

UniSport Australia Guideline

Disciplinary and Disputes

Introduction

All UniSport events must ensure an appropriate committee structure is in place to deal with any matters considered disputes, incidents and/or breaches of the UniSport *Code of Behaviour* that occur during an event.

The committees will enable any complaint or incident to be dealt with swiftly and fairly in accordance with the UniSport constitution and by-laws. UniSport committees include:

Sports Dispute Committee

The Sports Disputes Committee (SDC) deals with any on field incidents and all matters relating to the conduct of sports competitions during UniSport events.

Sports Dispute Appeals Committee

The UniSport Sports Disputes Appeals Committee (SDAC) can deal with appeals from the sport disputes committee only. An appeal of the decision of the SDC is allowed to the SDAC only if it meets the procedural irregularity or new evidence criteria. The convener of committees in consultation with the chairperson of the SDAC will determine if the matter falls within the appeals criteria.

Judiciary Committee

The UniSport Judiciary Committee (JC) can deal with all alleged breaches of the UniSport Code of Behaviour.

Any reference to payment of fees or penalties throughout this document are GST inclusive.

Event committee structures

1. Sports Dispute Committee (SDC)

- 1.1. The SDC will consist of no less than three persons and no more than six persons. These persons should include from the following list:
 - UniSport appointed chair
 - Sport technical expert
 - Member of local sporting organisation
 - Two independent team managers
 - Convener of committees
- 1.2. The SDC must include the sport technical expert or member of local sporting organisation and at least one independent university team manager.
- 1.3. The convener of committees will be responsible for all administrative functions relating to the committee organisation. Where an SDC member has a clear conflict of interest, as determined by the SDC, that member must stand down.
- 1.4. The findings of the SDC shall be recorded in writing. It is the responsibility of the convener of committees to ensure that this is done, and the chairperson presiding must sign off on any decisions of the SDC.

- 1.5. Voting rights: each member of the SDC has one vote. In the event of a tied vote, the chairperson will have a second and casting vote.
- 1.6. Scope of the SDC: the SDC can adjudicate on disputes arising from any matter affecting the conduct of sporting competitions at the event. The SDC is not a forum in which matters dealt with by an on-field referee/umpire will be re-examined. Matters that may fall into this category will be judged by the convener of committees in consultation with the chairperson of the SDC prior to consideration by the SDC.
- 1.7. Powers of the SDC: the SDC has the authority to request any person to make comment on an incident or to report on any such matter that may come before the SDC. This list includes (but is not limited to):
 - The referee and other game officials
 - Participants in the game/competition
 - Team officials (coach, trainer, manager and university team managers)
 - UniSport officials (UniSport Board of Directors, UniSport staff)
 - Event officials (UniSport staff, competition manager (CM), sports convener, key volunteers)
 - Spectators
- 1.8. The SDC has the power to impose one or more of the following actions:
 - Suspend and/or reprimand players/team officials from competition for one or more games (this suspension could be held over to future UniSport events)
 - Uphold and/or amend a decision of the CM
 - Make changes to the sports competition/structure or format (in consultation with the event organisers and UniSport project manager)
 - Withdraw any or all awards, placings and records obtained by that person or that person's team, during the event
 - Refer the matter to the judiciary committee, UniSport Board, or state or national sporting organisation responsible for the sport in question
- 1.9. Rights of the parties involved in the dispute: A participant, team (no more than two representatives) or party involved in the dispute has the right to appear before the SDC to state their case. Parties must indicate their intention to appear before the SDC on the dispute/incident form.
- 1.10. The convener of committees has the responsibility of informing the parties (as identified on the dispute/incident form) of the time and place of the SDC meeting. Failure to attend at the notified time and place, without prior notification acceptable to the SDC in its absolute discretion, will mean an automatic forfeit of this right of appearance and a decision will be made without the applicant's appearance before the SDC taking place.
- 1.11. Unless a player is sent off and this incurs an automatic suspension (under their sporting code rules), players and teams can continue to compete until their case is heard by the SDC. Every effort must be made to hear and resolve a dispute before any game involving the said parties is scheduled take place.
- 1.12. The decision of the SDC: the rules of competition for each sport will govern acceptable behaviour on the playing field. Any breaches of these rules will be placed before the SDC unless the breaches also constitute a breach of the UniSport code of behaviour. Decisions of the SDC will be by majority vote and the SDC may adjourn or defer a meeting in its absolute discretion.

