

Reciprocal State Black Card Policy



Proposed Policy

The Black Card Policy of each State Association is responsible for determining any period of suspension for a fencer from State level competitions within that State to be applied to a Black Card offence (which, at an FIE competition, carries the penalty of exclusion from an event, suspension from the rest of the tournament and exclusion for the following two months of the current or following FIE season) awarded at a State level competition held by that State.

A fencer penalised by a Black Card at any State level competition held by a State Association in any State shall **ALSO** be excluded from being permitted to enter State level competition(s) held by all other State Associations from the date of the offence for the period of time determined by the Black Card Policy of the State Association that held the competition at which the Black Card was awarded.

A fencer penalised by a **second** Black Card (which, at an FIE competition, carries the penalty of exclusion from an event, suspension from the rest of the tournament and exclusion for the following two months of the current or following FIE season) at any State level competition held by a State Association in **any** State **within 12 months** of a previous Black Card offence at **any** State level competition held by a State Association in **any** State, then that fencer shall be excluded from being:

1. permitted to enter State level competition(s) held by **all** State Associations from the date of the offence for a period of time determined by the Black Card Policy of the State Association that held the competition at which the second Black Card was awarded;
2. nominated for entry to the next AFF national tournament in which they would have been eligible to compete; and
3. nominated for any international event in which they would have been eligible to compete until the conclusion of the national event for which they are ineligible to nominate, as determined by point 2. above.

A fencer penalised by **three or more** Black Cards (which, at an FIE competition, carries the penalty of exclusion from an event, suspension from the rest of the tournament and exclusion for the following two months of the current or following FIE season) at any State level competition held by a State Association in **any** State **within a 24 months** period, then that fencer shall be deemed a repeat offender and **ALSO** subject to the provisions of the Disciplinary Code of the FIE (Chapter VII, FIE Statutes).

In the event that these sanctions are suspended pending the outcome of an appeal any sanctions confirmed by the appeals body will take effect from the date the appeal is determined.

Proposed Appeals Policy

Where the Black Card is given at a State level competition held by a State Association, the fencer will have one week following that competition to appeal in writing to the Executive of the State Association that held the competition at which the Black Card was awarded to have the awarding of the Black Card and/or the sanction imposed reviewed, clearly stating the grounds under which the appeal is requested. No appeal is available against the referee's, or other official(s) empowered to award the Black Card, factual determination at the time, only of the interpretation of the rules in the circumstances or that the determination was affected by actual bias.

The State Officiating Director (or their nominee if they are unavailable or conflicted) of the State Association that held the competition at which the Black Card was awarded will establish an independent (i.e. persons who were not party to the original decision and have no relationship with the fencer that would constitute a conflict of interest) body of three people over the age of 18 years, one of whom must be a nationally accredited referee (the "Appeals Panel"), to conduct the appeal.

In the first instance the Appeals Panel will determine if the grounds under which the appeal is requested are available for appeal. If the Appeals Panel determines the grounds under which the appeal is requested are not available for appeal it will dismiss the appeal and confirm the sanctions specified in the Black Card Policy of the State Association that held the competition at which the Black Card was awarded and advise the fencer in writing of its decision.

If the Appeals Panel determines the grounds under which the appeal is requested are available for appeal the fencer will be given an opportunity to put their case to the Appeals Panel, which may uphold or remove the Black Card and vary or confirm the sanction, advising the fencer in writing of its decision.

The Appeals Panel may consider any information, and/or hear testimony from any witnesses, it considers necessary to determine the appeal.

During the period between lodgement of the appeal, and the communication of the decision of the Appeals Panel, any sanction is suspended.

If the fencer is under the age of 18 years reference to "the fencer" should be read as a reference to the fencer's legal guardian.