

# DISPUTES AND DISCIPLINARY GUIDELINES

ANU INTERHALL SPORT



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The Australian National University Sport & Recreation Association Inc.

# TABLE OF CONTENTS

<b>1. BACKGROUND .....</b>	<b>3</b>
1.1. PURPOSE.....	3
1.2. DEFINITIONS.....	4
<b>2. JURISDICTION AND DISCIPLINARY TRIBUNAL ESTABLISHMENT .....</b>	<b>5</b>
2.1. AUTHORITY OF DISCIPLINARY TRIBUNAL .....	5
2.2. JURISDICTION OF DISCIPLINARY TRIBUNAL & COMPETITION MANAGEMENT .....	6
2.3. COMPETITION MANAGEMENT CHARGES.....	8
2.4. MEMBERSHIP OF DISCIPLINARY TRIBUNAL.....	9
2.5. CHAIR OF DISCIPLINARY TRIBUNAL .....	6
2.6. RECORDS OF DISCIPLINARY TRIBUNAL PROCEEDINGS .....	8
2.7. CONVENING DISCIPLINARY TRIBUNAL HEARINGS .....	9
<b>3. REPORTS AND NOTIFICATIONS.....</b>	<b>10</b>
3.1. REPORTS .....	13
3.2. INVESTIGATIONS .....	13
3.3. DUTIES OF PERSONS MAKING REPORT .....	13
3.4. DUTIES OF ANU SPORT RECEIVING REPORT .....	13
3.5. TIMELINE .....	13
<b>4. CONDUCT OF DISCIPLINARY TRIBUNAL .....</b>	<b>12</b>
4.1. ATTENDANCE.....	13
4.2. NON-ATTENDANCE .....	13
4.3. TELECOMMUNICATIONS.....	13
4.4. PROCEDURES OF DISCIPLINARY TRIBUNAL.....	13
<b>5. OFFENCES AND PENALTIES .....</b>	<b>12</b>
5.1. OVERVIEW .....	13
5.2. SCHEDULE OF OFFENCES AND PENALTIES .....	13
<b>6. APPEALS PROCEDURE .....</b>	<b>13</b>
6.1. RIGHT OF APPEAL.....	13
6.2. NOTICE OF APPEAL .....	13
6.3. APPEALS TRIBUNAL.....	13
6.4. SERVING OF DISCIPLINARY TRIBUNAL PENALTIES.....	13
6.5. APPEALS TRIBUNAL PROCEEDINGS .....	13
6.6. REFUND OF APPEAL FEE.....	13
6.7. COSTS.....	13
6.8. SINGLE RIGHT OF APPEAL.....	13
6.9. EXHAUST INTERNAL APPEAL.....	13
<b>SCHEDULES .....</b>	<b>13</b>

# 1. BACKGROUND

## 1.1. PURPOSE

- 1.1.1. The purpose of these By-Laws is to set out the processes for disciplinary action arising from an individual or Residential Hall breaching an, or engaging in prohibited conduct under, an Eligible Policy or Procedure of the Australian National University (ANU), ANU Sport, and or the ANU Interhall Sport Program. As well as resolving disputes between ANU Sport, Competition Management, and a Charged Person.
- 1.1.2. These By-Laws should be followed when breaches and/or Prohibited Conduct has been committed unless alternative provisions are set out in the Policies and Procedures under which the breach and/or Prohibited Conduct occurred.

## 1.2. DEFINITIONS

- 1.2.1. In these By-Laws, unless a contrary intention appears:

**“Appeals Tribunal”** means the Tribunal empowered to hear appeals from the Disciplinary Tribunal.

**“Alleged Breach”** is an allegation or information, that a person has breached an Eligible Policy or Procedure, which will result in disciplinary action.

**“ANU”** means the Australian National University.

**“ANU Interhall Sport”** means the ANU Interhall Sport program facilitated by ANU Sport.

**“ANU Sport”** means the ANU Sport & Recreation Association Inc.

**“Board”** means the individuals appointed to the board of ANU Sport from time to time.

**“Charged Person”** means a person, team, or Residential Hall reported of an offence.

**“Competition Management”** are employees of ANU Sport who have responsibility for operations of the competition, acting individually or in concert.

**“Competition Management Charges”** are charges imposed at the discretion of Competition Management, as outlined in clause 2.3.