2. Sport Dispute Appeals Committee (SDAC)

- 2.1. The SDAC will consist of no less than three persons and no more than six persons. These persons should include from the following list:
 - UniSport appointed chair
 - Legal representative
 - Two independent senior managers from competing UniSport members
 - Convener of committees
- 2.2. The convener of committees will be responsible for organising the members of the SDAC. All members of this committee must be different individuals than those on the committee from which the appeal comes.
- 2.3. Voting rights: each member of the SDAC has one vote. In the event of a tied vote, the chairperson will have a second and casting vote.
- 2.4. Scope of the SDAC: the SDAC can adjudicate on appeals from the sports disputes committee ONLY.
- 2.5. Powers of the SDAC: the SDAC has the authority to call any person to make comment on an incident or to report on any such matter that may come before the committee to assist in making their decision.
- 2.6. The SDAC may refer the appeal back to the original committee to hear any new evidence or to correct any procedural irregularities.
- 2.7. Rights of the parties in the appeal: a participant, team (no more than two representatives) or party involved in the appeal has the right to appear before the SDAC to state their case. The intention to appear must be noted on the appeals form.
- 2.8. The convener of committees in consultation with the chairperson of the SDAC shall decide whether a procedural irregularity has occurred, or new evidence has been brought forward.
- 2.9. The convener of committees has the responsibility of informing the parties of the time and place of the SDAC meeting, and as to when the party will appear. Failure to attend at the agreed time and place, without prior notification, will mean an automatic forfeit of this right of appearance and a decision will be made without the appearance of the applicant before the SDAC taking place.
- 2.10. The decision of the SDAC: decisions of the SDAC will be by majority vote. The SDAC may:
 - Uphold or dismiss the decision of the SDC
 - Refer the matter back to the original committee
 - Substitute a new decision
 - Vary the penalty imposed by the SDC if they feel such action is warranted
- 2.11. The SDAC may adjourn or defer a meeting in its absolute discretion.
- 2.12. Lodging an appeal with the SDAC: an appeal form must be lodged with the SDAC on a UniSport appeal form (\$75.00 fee payable at time of lodgment).

3. Judiciary Committee (JC)

- 3.1. The JC will consist of no less than three persons and no more than six persons. These persons should include from the following list:
 - UniSport appointed chair

- Two independent team managers
 - Convener of committees
 - Up to two others
- 3.2. The convener of committees will be responsible for organising and/or appointing the members of the UniSport JC. Note that a UniSport Board member cannot be a member of the JC as per the UniSport constitution.
 - 3.3. Voting rights: Each member of the UniSport JC has one vote. Decisions of the UniSport JC will be by majority vote and in the event of a tied vote, the chair will have a second and casting vote.
 - 3.4. Scope of the UniSport JC: the UniSport JC can only adjudicate on alleged breaches of the UniSport code of behaviour as specified in clause 4.1.
 - 3.5. Powers of the UniSport JC: the UniSport JC has the authority to request any person to make comment on an incident or to report on any such matter that may come before the committee. The UniSport JC is empowered by the UniSport constitution and code of behaviour. Sanctions that can be imposed by the disciplinary committee are described in the code of behaviour.
 - 3.6. Rights of the parties involved in the report: A participant, team (no more than two representatives) or party involved in the dispute has the right to appear before the JC to state their case.
 - 3.7. The convener of committees has the responsibility of informing the parties of the time and place of the JC meeting. Failure to attend at the informed time and place, without prior notification acceptable to the JC in its absolute discretion, will mean an automatic forfeit of this right of appearance and a decision will be made without the appearance before the JC taking place.

4. Lodging a sports dispute

- 4.1. **Dispute lodged with CM.** Lodge an official dispute/incident form within one hour of the conclusion of the fixture in which the incident occurred to the CM. The dispute/incident form must be lodged by the university team manager (UTM) or their appointee.
- 4.2. **CM decision.** The CM must make an initial decision based on the written report submitted on the dispute/incident form and outlines the decision on the dispute/incident form and notifying the university team manager or their appointee of the decision.
- 4.3. **Acceptance/rejection of CM decision.** If the decision of the CM is not accepted move to step 4. If the decision is accepted then the dispute/incident form goes no further and the CM collects and submits the form to the Nationals HQ at the conclusion of the days competition.
- 4.4. **Dispute lodged with Nationals HQ.** In the event that the decision of the CM is not accepted and the dispute/incident form is referred to the SDC, the form is forwarded with a lodgment fee of \$25.00 to the Nationals HQ. The form must be lodged by the UTM or their appointee.

