



# BNJCA Policy and Procedures

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## Disputes and Discipline Tribunal

Primarily, disputes and the subsequent discipline process arise when a player, official or parent witnesses behaviour that, in their opinion, breaches either the laws of the game, the spirit of the game, one or more BNJCA policies, or common law. The Disputes and Discipline procedure is used when a matter cannot be resolved, in a timely manner, to the satisfaction of player, team or club.

Please note that disputes between spectators or parents at a game or at training must be resolved by the clubs concerned as BNJCA has no jurisdiction over people who are not players, coaches or officials.

This policy covers how the dispute and discipline process is to be conducted. In making these determinations, the BNJCA does not need to abide by any specific legal requirement or process. However, there are three basic principles of natural justice that are followed by the tribunal to ensure a fair and equitable process is achieved:

- **Notification of the charge** - the person accused should receive notice of, and know the nature of the allegations made against them.
- **Opportunity to respond** - the person accused should be given the opportunity to respond to the allegations.
- **Decision-makers to be unbiased** - there should not be any preconceived opinions, vested interests or personal involvement of the tribunal members.

A tribunal is not expected to act as a court of law, but should conduct the hearing as quickly, informally and comprehensively as practicable. There is no right to legal representation at a Tribunal hearing.

Should an incident arise that cannot be resolved by rational discussion between officials, the person wishing to make the complaint must do so in writing to their own Club President within 7 days.

The letter must be clearly stated, providing a detailed description of the incident(s) and what policy or law is said to be in breach, with specific reference to the rule(s) alleged to have been broken. This detail is required in order to enable the other club concerned to prepare their response and they should be able to examine the evidence upon which the allegations against them are made.

The complaint must also contain what you, the team and/or club would like to happen, in order to have this issue resolved to your satisfaction.

The Club President is then responsible for forwarding a copy of this complaint letter, within 7 days, to the Club President of the other club involved, and to the BNJCA Secretary.



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Presidents of the clubs concerned are then required to communicate with each other to discuss and resolve the matter. Clubs are advised that if the matter involves a person under the age of 18 years, it is strongly recommended that a parent or guardian is allowed to accompany and assist them when you examine the allegations against the person.

If either Club President is not satisfied with the outcome or no resolution can be found within 21 days of the matter being referred to the other club, the dissenting Club President shall, within 7 days, refer the matter to the BNJCA Secretary, preferably via email, and request a Tribunal hearing.

The referring club must detail reasons for the referral, including why no resolution has been possible. It must also provide a detailed description of the incident(s) and what policy or law is said to be in breach, with specific reference to the rule(s) alleged to have been broken and supply all documentation it has received from all parties involved.

The BNJCA Secretary will convene a Tribunal hearing within 30 days of the matter being referred by the dissenting Club President. The BNJCA Tribunal will consist of three (3) current BNJCA Management Committee members, including the President as Chairperson.

The other club(s) involved will be requested by the BNJCA Secretary, to make a written submission to the Tribunal; such submission to be received by the BNJCA Secretary within 14 days of the request being made. This written submission is in addition to the documentation previously submitted by the referring Club President. This submission must address the specific incident(s) involved and if it is a dispute, detail why no resolution can be achieved. If no documentation is forwarded to the BNJCA Secretary by the other party to the dispute, the Tribunal will only review what is before it.

It is worthwhile considering at this stage, whether a case is suitable for mediation and if so the Tribunal should offer this to all parties before they announce a decision and sanction. Many complaints arise out of misunderstandings between individuals which could be more effectively resolved outside the dispute process.

The Tribunal may make whatever further enquiries it deems appropriate to clarify the basis of the complaint, including contacting witnesses. Hearsay evidence can be considered by a Tribunal if it is considered reliable, applicable and appropriate.

There is no legal obligation however for witnesses to disclose relevant information, or even answer certain questions during a hearing. There is no requirement for the Tribunal to physically meet to resolve the dispute.



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The Tribunal has first to consider the facts presented to it. After reviewing the case for both sides the members must decide whose evidence they accept and to what extent. Decisions should also be arrived at on the reasonable satisfaction of the Tribunal members or on the 'balance of probabilities' (that is, more probable than not). However in most disciplinary cases there is a "sliding scale" under which the more serious the charge, the higher the degree of satisfaction required.

Once the investigation has been completed and the evidence evaluated, the Tribunal must make a decision and there is one vote per Tribunal member and a majority decision is acceptable. Once a decision is reached as to whether a complaint is upheld or an allegation is substantiated, an appropriate sanction/penalty may be imposed.

At the time a dispute is referred to the BNJCA Secretary, the referring Club includes in the documentation a statement of what they would like to happen to have the issue resolved to their satisfaction. The Tribunal must take this request into account before determining the appropriate sanction/penalty.

The decision of the Tribunal shall be made within 45 days of the dispute being referred to the BNJCA Secretary. The Tribunal decision and sanction/penalty will be advised in writing, which may include email, within 7 days, to the relevant Club Presidents. It is considered good practice for Tribunals to outline the reasons for any decisions that are made but it is up to each Tribunal to determine if it will do this.

Any penalty imposed by a Tribunal must be reasonable under the circumstances of the case or issue (that is, the 'punishment' fits the 'crime').

Sanctions/penalties which may be imposed by a BNJCA Tribunal may include, but are not restricted to, any of the following:

- Non attendance at club games for a time period or number of games.
- Not being permitted to be a Coach or Official for a time period or number of games.
- Player suspension for a time period or number of games.
- Team to lose points in the relevant competition.
- Club to lose points in the Club Premiership.

The decision and sanction/penalty imposed by the Tribunal shall be final and binding on all concerned and no further appeal process is available.