**“Competition Weeks”** are the length of time for one full round of Interhall Sport to occur; for every team to play one game (unless fixtured a bye) of said sport.

**“Disciplinary Action”** means action brought against or proposed to be brought against a Charged Person by ANU Sport, alleging a breach of an Eligible Policy or Procedure.

**“Disciplinary Tribunal”** means the tribunal empowered at first instances to hear matters relating to offences.

**“Eligible Policy”** or **“Eligible Procedure”** means, but is not limited to, each of the following policies, procedures, and documents.

- ANU Sport Alcohol Management Policy.
- ANU Sport Member Protection Policy.
- ANU Sport Member Protection Policy - Attachments
- ANU Sport Social Media Policy.
- ANU Student Code of Conduct.
- ANU Interhall Sport Hall/College Participation Agreement 2024.
- These By-Laws.

**“Offence”** includes one or more of the offences listed in the table in clause 5.2.1, in respect of which a report may be made, heard, or determined by the Disciplinary Tribunal or these By-Laws.

**“Official”** includes referees, umpires, duty officials, Competition Management, ANU Sport Employees, and any other person empowered to report offences pursuant to this by-law.

**“Residential Experience”** means the Residential Experience Division of the Australian National University.

**“Residential Hall”** means all residential and non-residential halls and colleges located at the ANU, namely; Bruce Hall, Burgmann College, Burton & Garran Hall, Fenner Hall, Griffin Hall, John’s XXIII College, UniLodge, Ursula Hall, Wamburun Hall, Wright Hall, and Yukeembruk Village.

**“Sanction”** means a sanction imposed by ANU Sport on a Charged Person for breaching an Eligible Policy or Procedure.

**“Sport Representatives”** are the student-elected individuals from each Residential Hall who coordinate the Interhall sport participation from their hall.

**“Tribunals”** means the various tribunals delegated by these By-Laws to hear and determine reports made in accordance with these By-Laws. I.e. Disciplinary Tribunal and Appeals Tribunal.

**“Working days”** means Monday to Friday (inclusive) but excluding Public Holidays which fall on those days.

## 2. JURISDICTION AND DISCIPLINARY TRIBUNAL ESTABLISHMENT

### 2.1. AUTHORITY OF DISCIPLINARY TRIBUNAL

- 2.1.1. ANU Sport has the power to hear and determine charges made against persons, teams, or Residential Halls arising from or related to ANU Interhall Sport training, activities, sanctioned events, and competition.
- 2.1.2. ANU Sport has the right to delegate the power of hearing and determining charges to Competition Management and Tribunals in accordance with the provisions of these by-laws.
- 2.1.3. Tribunals and Competition Management shall have the power to:
  - a) suspend;
  - b) disqualify;
  - c) reprimand;
  - d) fine;
  - e) bond;
  - f) ban; and or
  - g) otherwise deal with Charged Persons, in line with Eligible Policies, as they see fit.
- 2.1.4. The incident which results in Disciplinary Action being brought against a Charged Person may have occurred before, during, or after an ANU Interhall Sport event.
- 2.1.5. The Tribunals must always act independently and impartially in carrying out its duties in accordance with these by-laws.

### 2.2. JURISDICTION OF DISCIPLINARY TRIBUNAL & COMPETITION MANAGEMENT

- 2.2.1. Subject to clause 2.2.3., if a person is charged with an offence outlined in clause 5.2.1. carrying a maximum penalty of six competition weeks or less and has not been charged previously within the last six months, the matter may be dealt with by Competition Management. Competition Management may choose to defer any matter to the Disciplinary Tribunal in its absolute discretion.
- 2.2.2. A Disciplinary Tribunal must be convened if a person is charged with an offence which is:
  - a) carrying a maximum penalty of more than six competition weeks; or

- b) of such a nature that Competition Management defers the matter to the Disciplinary Tribunal; or
  - c) who has been charged previously in the last 6 months; or
  - d) who rejects a penalty imposed by Competition Management.
- 2.2.3. Nothing in clause 2.2.1. or clause 2.2.2. restricts the penalties available under any other Eligible Policy.

