLINARY TRIBUNAL:

DEFINITIONS:

“**Disciplinary matter**” means any matter with which the Disciplinary Tribunal is empowered to deal other than a reportable offence.

“**Disciplinary Tribunal**” means a tribunal convened by the KFNC Executive in accordance to these KFNC Disciplinary Guidelines.



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FUNCTIONS:

The function of the Disciplinary Tribunal shall be to deal with any **Disciplinary Matters** in accordance to expectations in relation to inappropriate levels of behavior, anti-social behavior and risk taking activities i.e. taking and or supplying prescribed and or illicit drugs; and extreme consumption of alcohol. The aim of the tribunal is to provide all members, players, supporters, administrators with a safe environment to enjoy social activities without feeling of being at risk.

MEMBERS OF DISCIPLINARY TRIBUNAL:

The Disciplinary Tribunal shall consist of the elected members of the Clubs Executive as voted at the Annual General Meeting.

The President of the KFNC shall undertake the role of Chairperson at such disciplinary hearings.

Other Tribunal Members shall be Vice President, Secretary and Treasurer (The Executive) also in attendance shall be the Manager of Football Operations and Manager of Netball Operations.

PROCEDURES and EVIDENCE:

Subject to further matters of discipline such as on ground/court reportable offences as set out by our parent bodies the Disciplinary tribunal may regulate any proceedings brought before it in any manner as the Chairperson (Club President) thinks fit.



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CONDUCT of HEARING:

The Chairperson in consultation with other Tribunal Members shall set a hearing date as soon as practicable after a reported incident and must be held within a two-week period of said allegations. This date and time shall be tabled to all parties within a 72-hour time frame of receiving notification of breach of conduct and or displaying of anti-social behavior.

Any hearing conducted by the Tribunal shall be conducted with as little formality and technicality and with as much expedition as proper consideration of the matter before it permits.

The Chairperson shall be so empowered to determine all questions in relation to the matter and give such directions to evidence and or procedure as he or she thinks fit. Without limitation, the chairperson may give directions as to the length, form of questioning and evidence gathering, nature of submissions in relation to the complaint, adjournment of procedures and all other matters of procedure.

The Disciplinary Tribunal Panel Members shall decide questions of fact and submissions of plaintiff and defendant.

RULES of EVIDENCE:

All plaintiffs and accused members, officials, players, supporters, visitors shall be open and honest in their communication before the disciplinary tribunal.

The Karingal Football Netball Club is local community organization providing specific services to their local community and surrounding suburbs. As such it is deemed by the Disciplinary Tribunal NOT TO BE BOUND by the rules of evidence or by practices and procedures applicable to Courts of record, but may inform itself to any matter in any such manner as it thinks fit.





OBLIGATIONS of DISCIPLINARY TRIBUNAL:

The Disciplinary Tribunal shall:

- a. Provide any person whose interest will be adversely affected by its decision, a reasonable opportunity to be heard;
- b. hear and determine the matter before it in an unbiased manner, and
- c. make a decision that a reasonable Disciplinary Tribunal could honestly arrive at.

STANDARD of PROOF:

The standard of proof in the case of a Disciplinary Matter shall be comfortable satisfaction.

DECISIONS and SANCTIONS:

In dealing with a Disciplinary Matter, the Disciplinary Tribunal may in the hearing and determination of any matter;

- i. impose a sanction upon any person for a breach of the Rules;
- ii. give any judgement or decision or make such order in the Disciplinary Tribunal's opinion that provides adequate justice to matter at hand.
- iii. these sanctions must be accompanied by offers of assistance in identifying and providing the necessary services, community networks that can and may assist in any rehabilitation needs of the person before the Disciplinary Tribunal.
- iv. If deemed appropriate by the Disciplinary Tribunal such sanctions at the extreme end could warrant suspension or total expulsion from the KFNC.
- v. Additional sanctions could comprise verbal and or written warning, suspension of match payments, % reduction of match payments in 25% increments, provide the KFNC with extra voluntary services.
- vi. ***Please note:***





There shall be a tiered structure of possible categories of offences and each tier level shall outline consequences for each level of offence. The Chairperson in consultation and agreement with the Tribunal shall be empowered if warranted to utilize all levels of sanctions based on the person's history of good behavior, times before the tribunal and discretionary issues that can and may compound decisions of the Tribunal.

LEVEL 1: MISDEMEANOR:

Can be interpreted as verbal confrontation of an aggressive nature. Could result in:

. warning

. bond to be of good behavior for a specific period of time as interpreted by Tribunal

. And or other Level 1 to 3 sanction deemed appropriate by the Tribunal based On severity of verbal abuse.

LEVEL 2: MODERATE to SEVERE:

Can be interpreted as severe verbal abuse, any form of physical aggressive contact with any person at a Club Function, any form of DRUG activity such as sale or supply of any form of illicit and or prescribed Drugs and/or property damage.



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This Level of Behavior could result in:

1. Long Term Bond to be of good behavior

Monetary consequences such as reduction of match payments as outlined in

Section V of " Decisions and Sanctions" .

Suspension from all forms of Club activity such as training, match day selection and / or Club Functions for a defined period of time as directed by the Tribunal.

