



## DISCIPLINARY POLICY

(21 March 2022)

### DISCIPLINING OF MEMBERS

#### Preamble

The Board will by resolution and in accordance with Rule 24.4, establish from time to time a Disciplinary Committee (a Committee) to convene to hear matters against any Member; to determine the facts of the matter at hand and to recommend to the Board, what action, if any, to take against that Member

All Member shall be subject to the jurisdiction of the Board, following the resolutions and recommendations of the Disciplinary Committee, and shall submit unreservedly to the jurisdiction, disciplinary procedures and penalties and the appeal mechanisms (if any) in this Constitution.

Members of each separate Disciplinary Committee shall come from the Club's Disciplinary and Grievance Panel (The Panel) except where appointed under Rule 2, C) below.

Membership, formation and operation of the Panel and any Committee must occur under provisions of this Constitution and duly enacted Regulations.

#### 1) Formation of the Disciplinary and Grievance Panel

- A) The Board shall appoint a "Disciplinary & Grievance Panel" (The Panel) of up to 10 Club Members.
- B) The Board shall have absolute discretion to determine fit and proper people to be members of The Panel.
- C) The Panel should comprise both male and female members
- D) Board Members should not be members of The Panel.

#### 2) Establishing a Disciplinary Committee

- A) The Board shall establish a disciplinary committee of at least 3 people to hear any matter referred by the Board.
- B) Any Disciplinary Committee shall be a minimum of three people
- C) The composition of a Disciplinary Committee

- a. May include a Board Member as Committee Chair OR may have a Chair nominated by the Board
- b. Must include sufficient members of the Disciplinary and Grievance Panel to bring the Committee number to at least 3 people
- c. May have additional members, appointed by the Board, from outside the Disciplinary and Grievance Panel, where it is considered necessary to provide specialised knowledge or experience relevant to the matter referred eg a representative of the local Referees body (North West Sydney Football Referees Association)

Such members shall only advise the Committee and shall not have a vote.

- D) The members of any Disciplinary Committee must
- a. not be biased against, or in favour of, any Member concerned with the matter before the Committee.
  - b. not have any pre-existing or consequential direct involvement or specific interest in the matter before the Committee

### **3) REFERRING A MATTER TO A DISCIPLINARY HEARING**

A) The Board may refer a member (or group of members) to a Disciplinary Hearing when it becomes aware of any allegation (not being vexatious, trifling or frivolous) or considers that a Member has allegedly:

(i) breached, failed, refused or neglected to comply with a provision of this Constitution, the Regulations or any resolution or determination of the Board or any duly authorised committee;

OR

(ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and Interests of the Club and/or Football in general, or against the interests of another Member;

OR

(iii) brought themselves, another Member, or the Club or Football in general, into disrepute,

(iv) seriously contravened a rule or directive of a competition or program in which the club is participating

(v) contravened a rule, directive or standing order of any body to which the Club is affiliated

- (b) Such an initial Disciplinary Hearing must be held within 10 days of the Board referral

#### **4) DECISION OF THE DISCIPLINARY COMMITTEE**

Following any hearing called, and at the conclusion of any reasonable and required investigation, the Disciplinary Committee shall

- A) Decide all matters of fact relevant to the matter under consideration
- B) Make a *recommendation* to the Board for all penalties to be imposed as a consequence of A) above.
- C) The Board must consider the recommendation of the Disciplinary Committee but may apply any, or no, penalty as it determines appropriate.
- D) Determination of fact under A) above may be appealed to the full Club Board. Following such an appeal the Board may substitute an alternative determination of fact.
- E) There shall be no appeal against the Board's decision on penalty

#### **5) OTHER OPERATIONAL MATTERS**

- A) The Disciplinary Committee may also recommend to the Board to provisionally suspend the Member(s) in question,
  - i) subject to the Disciplinary Committee holding any adjourned hearings or making a final recommendation to the BoardOR
  - ii) subject to the finalisation of any appeal process following a Disciplinary Committee finding
- B) The disciplinary Committee must serve on the Member(s) not later than 7 days before the Disciplinary Hearing a notice in writing stating the alleged breach, the date, place and time of the Disciplinary Hearing and that the Member may address the Disciplinary Hearing either in person or through a written statement.
- C) When determining the facts of the matter referred, the Disciplinary Committee must ensure that any member referred for a hearing has the opportunity to be heard and to call witnesses and that due consideration is given to any written statement submitted by the Member or a witness.