## **2.3. COMPETITION MANAGEMENT CHARGES**

- 2.3.1. Upon receiving a report that falls within the jurisdiction of Competition Management, Competition Management shall determine whether it will deal with the report or refer it to the Disciplinary Tribunal.
- 2.3.2. If Competition Management deals with the report, it shall determine a penalty and the Charged Person shall be notified of the penalty as soon as practical. The Charged Person does not have the right to appear before Competition Management.
- 2.3.3. The Charged Person is required to notify ANU Sport of their acceptance or rejection of the penalty levied against them, within three (3) working days of notification. If the penalty levied is acceptable to the Charged person, the penalty shall be enforced with no right of appeal.
- 2.3.4. If the penalty levied is not acceptable to the Charged Person, that matter shall be referred to the Disciplinary Tribunal and be treated in the same manner as any other charge.
- 2.3.5. If the Charged Person fails to indicate their acceptance or rejection of the penalty levied against them by Competition Management in writing to ANU Sport within three (3) Working Days, then the penalty will automatically be invoked, with no right of appeal.

## **2.4. MEMBERSHIP OF DISCIPLINARY TRIBUNAL**

- 2.4.1. The Disciplinary Tribunal shall be appointed by ANU Sport and shall comprise of the following persons:
- a) an employee of ANU Sport;
  - b) an employee of the University
  - c) at least one, but no more than three persons.
- 2.4.2. In appointing Disciplinary and Appeals Tribunal members, ANU Sport shall ensure a chairperson is appointed, who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out in clause 2.5.
- 2.4.3. Subject to clause 2.4.1., wherever possible, matters referred to the Disciplinary Tribunal for determination shall be heard by three or more members, quorum of the Disciplinary Tribunal is three members.
- 2.4.4. No Disciplinary Tribunal decision shall be invalidated by any irregularities in the appointment of a Disciplinary Tribunal member.

## **2.5. CHAIR OF DISCIPLINARY TRIBUNAL**

- 2.5.1. The individual appointed as chairperson of the Disciplinary Tribunal shall have the following responsibilities, without limiting the duties of the Disciplinary Tribunal chairperson as set out under the various clauses of these by-laws:
- a) to ensure accurate records are kept of the Disciplinary Tribunal proceedings and decisions;
  - b) to communicate to ANU Sport the results of the Disciplinary Tribunal;
  - c) to chair the hearing of the Disciplinary Tribunal, and where applicable, exercise the casting vote; and
  - d) to monitor any potential or possible conflicts of interest which may arise from time to time, and where necessary, address such conflicts of interest.

## **2.6. RECORDS OF DISCIPLINARY TRIBUNAL PROCEEDINGS**

- 2.6.1. The method of recording the proceedings and determinations of the Disciplinary Tribunal shall be at the discretion of the Disciplinary Tribunal chairperson.
- 2.6.2. Records of the Disciplinary Tribunal hearing must be stored with ANU Sport.

## **2.7. CONVENING DISCIPLINARY TRIBUNAL HEARINGS**

- 2.7.1. The Disciplinary Tribunal will be convened to hear charges arising from Disciplinary Action taken against a Charged Person as soon as practicable, preferably within five (5) working days.
- 2.7.2. Notification of persons charged under these by-laws shall include details of the day, time, and place of the Disciplinary Tribunal hearing at which the charge will be heard in accordance with part 3 of these by-laws and must be provided a reasonable period prior to such hearing.

## 3. REPORTS AND NOTIFICATIONS

### 3.1. REPORTS

- 3.1.1. Any Official is entitled to report any person, team, or Residential Hall, which in the opinion of the Official has committed an Offence under these by-laws.
- 3.1.2. ANU Sport and Competition Management reserve the right to report any person, team, or Residential Hall, which in their opinion has committed an Offence under these by-laws.
- 3.1.3. All reports submitted to ANU Sport should, whenever practical, use the Report Form located in Schedule 1.

### 3.2. INVESTIGATIONS

- 3.2.1. Where ANU Sport or an official believes an Offence may have been committed or ANU Sport receives a letter of complaint, but no report has been made, ANU Sport may investigate, or appoint a person to investigate, the alleged Offence.
- 3.2.2. If after the investigation it or the person appointed to investigate recommends that a report should be made, ANU Sport or the person appointed by it may make a report. A report arising out of an investigation conducted under this clause should be made within twelve (12) working days, if possible, of the date on which the alleged Offence took place.

