

DISCIPLINARY BY-LAW



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Queensland Lacrosse Association Inc – Disciplinary By-Law

1. Disciplinary reporting process

- (a) If a referee, umpire or Association Member deems an incident of rough play or misconduct (including the use of indecent, threatening or abusive language) or any other matter of sufficient importance he or she may report such incident.
 - (i) Such incident must be reported on the QLAI Player Report Form and submitted to the President/Secretary within two (2) days of the occurrence of the incident. All submitted written complaints will be formally acknowledged within two (2) working days.
 - (ii) The complaint should specifically outline the alleged behaviour and/or misconduct in a QLAI endorsed competition or activity.
 - (iii) Complaints unrelated to competition but against another member of QLAI should clarify the jurisdiction being sought for the complaint – Competition Rules or By-Laws, QLAI Constitution or Member Protection Policy.

2. Grounds for taking disciplinary action

- (a) The management committee of Queensland Lacrosse Association Inc may instigate disciplinary action against a member in accordance with this By-Law if it is determined that the member:
 - (i) has failed to comply with the rules of the game;
 - (ii) refuses to support the purposes of Queensland Lacrosse Association Inc;
 - (iii) has engaged in conduct prejudicial to Queensland Lacrosse Association, or
 - (iv) otherwise breaches any of the matters set out in clause 13 of the constitution of Queensland Lacrosse Association Inc

3. Disciplinary Subcommittee

- (a) If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
 - (b) The members of the disciplinary subcommittee:
 - (i) will be appointed by the management committee of QLAI and shall be a total of three members unrelated to the sport of lacrosse.
 - (ii) must not be biased against, or in favour of, the member concerned.

(iii) will select their chairperson from the disciplinary subcommittee members.

4. Notice to Member

(a) Before disciplinary action is taken against a member, the Board will cause to be provided to the member written notice:

(i) stating that QLAI proposes to take disciplinary action against the member; and

(ii) stating the grounds for the proposed disciplinary action; and

(iii) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and

(iv) advising the member that he or she may do one or both of the following:

(A) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

(B) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(v) setting out the member's appeal rights under rule 5.

(b) The Management Committee in its sole discretion shall provide such reasonable notice period of the disciplinary meeting as it deems appropriate in all the circumstances to the member.

(c) Any member failing to appear at a Disciplinary Subcommittee hearing will be suspended automatically from participation in any lacrosse activities. This suspension will remain in force until a hearing is completed.

5. Procedure at Hearings

(a) The procedure of the Disciplinary Committee in all such proceedings shall be as the Disciplinary Committee shall determine in each case, but subject to this power to regulate its own procedure, it shall generally conform to the procedures stated in these rules.

(b) The procedure prescribed should be directed at ensuring that there will be fair hearings, and should include elements that normally should be dealt with in the following sequence: -

(i) The procedures to be followed at the hearing should be explained clearly by the Judiciary Chairman to all present.

(ii) All who are entitled to be present throughout the hearing should attend during the taking of evidence and when submissions are made.

(iii) The Judiciary Chairperson shall read the referee's report and any other match officials' report, if provided.

(iv) Evidence/submissions shall then be heard in the following sequence:

- Evidence from the Complainant, if he/she so chooses.
- Evidence from the Respondent, if he/she so chooses.
- Evidence from witnesses (if any).
- Submissions (if any) by a senior member of party's respective club, school or association.

(c) Those giving evidence shall be subject to questioning from any member of the committee. There shall be no right of the complainant or the respondent to cross-examine the referee or any other match official.

6. Decision of Disciplinary Subcommittee

(a) After complying with subrule 5(b), the disciplinary subcommittee may:

(i) take no further action against the member; or

(ii) impose any or all of:

(A) reprimand the member;

(B) suspend the membership rights of the member for a specified period;

(C) expel the member from Queensland Lacrosse Association Inc; or

(D) apply such other sanction as the disciplinary subcommittee thinks fit in the circumstances.

