

SCOTTISH KORFBALL ASSOCIATION

DISCIPLINARY POLICY AND PROCEDURES

1. General Provisions

- 1.1 The jurisdiction of the Scottish Korfball Association (SKA) covers, but is not restricted to affiliated clubs, individual members of those affiliated clubs, individuals competing in teams representing the SKA, officials appointed by the SKA and any individuals involved in korfball within the geographic boundaries of Scotland.
- 1.2 Within the meaning of these regulations, the following shall be regarded as an infringement:
 - (a) all acts, or failures to act, which are contrary to the Constitution, Regulations, competition or tournament rules, as well as every irregularity on the occasion of a match. Infringements of the competition or tournament rules and irregularities may occur before, during or after a match.
 - (b) all acts, or failures to act, which are harmful to the interests of the SKA or the sport of korfball in general.
- 1.3 No part of this policy or regulations concerns anti-doping rules violations. These are covered by the SKA's Anti-Doping Policy Documents
- 1.4 A club can be held responsible for an infringement by persons affiliated to it and also for the behaviour of spectators insofar as the club concerned can rightfully be accused of negligence in respect of said behaviour.
- 1.5 By virtue of these regulations, disciplinary measures can be imposed for the same infringements already disciplined by the referee, by a club, by another national organisation, by the International Korfball Association or already handled by a judicial body.

2. DISCIPLINARY BODIES AND THEIR AUTHORITATIVE POWERS

- 2.1 The disciplinary powers of the SKA are enforced by:
 - (a) The Disciplinary Committee
 - (b) The Appeals Committee
 - (c) The General Meeting (Annual of Extraordinary) of the SKA.
- 2.2 The Disciplinary Committee (DC) is formed on an ad-hoc basis as and when required. The DC comprises 3 persons appointed by the SKA Committee and will sit for the duration required to hear any matter put before them. The appointed persons may or may not be members of an affiliated club of the SKA. Where an accusation of an infringement has been made against a particular club and/or an accusation is being made by a club, no members from those clubs may be appointed to the DC. Where an infringement in the course of a match has been reported by a referee (including by the giving of a yellow or red card), that referee concerned cannot be appointed to the DC reviewing the infringement. Only one

member of the SKA committee may sit on the DC, however if the complaint has been made by the SKA Committee, no member of the SKA Committee can sit on the DC.

- 2.3 Appeals against the decision of the DC can only be made to the Appeals Committee.
- 2.4 The Appeals Committee (AC) is formed on the receipt of an appeal against the decision of the DC. The AC comprises 3 persons appointed by the SKA Committee and will sit for the duration required to hear any matter put before them. The appointed persons may or may not be members of an affiliated club of the SKA. Where an accusation of an infringement has been made against a particular club and/or an accusation is being made by a club, no members from those clubs may be appointed to the AC. Where an infringement in the course of a match has been reported by a referee (including by the giving of a yellow or red card), that referee concerned cannot be appointed to the AC reviewing the decision of the DC. Only one member of the SKA Committee may sit on an AC however if the complaint or appeal has been made by the SKA Committee, no member of the SKA Committee can sit on the AC. No members from the DC whose decision is being appealed can sit on an AC.
- 2.5 Appeals against the decision of the AC can only be made to the Court of Arbitration in Sport (CAS). The costs of any appeal to CAS has to be met by the party making that appeal.

3. Submitting a Case for Consideration

- 3.1 Infringements or irregularities are submitted for consideration as follows:
- (a) By the referee submitting a Misbehaviour Report to the SKA fully detailing the events, regardless of whether a yellow or red card was given at the time. This report is to be submitted within 72 hours of the incident.
 - (b) By a club submitting a Club Complaint Report, where an infringement/irregularity has not already been reported by a referee. This must be submitted within 3 weeks of the match / incident.
 - (c) By the SKA Committee within 3 weeks of the match / incident. Where the SKA are submitting the case, they must provide the individual(s) and/or club accused full details of the accusations in writing.
 - (d) By an individual receiving a 3rd yellow card (or more) in a 24 month period.
 - (e) By an individual receiving a red card in any match.
- 3.2 The indictment on which the party or parties shall stand accused are as follows:
- (a) The details provided by the referee on the Misbehaviour Report or
 - (b) The details provided on the Club Complaint Report or

- (c) The details provided in writing to the party or parties concerned by the SKA or
- (d) Where the party is being indicted for a 3rd yellow card in a 24 month period, the indictment will be the details on all three Misbehaviour Reports.