### 3.3. DUTIES OF PERSONS MAKING A REPORT

- 3.3.1. An Official or ANU Sport empowered person who makes a report shall enter the details of the alleged Offence(s) on the report form located in Schedule 1 as soon as possible, ideally within two (2) working days.
- 3.3.2. All the particulars in connection with alleged Offence must be included in the report, so that a clear account can be given to the Disciplinary Tribunal or Competition Management when the report is to be dealt with.
- 3.3.3. The Official or ANU Sport empowered person who makes a report shall lodge a report form with the person nominated by ANU Sport to take charge of the reports, or if that is not possible, to leave the report at the ANU Sport office, marked to the attention of that person, as soon as possible, ideally within two (2) working days after the activity.



### 3.4. DUTIES OF ANU SPORT RECEIVING A REPORT

- 3.4.1. ANU Sport shall appoint an officer to be responsible for the receipt of reports made under the By-law and to carry out the duties in connection with such reports (“Hearings Officer”). The officer to whom responsibility is delegated under this clause 3.4.1 may hold another position within ANU Sport.
- 3.4.2. ANU Sport shall require each Residential Hall entered in the ANU interhall sport competition to designate on the entry form the telephone numbers and email addresses of the sports representatives to be used for notification of reports.
- 3.4.3. ANU Sport shall maintain lists of names, telephone numbers and email addresses of all sport representatives registered with ANU Sport.
- 3.4.4. The Hearings Officer designated under clause 3.4.1 shall have the following duties:
  - a) To ensure that the Charged Person, team, or Residential Hall is notified of the report, as well as any other person or residence involved in the report and all other match officials, as soon as possible, ideally within two working days after the report is made.
  - b) To determine the charge(s) to be laid against the reported person.
  - c) To refer to Competition Management reported covered by clause 2.2.1 of this By-law;
  - d) To refer to the Disciplinary Tribunal reports covered by clause 2.2.2 of this By-law;
  - e) To recommend to ANU Sport the venue, time, and day of the week to be set aside for hearings of the Disciplinary Tribunal;
  - f) To convene hearings of the Disciplinary Tribunal to deal with matters referred to it;
  - g) To receive and refer to the Disciplinary Tribunal all material relating to any reports made under this By-law;
  - h) To ensure the availability of all forms required to be used in any proceedings of the Disciplinary Tribunal;
  - i) To notify the Charged Person, team, or Residential Hall, through their sport representative, of the date, time, and place of the Disciplinary Tribunal hearing;
  - j) If the notification under clause 3.4.4 (i) is made by telephone, the officer giving the notification shall immediately make a written record of the time and details of the telephone conversation;
  - k) To provide the Charged Person, team, or Residential Hall with a copy of the report form. In carrying out this function ANU Sport shall:
    - i. Hand a copy of the report form to the Charged Person prior to the Charged Person leaving the match/activity venue following the activity out of which the report was made; or
    - ii. Send a copy of the report form to the Charged Person, team, or Residential Hall to the email of the sport representative as collected under clause 3.4.2 above, as soon as possible after

- the date of the report being lodged by the Official with ANU Sport; or
- iii. Make a copy of the report form available for collection by the Charged Person, team or Residential Hall and notify the sport representative of the requirement to affect such collection.
  - l) To notify the reporting Official and any other officials or witnesses required to be in attendance, of the date, time, and place of the Disciplinary Tribunal hearing.
  - m) To notify each of the above persons of the consequences of non-attendance at a Disciplinary Tribunal hearing and the procedure to be followed in each case;
  - n) To notify the chairperson of the Disciplinary Tribunal that a report has been received, and to deliver to the chairperson of the Disciplinary Tribunal the report form and any other information relevant to the case; and
  - o) To ensure sufficient report forms are available to Officials at competitions conducted by ANU Sport and that Officials are aware of the availability of such forms.

### **3.5. TIMELINE**

- 3.5.1. Subject to clause 3.5.2 below, a Charged Person, team or Residential Hall shall be entitled to participate in competitions conducted by ANU Sport until such time as Competition Management or the Disciplinary Tribunal has heard and determined the report. This provision does not apply when a Charged Person, team or Residential Hall is in breach of other Eligible Policies.
- 3.5.2. Where the Hearings Officer is of the opinion that the report discloses charges that are of such gravity that continued participation by the Charged Person, team or Residential Hall would adversely reflect upon the conduct of the competition, the Hearings Officer shall determine that the Charged Person shall not participate in competitions conducted by the Association until the report has been heard and determined.