The lodgment of the dispute/incident form by the UTM or their appointee must occur no later than one hour from the conclusion of the fixture/match/competition in which the incident occurred. That is, steps 1 through to 4 must occur within one hour of the conclusion of the relevant fixture/match/competition.

If the dispute/incident form is lodged outside the one-hour time limit, then the matter will only be dealt with by the SDC at the absolute discretion of the convener of committees in consultation with the SDC chair. The convener or committees shall notify parties concerned of the time and place at which the SDC shall convene.

4.5. **SDC decision.** The matter will be considered by the SDC and all parties concerned will be informed of the decision as soon as practicable after the decision is made. All parties will be provided a copy of the completed dispute/incident form.

4.6. **Appeal lodgment.** If an appeal is required, the appeal must be lodged on a sport disputes appeals form by the UTM or their appointee with an additional lodgment fee of \$75.00. The appeals form and lodgment fee must be submitted to the Nationals HQ within one hour of notification of the decision made by the SDC. If the SDC decision has been made out of Nationals HQ hours, the appeals form must be lodged within one hour of the Nationals HQ opening.

4.7. **Who can lodge a dispute/incident form to the SDC?**

A dispute/incident form can be lodged by (but needs to be lodged with the competition manager in the first instance for an initial decision):

- The referee and other game officials (can include officials not officially appointed to the particular match, but only those with a recognised Australian coaching council accreditation)
- The university team managers or their nominated appointee
- UniSport officials (UniSport Board of Directors, UniSport advisory group members and UniSport staff)
- Event officials (competition manager and key volunteers)

4.8. **Appealing the decision of the SDC**

A decision of the SDC may be appealed to the UniSport SDAC only where there has been a procedural irregularity or new evidence, and the decision of the SDAC will be final. The decision of the SDC shall stand until the decision of the UniSport sports disputes appeals committee is handed down.

Disputes relating to on field referee decisions will not be accepted.

5. Lodging a sport dispute appeal

- 5.1. **Appeal lodged at Nationals HQ.** If an appeal is required, the appeal must be lodged in writing on a sport disputes appeals form at the Nationals HQ within one hour of the decision made being notified to the disputing party. If the decision has been made out of event Nationals HQ hours, it must be lodged within one hour of the event Nationals HQ re-opening.
- 5.2. **Late appeal.** A report may be lodged after one hour and may be heard at the absolute discretion of the convener of committees.
- 5.3. **Lodgement requirements.** The appeal form must be accompanied by a copy of the official UniSport disputes/incident form, the minutes of the SDC meeting and a further \$75 lodgement fee must be paid to the Nationals HQ.
- 5.4. **Appeals notification.** The convener of committees shall notify parties who have indicated their intention to appear on the appeals form of the time and place the appeals committee shall convene.
- 5.5. **Appeals committee decision.** In the event that the appeal is successful, the full amount of \$100 will be refunded. However, if the appeal is unsuccessful, the \$100 will be forfeited to UniSport.
- 5.6. **Appeals of the decision of the UniSport Sports Disputes Appeals Committee (SDAC).** The decision of the UniSport SDAC is final.

6. Lodging a breach of the UniSport Code of Behaviour

6.1. **Submitting a breach.** A report regarding breaches of the code of behaviour at a UniSport event must be submitted to the Nationals HQ for the event within two hours of the reportee becoming aware of the incident or, if the Nationals HQ is closed, within two hours of the Nationals HQ re-opening.

6.2. **Who can report a breach?**

A report can only be lodged by:

- The referee and other game officials (can include officials not officially appointed to the particular match, but only those with a recognised Australian coaching council accreditation)
- Team officials (university team managers or their appointee)
- UniSport officials (UniSport Board of Directors, UniSport advisory group members and UniSport staff)
- Event officials (UniSport staff, competition manager and key volunteers)

6.3. **Late submission.** A report may be dealt with if it is lodged outside the two-hour time limit at the absolute discretion of the convener of committees in consultation with the chairperson of the committee.