(b) The disciplinary subcommittee may announce its decision at the disciplinary meeting, or it may adjourn the meeting and produce a written decision in its absolute discretion.

(c) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the decision is either announced or handed down unless determined otherwise by the disciplinary subcommittee.

(d) All disciplinary meeting proceedings shall be confidential, and shall be conducted with as little formality as necessary for the proper resolution of the matter. Unless otherwise stated in the disciplinary subcommittee's decision, the Board in its sole discretion may publicise the outcome of a disciplinary (or Appeal) meeting as it sees fit.

7. Appeal Rights

- (a) A person who has received a sanction or penalty in accordance with subrule 6(a)(ii) above may give notice to the effect that he or she wishes to appeal against the decision of the disciplinary subcommittee.
- (b) The notice must be in writing and given:
 - (i) to the disciplinary subcommittee immediately after the disciplinary subcommittee decision announces the sanction or penalty;
- (c) If a person has given notice under subrule 7(b), a disciplinary appeal meeting must be convened by the Management Committee as soon as practicable but in any event not later than seven (7) days after the notice is received.
- (d) Notice of the disciplinary appeal meeting must be given to each ordinary member of QLAI who is entitled to vote as soon as practicable and must:
 - (i) specify the date, time and place of the meeting; and
 - (ii) state:
 - (A) the name of the person against whom the disciplinary action has been taken; and
 - (B) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

8. Conduct of Disciplinary Appeal Meeting

- (a) At a disciplinary appeal meeting:
 - (i) no business other than the question of the appeal may be conducted; and
 - (ii) the Board must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (iii) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (b) After complying with subrule 8(a), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (c) A member may not vote by proxy at the meeting.
- (d) The member the subject of the disciplinary appeal may vote at the meeting.

- (e) The decision is upheld unless not less than three quarters of the members voting at the meeting vote against the decision.
- (f) No member may institute or maintain proceedings in any other court or tribunal for any action of defamation, or breach of privacy or confidential information, in circumstances where the Board, in exercising its role under the 8(a), provides details of the matter under appeal to the meeting.

9. Schedule of Penalties

- (a) Each case must be treated on its merits and any penalty imposed must be seen to be fair and equitable and in accordance with the circumstances of the case and in accordance with natural justice.
- (b) The recommended scale of sanctions / suspensions is outlined in Section 9.0 of this document. It outlines the seriousness of a person’s conduct and also any mitigating or aggravating features which may decrease or increase the applicable ‘entry point’ for a suspension.
- (c) Except in clear cases of mistaken identity or where a referee states they may have made a genuine mistake, the Judiciary Committee have no power to find "no case proven" and it can therefore decide upon only one or other of the following, namely:
 - (i) No further punishment additional to the appearance before the Committee;
 - (ii) That the player be cautioned or severely cautioned as to his/her future conduct;
 - (iii) That a period of suspension or expulsion be imposed.
- (d) The effect of any sanctions/suspensions may not be suspended by a Judiciary Committee.

The following table identifies only the maximum penalty for suspension/sanctions under the Complaints Handling Procedure. These maximum penalties may be adjusted at any time in the future by formal resolution by the QLAI Management Committee, but they will not be amended retrospectively.

Policy Number: 001	Reviewed by Board on:
Version	Responsible person:
Drafted by:	Scheduled Review Date:

CHARGE / OFFENCE	MAXIMUM PENALTY
Threatening or abusive language	4 rounds or weeks (whichever is greater)
Abuse or contempt shown towards an official	8 rounds or weeks (whichever is greater)
Making threats to a Player, Official, Spectator and/or any property	12 rounds or weeks (whichever is greater)
Physical intimidation towards a Player, Official or Spectator	12 rounds or weeks (whichever is greater)
Damage to any physical property of a Player, Official or Spectator, including competition or venue equipment	12 rounds or weeks (whichever is greater)
Physical contact of a threatening nature to a Player, Official or Spectator	26 rounds or weeks (whichever is greater)