4. Automatic Dealing with a Case

- 4.1 Where a Misbehaviour Report has been received detailing that a formal warning (yellow card) has been given, the following actions will be taken:
- (a) Where the individual who received the formal warning has had no previous formal warnings within the prior 24 months, no further action will be taken, however the Misbehaviour Report will be retained. This does not however preclude the SKA or a Club taking action to refer the matter to a Disciplinary Committee to decide if further action is appropriate.
 - (b) Where the individual receiving the formal warning has had one previous formal warning or has been sent off (red card) within the prior 24 month period, an automatic 1 match ban shall be given. This does not however preclude the SKA or a Club taking action to refer the matter to a Disciplinary Committee to decide if further action is appropriate.
- 4.2 Where a Misbehaviour Report has been received detailing that a sending off (red card) has been given, the following actions will be taken :
- (a) An automatic 3 match ban will be given AND
 - (b) The case will be automatically referred to a Disciplinary Committee to review and decide if further action is appropriate.
- 4.3 Automatic bans will take effect from the next match that the individual is due to be involved with. During the period of an automatic ban, an individual may not be involved in any competitive match (including those for and against development teams) within the jurisdiction of the SKA. An individual serving an automatic ban remains eligible to compete in competitions outside of the jurisdiction of the SKA (e.g. International Korfball Federation competitions, British Student Korfball Association competitions).
- 4.4 Where an SKA competition contains matches of a duration of less than $\frac{3}{4}$ of the duration of a standard SKA league match, that match will only count as $\frac{1}{2}$ a match for the purposes of the ban. Any match of a duration of less than $\frac{1}{2}$ of the duration of a SKA league match will not count towards the serving of the ban, however the individual will remain ineligible to compete in that match. An individual must fully serve their ban and can only be involved in the next match after their ban has been fully served (e.g. if an individual has served $2\frac{1}{2}$ matches of a 3 match ban, they remain ineligible to compete in the next match, regardless of whether than match is full duration or less – they could not take part after half time on that match).
- 4.5 Where an individual is competing in more than one match on the same day, an automatic ban will still take effect immediately should an individual receive a yellow or red card that results in an automatic ban

being applicable (e.g. where a team is involved in two matches on one day and in the first game an individual receives a yellow card that results in an automatic one match ban, that individual will not be eligible to be involved in that team's second match on that day).

- 4.6 It is the responsibility of each Club to ensure that automatic bans are served appropriately.
- 4.7 Where a Club fields more than one team, an individual will be banned for the next game or games for the team in which they habitually play. The team in which a player habitually plays is the team that they have represented most in the last five matches that they have played. Where an individual has played in a development team, the matches for a development team are discounted unless the individual has only competed in a development team.
- 4.8 Where an individual receiving an automatic ban is a coach or other official of a Club, they cannot compete for, coach or be officially involved with any Club or team at a match over which the SKA has jurisdiction until any ban has been fully served. The individual receiving the ban may referee games during the period of a ban, however only in situations where no other suitably qualified referee is available and with the express prior consent of the SKA or, where the automatic ban has come into force on a multi-game match day, with the prior consent of the captains of the teams in the match being refereed for that match day only.
- 4.9 Any player receiving an automatic ban may not also coach or be officially involved with any Club or team during the period of the ban.
- 4.10 The serving of an automatic ban does not preclude the Disciplinary Committee from deciding that an additional punishment is required.