## **4. CONDUCT OF DISCIPLINARY TRIBUNAL**

### **4.1. ATTENDANCE**

- 4.1.1. The following persons may be invited to attend a Disciplinary Tribunal hearing conducted under this By-law, as deemed appropriate by the Disciplinary Tribunal Chairperson:
  - a) the Charged Person;
  - b) the president, secretary, sport representative or other delegate representing a Charged team or Residential Hall;
  - c) the reporting Official(s) or ANU Sport representative;
  - d) any other person involved in the report;

- e) witnesses as indicated by the reporting Official or Charged Person to be notified by the officer designated under clause 3.4.1;
  - f) any witness required by the Disciplinary Tribunal.
- 4.1.2. The following persons may attend a Disciplinary Tribunal hearing as deemed appropriate by the Disciplinary Tribunal Chairperson:
- a) any player of a Charged team or Residential Hall;
  - b) witnesses called to give evidence by a Charged Person, team, or Residential Hall;
  - c) witnesses called to give evidence by the reporting Official(s);
- 4.1.3. Legal representatives or advocates are not permitted to appear before the Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted by the Disciplinary Tribunal chairperson.

## **4.2. NON-ATTENDANCE**

- 4.2.1. If any Charged Person (or representative of a Charged team or Residential Hall) fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the Charged Person, team or Residential Hall, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- 4.2.2. A Charged Person, team or Residential Hall or reporting Official may apply to the Hearings Officer to have a Disciplinary Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the Charged Person, team, or Residential Hall. This will be at the discretion of the Disciplinary Tribunal Chairperson (or the Disciplinary Tribunal if already convened) and if the application is granted a new date shall be fixed.
- 4.2.3. A Charged Person who is unable to attend a Disciplinary Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in their place if the Charged Person intends on pleading guilty, subject to the Disciplinary Tribunal receiving a letter of consent from the Charged Person containing the person's guilty plea to the charges contained in the report and any statement that person would have given to the Disciplinary Tribunal had he or she attended the hearing.
- 4.2.4. If any witness fails to attend a Disciplinary Tribunal hearing, the hearing may continue in their absence.
- 4.2.5. If a reporting Official fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the reporting Official, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- 4.2.6. If a reporting Official or Association official inadvertently fails to carry out any duties listed in clause, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Disciplinary Tribunal shall take the failure into account and make suitable allowance.

## 4.3. TELECOMMUNICATIONS

- 4.3.1. A Charged Person, team or Residential Hall may apply to the Disciplinary Tribunal chairperson to have a Disciplinary Tribunal hearing conducted by telephone conference call if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the Charged Person, team, or Residential Hall. In all other respects the procedure of the Disciplinary Tribunal hearing shall be conducted in accordance with this By-law.

## 4.4. PROCEDURES OF DISCIPLINARY TRIBUNAL

- 4.4.1. For the purpose of this clause 4.4, a reference to a Charged Person includes a reference to the representative(s) of a Charged team or Residential Hall.
- 4.4.2. In the event of a team or Residential Hall being reported, one (1) member of the team or Residential Hall shall act as spokesperson for the team or Residential Hall provided that an individual member of that team or Residential Hall may elect to speak on their own behalf.
- 4.4.3. At the commencement of a hearing, the chairperson shall identify the members of the Disciplinary Tribunal and determine whether the Charged Person is present to answer the charge(s) arising from the report.
- 4.4.4. The Charged Person shall be asked whether they accept the members of the Disciplinary Tribunal as impartial and independent, or whether they wish to raise any objection in relation to any member. If the objection is found by the Disciplinary Tribunal to be valid, then the Disciplinary Tribunal member shall stand down for the duration of the hearing.
- 4.4.5. The Charged Person and the reporting Official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Disciplinary Tribunal considers its findings and determines an appropriate penalty (if any).
- 4.4.6. The chairperson shall advise all those persons present of the method of recording the hearing.
- 4.4.7. The charge(s) arising from the report shall be read out in the presence of all persons eligible to be present.
- 4.4.8. The Charged Person shall be asked whether the charge is understood, and the reporting Official asked whether the charge correctly represents their intention.
- 4.4.9. The Charged Person shall be asked to plead.
- 4.4.10. If the Charged Person pleads guilty to the charge(s), the chairperson may read a succinct summary of the facts, admit the reporting Official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Disciplinary Tribunal requires it.
- 4.4.11. If the Charged Person pleads not guilty then the chairperson shall ask all witnesses except the reporting Official(s) and the Charged Person (and their advisers if appointed in accordance with this by-law) to leave the room and to wait to be called to give their evidence.
- 4.4.12. The reporting Official shall proceed to give evidence and the witnesses of the reporting Official(s) shall be called upon to give their evidence in turn,

- subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal Chairperson in their discretion. The Charged Person may ask questions of the reporting Official, or any witness called.
- 4.4.13. Each witness shall be entitled to leave the Disciplinary Tribunal hearing after giving evidence unless otherwise directed by the Disciplinary Tribunal Chairperson. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Disciplinary Tribunal.
- 4.4.14. The Charged Person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Disciplinary Tribunal in its discretion. Reporting Officials may ask questions of the Charged Person, or any witness called.
- 4.4.15. The Disciplinary Tribunal is empowered to question any person giving evidence.
- 4.4.16. Video evidence may be presented at the discretion of the Disciplinary Tribunal Chairperson.
- 4.4.17. At the conclusion of all the evidence and submissions the chairperson shall ask the Charged Person, the reporting Official and all other persons present to leave the hearing room while the Disciplinary Tribunal considers its findings.
- 4.4.18. If the Disciplinary Tribunal is not satisfied that the particular charge has been proved but is satisfied that a lesser charge has been established, then the Disciplinary Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- 4.4.19. Where it appears to the Disciplinary Tribunal that the reporting Official has made an error in laying the wrong charge or omitted charges that should have been laid, including under any other ANU Sport policies, the Disciplinary Tribunal may amend the charges and proceed to make a finding. Further, the Disciplinary Tribunal has the right to direct that a person other than the Charged Person be charged with an offence under this By-law based on evidence presented before it during the course of conducting a hearing.
- 4.4.20. Where charges have been amended under clause 4.4.19, the Disciplinary Tribunal shall adjourn the hearing unless the Charged Person consents to it proceeding at that time.
- 4.4.21. The decision of the Disciplinary Tribunal shall be given in the presence of all, by the Disciplinary Tribunal chairperson.
- 4.4.22. Subject to clause 4.4.18, if the Disciplinary Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise, the charge shall be dismissed.
- 4.4.23. If a charge has been found proven by the Disciplinary Tribunal the Charged Person shall be informed of the finding. Any previous convictions against the Charged Person should then be laid before the Disciplinary Tribunal.
- 4.4.24. The Charged Person should then be given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room a second time.

- 4.4.25. The Disciplinary Tribunal shall then determine the penalty to be imposed (if any) and shall recall the Charged Person and reporting Official to advise of the penalty.
- 4.4.26. The Disciplinary Tribunal is not obliged to give oral or written reasons for any decision made by it under this By-law but may do so in its discretion.
- 4.4.27. A Charged Person who has been convicted of an Offence and received a penalty under this By-law shall not play, coach, referee, attend or otherwise take part in ANU Sport activities as directed by the Disciplinary Tribunal until the penalty has been served to the satisfaction of the Association.

## 5. OFFENCES AND PENALTIES

### 5.1. OVERVIEW

- 5.1.1. Clause 5.2.1 sets out the standard Offences and suggested penalties to be applied.
- 5.1.2. Where charges arising from one particular incident are heard together and a Tribunal finds the person or team guilty of more than one Offence, it may impose a single penalty, being not more than the maximum penalty for the most serious of the Offences, or it may impose individual penalties for each Offence.
- 5.1.3. A penalty handed down under this clause shall commence from the date of the Offence unless otherwise expressly directed by a Tribunal. Penalties should wherever possible be expressed to be competition weeks as opposed to number of matches. A Tribunal has the discretion to rule that a penalty will be suspended for the number of matches which fall between sports or during any season break.
- 5.1.4. Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently, cumulatively, or partly concurrently and partly cumulatively.
- 5.1.5. Persons on a first Offence shall have this considered when assessing the penalty to be handed down.
- 5.1.6. A Tribunal may consider a Charged Person's prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to Offences under clause 5.2.