6.4. **Receipt of report.** Upon receipt of the report UniSport will give written notice to the person stating:

- The nature and details of the alleged breach
- The dates, time and place for a hearing (which shall occur at a reasonable time after the conclusion of the event)
- The person's right to representation
- The composition of the JC
- Providing a copy of this code

UniSport will give written notice to the university from which the person represents stating the details of the alleged breach as set out above.

UniSport will convene a JC to determine the matter. The JC will convene within a reasonable time after the completion of an event and will resolve all matters arising from the previous event(s) just completed.

At the sole discretion of the UniSport CEO or their nominee, if UniSport considers the alleged breach serious, the athlete may be provisionally suspended immediately and until the determination of the matter by the JC. For the avoidance of doubt, where a provisional suspension is imposed, that person will have their Nationals accreditation removed and cannot continue to compete until the determination of the matter by the JC (which shall occur within a reasonable time after the conclusion of the event). Where imposed, any period of provisional suspension shall, to the extent practicable or relevant, be credited against any subsequent action imposed.

6.5. **JC decision.** The UniSport JC shall give its decision as soon as possible after the completion of the hearing. It is not required to give reasons however is required to record its decision in writing to the person in breach of the code. A record of the incident and its outcome will also be recorded in the UniSport disciplinary register.

6.6. **Appealing the decision of the UniSport JC.** A decision of the JC may be appealed in writing to the UniSport Board, under the guide of section 25 of the UniSport Constitution.

7. UniSport Code of Behaviour

7.1. What is the code of behaviour?

- 7.1.1. This code sets out the types of behaviour that will not be acceptable during a UniSport endorsed event and the consequences for such behaviour occurring.
- 7.1.2. This code is established to ensure that the highest possible standard of intervarsity competition occurs during the event.
- 7.1.3. This code supports UniSport's desire to encourage and promote excellent sportsmanship and appropriate standards of behaviour, including fair play on and off the field.
- 7.1.4. This code is not intended to restrict or hinder persons having fun and participating in a competitive manner in the event.
- 7.1.5. It is important to note that this code may apply in addition to any code or other disciplinary requirements of the person's university, sport governing body and will be referred to the police where appropriate.

7.2. Who does the code apply to?

- 7.2.1. This code applies to:
 - a) all persons competing in the event
 - b) spectators at the event
 - c) all persons officially appointed to any team or individual competing in the event, such as coaches, managers and health professionals
 - d) all officials appointed by UniSport, the hosts who are involved in the event, including umpires, referees
 - e) all employees or agents of, UniSport, and the hosts
- 7.2.2. Collectively referred to as persons in this code.

7.3. When does this code apply?

The code applies from the time of the commencement of the event on day one to the conclusion of organised activities on the last day including:

- a) during games and competitions in the event.
- b) all official and unofficial social functions of, or associated with, the event that occur regardless of whether they occur before, during or after competition.

7.4. What behaviour is in breach of this code?

Any person who does, or is involved in, any of the following types of behaviour shall be in breach of the code:

- a) consuming alcohol unless in an approved area, in line with relevant liquor licensing regulations.
- b) being unduly intoxicated at any event venue or official and unofficial social functions of, or associated with, the event.
- c) breach of the following UniSport policies:
 - I. Improper Use of Drugs and Medicine Policy
 - II. Competition Manipulation and sport Wagering Policy
 - III. Anti-Doping Policy
- d) failing to comply with a reasonable direction of an event official
- e) harassment or bullying of another person

- f) hazing
- g) nudity
- h) acting in an unlawful manner
- i) abuse (verbal and/or physical) of an event official
- j) damage to property
- k) acting in any other manner which brings the event, UniSport, and/or the hosts (including any employee, official or agent of such organisations) into disrepute.
- l) discrimination of a person(s) because of their age, sex, gender, gender identity, gender expression, intersex status, sexual orientation, race, colour, descent, national or ethnic origin, nationality, disability, mental or physical impairment, parent or carer responsibilities, marital status, pregnancy, physical features, medical record, criminal record, political beliefs or activities, religion, religious beliefs or activities, profession, trade or occupation, member of association or organisations or defence services.