5. Dealing with a Case

- 5.1 The Disciplinary Committee is empowered to declare an indictment directed to it as unfounded, and so regard the matter as closed, or to amend the indictment or to direct the charge against another party concerned.
- 5.2 The Disciplinary Committee, informs the party concerned and their Club (if applicable), of the indictment and requests the party concerned, and any others of whom it is deemed expedient, to submit defence statements or to provide further information or statements in writing. Any parties receiving such a request are bound to respond to it within the time limit set in the request. Where no response is received from one or more parties involved, it is deemed that the party who has failed to respond accepts the statements in the indictment as correct and true.
- 5.3 The Disciplinary Committee will deal with matters in writing (which includes and can be entirely by email) unless either the party concerned requests that the matter be dealt with orally or the Disciplinary Committee panel chair deems this to be necessary.
- 5.4 In the case of a matter being dealt with in writing, the Disciplinary Committee panel chair shall judge whether or not sufficient information has been made available and shall ensure that a proposal for the judgement with all reports and papers relevant to the case shall be sent to the members of the Disciplinary Committee.

5.5 Hearings

- (a) Hearings may be held in person, by video conference, by telephone or by any combination of these deemed necessary by the Disciplinary Committee panel chair to allow for an effective hearing. Where a hearing takes place in one or a combination of forms, this does not restrict the Disciplinary Committee from deliberating in a form different to that of the hearing.
- (b) The Disciplinary Committee panel chair shall determine the place, date and time of the hearing and is responsible for calling the party/parties concerned to the hearing, including all persons it wishes to have present.
- (c) Where a person that the Disciplinary Committee panel chair wishes to be present at a hearing does not wish to attend, provided that the person is not the subject of the indictment, the Disciplinary Committee panel chair can decide to allow the evidence from that person to be given in writing. Where this is the case, this evidence will be provided to the other parties no later than 48 hours prior to the hearing.
- (d) The matters dealt with during a hearing must be summarised in a report and signed by all members of the Disciplinary Committee.
- (e) In the case of a hearing, none of the persons summoned to the hearing may be present during a Disciplinary Committee's deliberations and decision making procedures.

6. Proof

- 6.1 Proof of an infringement is considered to have been furnished when the Disciplinary Committee is convinced that the party concerned has committed the infringement.
- 6.2 The Disciplinary Committee may base its proof on papers, statements and film, video or television recordings, on the clear understanding that proof cannot be based on only one paper, or on only one statement or solely on film, video or television recordings.
- 6.3 In the case of an infringement having been established by the referee only, the Disciplinary Committee, contrary to that laid down in 6.2, may base its proof on that single statement by the referee.

7. Passing Judgement

- 7.1 After it has dealt with the infringement indictment, the Disciplinary Committee makes its judgement known, stating its reasons in writing within 14 days of the Disciplinary Committee reaching a decision.
- 7.2 If the Disciplinary Committee is of the opinion that the infringement is not punishable under, or on the basis of these regulations, it then declares itself incompetent to deal with it.
- 7.3 If the Disciplinary Committee judges that the infringement has not been sufficiently proved, the party concerned is exonerated.
- 7.4 If the Disciplinary Committee judges that the infringement has been sufficiently proved, it states in its judgement:
 - (a) Which disciplinary measure has been imposed for which infringement, on the understanding that a disciplinary measure need not be imposed if the Disciplinary Committee judges that although the party concerned is guilty, the party concerned cannot, or can scarcely, be blamed for the

infringement. It is also possible for more than one type of disciplinary measure to be imposed for any infringement;

- (b) The date on which the disciplinary measures become effective;
- (c) In the event of an imposed disciplinary measure being open to appeal, the period of time in which an appeal may be submitted to the Appeals Committee, subject to a minimum duration of 7 days and maximum duration of 21 days.
- (d) Where the imposed disciplinary measure is subject to appeal, however in the opinion of the Disciplinary Committee an appeal based on the information submitted to it would be spurious or unlikely to succeed, an additional disciplinary measure may be noted that will only come into force should an unsuccessful appeal be lodged.

7.5 Decisions by the Disciplinary Committee are open to appeal.

7.6 In dealing with an appeal, the Appeals Committee can, stating its reasons, nullify, confirm or amend the judgement announced by the Disciplinary Committee. In the case of an amended judgement, the Appeals Committee is empowered to amend the formulation of the infringement, to exonerate the party concerned from certain sections of the infringement, or impose or amend a disciplinary measure.