4. Any Combination of above as deemed appropriate to level of Offence by the Tribunal.

LEVEL 3. SEVERE TO EXTREME:

This level can incorporate Level 1 and 2 behaviors coupled with such activities of:

- a. severe assaults (Assault is a social behavior that can and may warrant police intervention such as any Level of Drug involvement within Club Functions).***
- b. Any form of inappropriate sexual activity such as verbal or physical indiscretions.***
- c. Any form of racial vilification***





PLEASE NOTE: THE TRIBUNAL IS SO EMPOWERED TO TAKE IN CONSIDERATION THE OFFENDERS PRIOR BEHAVIOR IN THEIR ADMINISTRATION OF CONSEQUENCES. IN SAYING SUCH THE TRIBUNAL MUST FIRST FIND THE DEFENDANT GUILTY OF THE OFFENCE THAT BRINGS THEM BEFORE THE TRIBUNAL.

THIS INTERPRETATION ENABLES THE CHAIRPERSON AND TRIBUNAL THE CAPACITY TO IMPLEMENT THEIR DISCRETIONAL RIGHTS WITHIN THIS DOCUMENT IN THEIR ADMINISTRATION OF DISCIPLINARY PROCESSES.

The above structure related to sanctions provides the Disciplinary Tribunal a tiered level of response to any matter before them for consideration. These sanctions then can and may be innovative rather than immediate suspension.

REPRESENTATION:

Where the Chairperson of the Disciplinary Tribunal is approached by the said defendant to have a person represent them the Chairperson is so empowered to request from the Manager of either Football and or Netball Operations to act in the plaintiff's best interest. Any person before the Tribunal who in the belief of the Chairperson has failed reasonable request and or direction of the Disciplinary Tribunal, acted in a contemptuous, irresponsible or discourteous manner, the Chairperson can and may ask the person to stand down. If this person is representing the plaintiff the Chairperson is so empowered to adjourn the hearing and set an alternative time and date.





PERSONS ENTITLED TO BE PRESENT:

1. At any hearing before the Disciplinary Tribunal the charged person must attend at the time and place specified in the notice (either verbal and / or written) of intention to appear before the Disciplinary Tribunal.
2. If a required person fails to appear at the time and place specified in the Notice of Intention the Disciplinary Tribunal can and shall proceed to hear and determine the charge or matter before them; and provide such sanctions as they see fit to the matter before the Tribunal in the absence of said person.

EXPECTATIONS of CO-OPERATION with DISCIPLINARY TRIBUNAL:

Any person appearing before the Tribunal and who in the opinion of the Disciplinary Chairperson;

- a. failed to fully co-operate with the Disciplinary Tribunal, or
- b. failed to truthfully answer any questions asked by the Tribunal, or
- c. fails to provide any such evidence as requested by the Tribunal, or
- d. makes any false or misleading statement or makes a statement or acts in a manner calculated to or which is likely to mislead, engages in any improper or insulting behavior at any time before the Disciplinary Tribunal,

Shall be dealt with by the Disciplinary Tribunal Chairperson as they in their absolute discretion think fit.





PERSONS RIGHT of APPEAL:

1. All persons who appear before the Disciplinary Tribunal shall have the right of Appeal.
2. He or she may lodge notification of Appeal within 48 hours of the decision for which they are appealing.
3. Within this notification it must be clearly stated the intent of the appeal e.g.

mitigating circumstances, type of consequence or length of consequence inappropriate and or the findings of guilt substantiated by the Tribunal inappropriate.

4. Each defendant brought before the Tribunal has only one avenue of appeal and if this appeal is dismissed the existing sentence related to the consequences for his or her actions stands as before.
5. If the Chairperson in consultation and agreement believe the basis of appeal was frivolous they can and may increase the level of consequences for the defendant's initial offence.
6. The Manager of Football Operations or Manager of Netball Operations can and may lodge a written notification of appeal on the defendant's behalf.
7. As in many other forms of Appeal by other parent bodies, local organizations a fee associated to the lodgment of appeal is fixed. **The sum of \$250 must accompany the notification of appeal,** which this sum shall not be refundable unless under the discretion of the Chairperson.
8. Once a notification of appeal is lodged it's the responsibility of the Club's Secretary to notify all parties of the time and date of appeal at the earliest possible convenience.





RIGHT OF PRIVACY:

1. the Tribunals Secretary shall minute all proceedings associated to the hearing;
2. all parties involved the plaintiff, the dependent witnesses, Tribunal Members shall respect each other's right of privacy and no issue discussed within the hearing or in an appeal process shall be discussed outside of the Disciplinary Tribunal. This discussion can be either through social media such as facebook, twitter, club's website and any forms of social media interaction.
3. Any person associated with the Tribunal Hearing and or Appeal who is found in breach of said right of privacy and confidentiality shall find themselves before the Tribunal for breach of conduct.

The above document has been prepared out of necessity to have clear and defined protocols in relation to disciplinary action. The aim of said document is to provide clear and definable steps in addressing inappropriate conduct of any member, player, player, official, committee and visitor. The Tribunal is so empowered to investigate any forms of anti-social behavior or other forms of misconduct at any sanctioned activity of the Karingal Football Netball Club. The jurisdiction of this document covers activities whether at Home facilities or at other venues.

Acknowledgement must also go the AFL Official Web Site and Disciplinary Tribunal Guidelines which assisted in the development of above document.

Policy Review

The Risk Management Policy will be reviewed annually at a Committee Meeting held prior to the start of each season to ensure the actions remain appropriate and effective.

This policy was reviewed at a pre-season committee meeting held on 19/01/2016 and accepted by a majority vote. Signed off by both current President & Secretary