7.5. **What happens if this code is breached?**

If UniSport receives information which is in breach of this code, UniSport shall:

- a) investigate the alleged breach, and if satisfied that a breach may have occurred, refer the matter to a hearing, under clause 6
- b) The hearing will be conducted by the UniSport judiciary committee which will convene within a reasonable time after the completion of the event and will resolve all matters arising from the previous event(s) just completed

7.6. **How are hearings conducted?**

7.6.1. Upon the steps in clause 7.5 being satisfied, UniSport will:

- a) give written notice to the person stating:
 - i. the nature and details of the alleged breach
 - ii. the date, time and place for a hearing
 - iii. the person's right to representation
 - iv. the composition of the disciplinary committee
 - v. providing a copy of this code
- b) give written notice to the person's university stating the details in (a) above
- c) appoint a disciplinary committee to determine the matter within 24 hours of giving the notice in (a)
- d) As previously indicated, at the sole discretion of the UniSport CEO or their nominee, if UniSport considers the alleged breach serious, the athlete may be provisionally suspended immediately and until the determination of the matter by the judiciary committee. For the avoidance of doubt, where a provisional suspension is imposed, that person will have their accreditation removed and cannot continue to compete until the determination of the matter by the judiciary committee (which shall occur within a reasonable time after the conclusion of the event). Where imposed, any period of provisional suspension shall, to the extent practicable or relevant, be credited against any subsequent sanction imposed.

- 7.6.2. At the hearing, the disciplinary committee will determine whether the person has breached this code, as alleged in the notice (sent in clause 7.6.1(a)); and if so, what sanction, if any, shall apply.
- 7.6.3. Legal representatives or legal advocates are not permitted to appear before the judiciary committee unless in exceptional circumstances and where leave to appear has been granted by the chairperson.
- 7.6.4. The judiciary committee may determine the procedure for the hearing as it considers fit, and with as little formality and technicality and as quickly as proper consideration of the matter permits.
- 7.6.5. The onus is on UniSport to prove that the alleged breach of this code occurred.
- 7.6.6. The disciplinary committee shall give its decision as soon as possible after the completion of the hearing. It is not required to give reasons or record its decision in writing.

7.7. **What penalties can be imposed?**

- 7.7.1. If the disciplinary committee is satisfied the person did breach the code it may impose any one or more of the following penalties:
 - a) suspend the person from the next game or fixture in the event in which she/he is due to compete
 - b) suspend the person from competing in the event for one or more days of the event
 - c) suspend the person from competing in the event for the balance of the entire event
 - d) suspend the person from future UniSport events indefinitely or for a set period of time
 - e) withdraw any or all awards, placings and records obtained by that person or that person's team, during the event
 - f) ban the person from being involved in the event in any form whatsoever including being present at event venues, and official functions of the event
 - g) fine the person
 - h) reprimand the person
 - i) recommend to the person's university and / or sport governing body that a penalty or additional penalties be imposed by it
 - j) any other penalty the disciplinary committee thinks appropriate in all the circumstances
- 7.7.2. In addition, the person may be disciplined by the university, which they represent, and/or be prosecuted by the police.

7.8. **How can a person appeal a decision?**

The defendant, any other party to the proceedings, or the executive (appellant) may, appeal a decision of the judiciary committee. To appeal a decision, the appellant must, within two days of the decision submit their appeal in writing to the UniSport Board under the guide of section 25 of the UniSport Constitution.

7.9. What do words in the code mean?

The words used in the code mean the following:

- **UniSport** means UniSport Australia Limited
- **Chief Executive Officer** means the UniSport CEO.
- **Code of Behaviour** or **Code** means the UniSport Code of Behaviour provided in section four of this policy.
- **Doping by law** means the doping policy of UniSport, which prohibits the use of prohibited substances and prohibited methods.
- **Event** means any event sanctioned and endorsed by UniSport and includes the sport and social programs relating to that event.
- **Event official** means a person appointed by UniSport or the host to assist it in staging the event and includes security officials.
- **Hosts** mean the hosts of the event.
- **Illicit Drugs in Sport Policy** means the UniSport Illicit Drugs in Sport Policy as amended from time to time.
- **Judiciary committee** means the committee appointed by UniSport to hear and determine alleged breaches of this code.
- **Person** means a person to whom this code applies as specified in clause.
- **President** means President of UniSport.
- **Registers** means the process of registration of participants for the event.
- **Unduly intoxicated** means definition that is applied in relevant state liquor legislation in which games are being conducted.
- **Venue** means any venue on which games, events and competition is being or was played during the event.

8. Forms

The following forms apply to this guideline and are available on the UniSport website:

- Sports dispute/incident form
- Sport dispute appeals form
- Code of Behaviour report

Previous amendments

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