### 5.2. CLASSIFICATION OF OFFENCES AND PENALTIES

5.2.1.

Level of Offense:	Recommended personal penalty (pleads/found guilty):	Reckless	Intentional
<b>Level 0</b> - Breaches of the rules of the sport and/or spirit of game and should be managed by temporary suspensions controlled by the match officials. E.g.: Physical actions causing potential danger to others/against spirit of game.	Sport specific on field penalty (e.g. card, warning, technical foul, ejection)	N/A	N/A

<p><b>Level 1 - Breaches of Codes of Behaviour.</b>  <i>Recommended penalty is 1 match. Consideration could be given to time served through penalty cards.</i>  E.g.: Visible / Audible language and/or gestures, acts of aggression, or intimidation, physical actions causing potential danger to others (intentionally), abuse of physical structures, disobeying instructions.</p>	Official warning with repeat offense 1 competition week	N/A	N/A
<p><b>Level 2 - Breaches of Codes of Behaviour. A multiplier may be added to the penalty where intent is established. Recommended penalty is 1 match.</b>  E.g.: Physical actions causing danger or injury to others (minimal impact), verbal abuse - use of offensive, insulting abusive or intimidating language and/or gestures, recurrent breaches of Level 1 or Penalty Cards (within the event), act contrary to the Codes of Behaviour that because of its nature cannot be adequately covered by other definitions</p>	1 competition week	100%	200%
<p><b>Level 3 - Breaches of Codes of Behaviour of a serious nature. Recommended penalty is 3 matches. A multiplier may be added to the penalty where intent is established. E.g.:</b> Physical actions causing danger or injury to others (high impact), verbal abuse - Incitement to violence, or repeated offensive, insulting, abusive or intimidating language and/or gestures.</p>	3 competition weeks	100%	200%
<p><b>Level 4 - Breaches of Codes of Behaviour where the act was extraordinary, or impact is broader than the event. Penalties will be determined in conjunction with ANU Sport. E.g.:</b> Language or gestures to vilify, extreme act of violence, outside course of the game, public statements that are misleading or damaging, bringing the game into disrepute, extreme act, that because of its nature cannot be adequately covered by other definitions.</p>	Use of a tribunal/refer to residential experience	N/A	N/A

## 6. APPEALS PROCEDURE

### 6.1. RIGHT OF APPEAL

- 6.1.1. The only grounds of appeal from a decision of the Disciplinary Tribunal are as follows:

- a) that significant new or additional evidence has become available, to be determined by the Disciplinary Tribunal Chairperson;
  - b) that the penalty imposed by the Disciplinary Tribunal is not in accordance with the provisions of this By-law; or
  - c) that the Disciplinary Tribunal failed to follow procedures or requirements of this By-law to the highly significant detriment of the person seeking the appeal.
- 6.1.2. Only a Charged Person shall have the right of appeal from a decision of the Disciplinary Tribunal under this By-law.

## **6.2. NOTICE OF APPEAL**

- 6.2.1. A person seeking to appeal a decision of the Disciplinary Tribunal must:
- a) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Hearings Officer within two (2) working days of the notification of a determination of a Disciplinary Tribunal hearing ("Notice of Appeal").
  - b) pay the appeal fee to the Hearings Officer when lodging the Notice of Appeal, which shall be \$110.00 (including GST) (the appeal fee may be waived in the discretion of the Hearings Officer).
- 6.2.2. An Appellant shall be notified within seven (7) working days of receipt of the Notice of Appeal as to the time, date, and place of the Appeal hearing should one be required (as per 6.1.1).
- 6.2.3. An appellant shall be notified within seven (7) working days of receipt of the Notice of Appeal if the Appeal is denied pursuant to clause 6.1.1.

## **6.3. APPEALS TRIBUNAL**

- 6.3.1. The Hearings Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this By-law.
- 6.3.2. An Appeal Tribunal shall consist of at least three (3) persons appointed by ANU Sport from time to time to hear appeals as required by the ANU Sport. Members of an Appeal Tribunal will preferably have experience in hearing and determining disciplinary matters in sport.
- 6.3.3. Persons who have previously sat on the Disciplinary Tribunal, but who were not involved in the hearing of a matter the subject of an appeal, remain eligible to sit on an Appeal Tribunal.

