

In accordance with Rule 34.1 of the Netball Australia Constitution, the following Policy is adopted by the Netball Australia Board.

This Disciplinary Policy sets out the procedure for dealing with disciplinary actions and matters against Members under Rule 13.1 of the Netball Australia Constitution.

### **Commencement of Disciplinary Proceedings**

1. Where the Board is advised or considers that a Member of Netball Australia has allegedly:
  - 1.1 breached, failed, refused or neglected to comply with a provision of the Constitution, policies or any resolution or determination of the Board; or
  - 1.2 acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Netball Australia and/or netball; or
  - 1.3 brought Netball Australia or netball into disrepute;the Board may commence, or cause to be commenced, disciplinary proceedings against that Member in accordance with this Policy.
2. If the Board determines that disciplinary proceedings are to be commenced against a Member, the Board may take the steps it considers necessary to:
  - 2.1 obtain information about the alleged conduct the subject of the disciplinary process, including but not limited to undertaking an investigation, reviewing relevant documentary material or interviewing relevant witnesses;
  - 2.2 provide the Member with an opportunity to respond to the allegations the subject of the disciplinary process;
  - 2.3 determine whether or not the alleged conduct the subject of the disciplinary process occurred; and
  - 2.4 determine what, if any, disciplinary action to take against the Member.
3. The Board may appoint a Reviewer for the purpose of taking the steps outlined in clause 2 of this Policy. If a Reviewer is appointed, the below Decision Making Procedures may be followed. These Procedures are not exhaustive and the Board or the Reviewer may take further steps as are considered necessary and/or appropriate in the circumstances.
4. The Board or the Reviewer may implement any interim administrative or other arrangements that will apply until the disciplinary process is completed.

### **Decision Making Procedures**

5. The Reviewer shall serve on the Member a notice in writing:
  - 5.1 setting out the alleged conduct of the Member that has given rise to the disciplinary process;
  - 5.2 stating that the Member may address the Reviewer at a meeting to be held in relation to the matter;
  - 5.3 stating the date, place and time of that meeting;

- 5.4 informing the Member that he or she may do one or more of the following: -
  - 5.4.1 attend that meeting
  - 5.4.2 give the Reviewer, before the date of the hearing, a written statement regarding the alleged conduct.
6. At a meeting, the Reviewer shall give the Member an opportunity to respond to the alleged conduct the subject of the disciplinary process.
7. Netball Australia and the Member shall not be entitled to legal representation at the meeting.
8. The meeting shall be conducted in whatever manner the Reviewer considers appropriate in the circumstances (including by way of teleconference, video conference, in person meeting or otherwise) provided that she or he does so in accordance with the principles of natural justice.
9. Following the meeting, the Reviewer shall:
  - 9.1 give consideration to the Member's response and any written statement submitted by the Member;
  - 9.2 determine whether the alleged breach occurred; and
  - 9.3 notify the Member and Netball Australia of the outcome of the disciplinary process.
10. If the Member refuses or fails to respond to the allegations in writing and refuses or fails to attend the meeting, the Reviewer may proceed to determine whether the alleged breach occurred in the absence of the Member's response.
11. If the Reviewer considers that the alleged breach occurred, she or he may impose any one or more of the penalties set out in clause 14 of this Policy.
12. If the Reviewer considers that the alleged breach did not occur, the matter shall be dismissed and the Reviewer shall notify the Board of the decision.
13. Each party shall be responsible for their own costs associated with the meeting. The Reviewer has no power to award costs to a party.

## Penalties

14. If the Board or the Reviewer considers that the alleged breach occurred, any one or more of the following penalties may be imposed:
  - 14.1 a warning;
  - 14.2 a fine against the Member;
  - 14.3 where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
  - 14.4 cease funding granted or given to the Member by Netball Australia from a specified date;
  - 14.5 suspend the Member for a specified period and/or terminate any rights, privileges and benefits provided to that Member by Netball Australia;
  - 14.6 cease to sanction events held by or under the auspices of that Member;
  - 14.7 reprimand the Member or direct that the Member attend counselling or training to address the conduct;
  - 14.8 suspend the Member from membership of Netball Australia, or from their employment or engagement by Netball Australia, for a specified period;

- 14.9 expel the Member from membership of Netball Australia or terminate the employment or engagement of the Member with Netball Australia; or
- 14.10 any other such penalty as the Reviewer considers appropriate.

**Non Application of Policy**

15. For the avoidance of doubt, the procedure set out in this Policy shall not apply to any incident or matter to which other policies of Netball Australia apply. Any disciplinary matter which may be dealt with in accordance with other policies (including but not limited to the member protection policy, anti doping policy and competition regulations) shall be dealt with in accordance with the disciplinary procedure set out in that policy.
16. This Policy does not impose any contractual obligations on Netball Australia, is not incorporated into and does not form part of any contract between Netball Australia and anyone to whom this Policy applies.

**Related Documents**

- Netball Australia Constitution
- Netball Australia Grievance Policy
- Netball Australia Member Protection Policy
- Netball Australia National Codes of Behaviour