7.7 A judgement pronounced by the Disciplinary Committee or the Appeals Committee cannot in any way alter a decision made by the referee.

7.8 The judgement is sent in writing to the party concerned with, if the party concerned is a person, a simultaneous copy to the Club to which that person is affiliated.

7.9 Judgements pronounced by the Disciplinary Committee and not appealed against within the stated period of time, together with the judgements pronounced by the Appeals Committee that are not appealed against at the Court of Arbitration and Sport within the stated period of time, are irrevocable.

8. Disciplinary Measures

8.1 The disciplinary measures which can be imposed are:

- (a) A reprimand;
- (b) The exclusion of a player from participation in matches, either for the duration of one or more clearly stated matches or match series, or for the maximum period of 2 years;
- (c) The temporary or permanent withdrawal of an individual's right to carry the function(s) that was / were being carried out when the infringement was committed;
- (d) A deduction of up to 3 points in the Scottish Korfball League, or in any other match series under the jurisdiction of the SKA;
- (e) The exclusion of a team from participation in matches, either for the duration of one or more clearly stated matches, or for a stipulated period of time;
- (f) The annulment of the result of a match already held under the jurisdiction of the SKA. Where a match is annulled, the Disciplinary or Appeals Committee will advise whether the match is to be replayed, or the match awarded to one team, or neither team is to be awarded the match but no replay is to be held. Where a match is awarded to one

team, the score line shall be registered at 10 – 0 to the team awarded the match.

- (g) The forbidding of access to one or more clearly stated matches, or for a clearly stated duration, by the general public or by a specific person or persons.
- (h) The obligation of a person or persons to undergo training (e.g. referee training, coaching training, anger management) of a specified type within a specified duration.

8.2 Conditional disciplinary measures.

- (a) Disciplinary measures can be imposed conditionally, in part or in whole.
- (b) A conditional imposition of a disciplinary measure is accompanied by a probationary period of at the most two years.
- (c) If the party concerned fails to comply with the stipulated condition(s) within the probationary period, their failure to do so will in itself be regarded as an infringement, and the conditional imposition of the disciplinary measure will then become unconditional.

9. Appeals

- 9.1 Where a Disciplinary Committee has decided that proof of the infringement as stated in the indictment has been clearly shown, in part or in whole, the party concerned may appeal to the Appeals Committee by submitting a reasoned statement to the Appeals Committee (initially by submitting the request to the SKA, who will then convene an Appeals Committee) within the timescale set down in the judgement of the Disciplinary Committee. The Appeals Committee shall pronounce judgement on the appeal within a period of six weeks following receipt of the appeal submission.
- 9.2 Unless the Appeals Committee decides otherwise, implementation of the disciplinary measure shall not be postponed pending the result of the appeal.
- 9.3 If the party concerned appeals the decision of the Disciplinary Committee, he may request that the implementation of the disciplinary measure(s) be postponed. The Appeals Committee will shall decide on such a request within ten days of the later of receipt of the request or formation of the Appeals Committee. If the Appeals Committee does not decide within ten days, then the request shall be considered granted until the moment that the Appeals Committee has made such a decision.
- 9.4 The Appeals Committee is empowered to refer a case back to the Disciplinary Committee if it is of the opinion that another party should be charged or that material submitted is incomplete, or in the event of new facts having been submitted during the handling of the appeal which were not investigated in the first instance.
- 9.5 Appeals Committee hearings will be in writing and based on the material, reports and judgement given at the Disciplinary Committee hearing, along with the appeal submission. While the hearing is held in writing, this does not preclude the Appeals Committee from holding deliberations by other forms (e.g. in person).

10. Implementation and Consequences of Judgements

- 10.1 The judgements referred to in Section 7 of this document are binding on all Clubs and those persons affiliated to them. Both, each within their own field of competence, are bound to ensure or see to it that the imposed disciplinary measures are implemented.
- 10.2 The implementation of a disciplinary measure takes effect from the time laid down in the official judgement.
- 10.3 Any postponement in the implementation on the basis laid down in Section 9 of this document becomes effective only after an official directive issued by the Appeals Committee.