## **6.4. SERVING OF DISCIPLINARY TRIBUNAL PENALTIES**

- 6.4.1. Subject to clause 6.4.2(b), where the Disciplinary Tribunal imposes a penalty that includes a suspension, the Appellant shall serve that suspension pending the determination of the appeal.
- 6.4.2. Subject to clause 6.4.3, the Appeal Tribunal may of its own motion or upon application of any party to the appeal, order:
- a) That an appeal be adjourned;
  - b) A stay of the execution of the penalty imposed by the Disciplinary Tribunal pending the determination of the appeal.
- 6.4.3. The Appeal Tribunal shall make an order under clause 6.4.2 (b) only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made. In



determining that question, the Appeals Tribunal shall without limitation have regard to:

- a) the merits of the appeal and the Appellant's prospects of success;
- b) the interests of other teams, Residential Halls, and participants; and
- c) the effect on the results of the competition.

## **6.5. APPEALS TRIBUNAL PROCEEDINGS**

- 6.5.1. The Appeal Tribunal may conduct the Appeal in a manner it deems appropriate, provided the Appellant is accorded an opportunity to plead their cause of action pursuant to clause 6.1.1.
- 6.5.2. The Hearings Officer shall forward records of the Disciplinary Tribunal hearing in which the matter the subject of the Appeal was heard at first instance to the chairperson of the Appeal Tribunal.
- 6.5.3. The Appeal Tribunal shall have the discretion to conduct the hearing as a complete re-hearing, but an appeal may only succeed if the Appellant makes out a ground(s) of appeal under clause 6.1.1.
- 6.5.4. If a ground on appeal contained in clause 6.1.1 is made out, an Appeal Tribunal shall have the power to:
  - a) dismiss the appeal;
  - b) uphold the appeal;
  - c) impose any of the penalties set out in Part 5 of this By-law.
  - d) reduce, increase, or otherwise vary any penalty imposed by the initial hearing's Disciplinary Tribunal in such manner as it thinks fit.
- 6.5.5. The Appeal Tribunal is not obliged to give oral or written reasons for a decision under clause 6.5.4 but may do so at its discretion.
- 6.5.6. At the conclusion of the appeal, the chairperson of the Appeal Tribunal shall ensure that the Appellant and the reporting Official are correctly informed of the determinations of the Appeal Tribunal. The chairperson shall also notify the Hearings Officer of the decision of the Appeal Tribunal.

## **6.6. REFUND OF APPEAL FEE**

- 6.6.1. The Appeal Tribunal shall have the discretion to refund the appeal fee payable under clause 6.2.1(b).

## **6.7. COSTS**

- 6.7.1. Each party to an appeal shall bear their own costs. The Appeal Tribunal has the power to award that the reasonable costs of the Appeal Tribunal be borne by either party in its absolute discretion.

## **6.8. SINGLE RIGHT OF APPEAL**

- 6.8.1. There is only one right of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding on the parties.

## **6.9. EXHAUST INTERNAL APPEAL**

- 6.9.1. A person shall exercise their right of appeal under this By-law and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law

# **SCHEDULES**

## **SCHEDULE 1: REPORT FORM**

REPORT FORM

**Name of reporting officer:**

\_\_/\_\_/\_\_\_\_

**Date of incident:**

Details of Interhall fixture (teams involved, sport, location, time):

Name of person/team/residence receiving complaint: \_\_\_\_\_

If complaint recipient is an **INDIVIDUAL**, please indicate the role/position of the individual (e.g., player, spectator etc.):

Complainant name: \_\_\_\_\_

**Complainant's contact details:**

Phone:

Email:

Complainant role/position (e.g., player, spectator):

Was provisional action taken?                      Yes/No

If so, please detail:

Please describe the details of the incident:

**Witnesses (if no witnesses, please leave blank):**

Name of witness 1:

Role of witness 1 (e.g., player, spectator):

Phone:

Email:

Name of witness 2:

Role of witness 2 (e.g., player, spectator):

Phone:

Email:

Name of witness 3:

Role of witness 3 (e.g., player, spectator):

Phone:

Email:

## **EXHAUST INTERNAL APPEAL**

The ANU Interhall Sport Organisation (ISO) is currently administered as an independent student organisation that facilitates a sporting