



ICE HOCKEY AUSTRALIA

**OUT-OF-COMPETITION
DISCIPLINARY & TRIBUNAL
PROCESS & PROCEDURES**

2009

TABLE OF CONTENTS

Section	Page
1. Introduction.....	3
2. Jurisdiction	3
3. The Purpose and Powers of the Disciplinary & Tribunal Committee.....	4
4. Composition of the Disciplinary & Tribunal Committee	4
5. Citings Before a Disciplinary & Tribunal Committee.....	5
6. Disciplinary & Tribunal Procedures & Processes.....	5
7. Decision of the Disciplinary & Tribunal Committee.....	5
8. Suspended-Suspensions	5
9. Appeals	5
10. Annexures –	
A. IHA Disciplinary & Tribunal Process Flow Chart.....	6
B. IHA Disciplinary & Tribunal Letter of Warning.....	7
C. IHA Disciplinary & Tribunal Notification of Suspension.....	8
D. IHA Disciplinary & Tribunal Notification of Hearing.....	9
E. IHA Disciplinary & Tribunal Letter of Outcome & Recommendation.....	10
F. IHA Notification of Penalty Letter.....	11
G. IHA Notification of Appeal Outcome Letter.....	12

1. Introduction

- 1.1. Ice Hockey Australia's (IHA's) Disciplinary & Tribunal Process and Flowchart is to correctly facilitate the expeditious resolution of disciplinary actions of IHA Members who are reported for "out-of competition" disciplinary reasons to the IHA Board.
- 1.2. "Out-of-competition" means a reported breach of IHA's Constitution, Regulations and/or Policies that do not come under the discipline of IHA's Tribunal & Suspension Competition Regulations.
- 1.3. IHA's Disciplinary & Tribunal procedures, processes and flowchart are made pursuant to Section 18 "Discipline of Members" of the IHA Constitution.
- 1.4. The term "Members" relates to all persons and/or organisations that are a current member of IHA.
- 1.5. Specifically, the procedures and process outlined in this document are designed to assist the IHA Board and Disciplinary & Tribunal Committee with the process and procedures for addressing disciplinary issues relating to reported IHA Members.
- 1.6. The term "Board" means the IHA Executive and Member State Delegates.
- 1.7. The term "Executive" means the President, Vice President, Secretary and Treasurer.
- 1.8. The term "Disciplinary and Tribunal Committee" means IHA's Disciplinary and Tribunal Director and a committee of persons who are nominated to the committee from time-to-time.
- 1.9. The Disciplinary and Tribunal Process Flowchart as presented in Annexure A is included to aid with the Notification, Tribunal, Appeal and Suspension process as required under Common Law.
- 1.10. The Letters of Notification in Annexures A, B, C, D, E, F and G are intended as example drafts only and are subject to changes in the wording and/or phrases to accurately reflect the intent of notifications to persons involved in cases reported to the IHA Board.

2. Jurisdiction

- 2.1. IHA member states, affiliated associations and all other affiliated organisations are responsible for the establishment and operation of Tribunal processes for matters arising in their State, association or affiliate organisations.
- 2.2. IHA is responsible for the establishment and operation of IHA's Disciplinary and Tribunal processes arising from reported breaches to IHA's Constitution, Regulations and Policies.
- 2.3. IHA may at any time intervene in disciplinary matters that are within the jurisdiction of a member state or affiliated association or all other affiliated organisations. IHA, in considering an exercise of its discretion under this clause, must determine whether all disciplinary and/or judiciary avenues available to the member under the relevant member State or all other affiliated organisations constitution have been exhausted.
- 2.4. IHA may remit any matter to the IHA Disciplinary and Tribunal process, referred to it by a member State of affiliated association or all other affiliated organisations where:
 - 2.4.1. it considers that the matter is not of relevant significance or importance, or
 - 2.4.2. the matter has not been exhausted at all lower levels of appeal, or
 - 2.4.3. the matter has not been properly dealt with at the lower level.

3. The Purpose and Powers of the Disciplinary and Tribunal Committee

- 3.1. The purpose of the Competition Disciplinary and Tribunal Committee, when called upon by the IHA Board, is to investigate and determine all reports and charges arising out of the conduct of ice hockey under the sanction of IHA, both on and off the ice. This includes charges against:
 - 3.1.1. any person reported under IIHF Rule 510, which covers supplementary discipline resulting from a competition; and
 - 3.1.2. any person who is a member of the IHA, or any person holding an office of the IHA, who by their words or actions bring the game of ice hockey into disrepute whilst at a competition, tournament, national championship or all other affiliated organisations game operated, managed or sanctioned by the IHA.
 - 3.1.3 any person who is a member of IHA who breaches IHA Sports Regulation 4.2.3 which specifically relates to competition in non-sanctioned events, competitions, leagues or by knowingly participating in competition against persons, teams or other organisations who are not authorised to compete against IHA members. A person will be aware, by executing a signature on the IHA registration application form, of the requirements of this clause.
- 3.2. The Disciplinary and Tribunal Committee is empowered to conduct or carry out its duties in accordance to Section 18 of IHA's Constitution.
- 3.3. The Disciplinary and Tribunal Committee is not to deal with matters that are the subject of criminal legal action, and on notification to the offender, shall cease all action until the criminal legal action is resolved.
- 3.4. In all matters the object of the Disciplinary and Tribunal Committee shall be to ensure the maintenance of an orderly disciplined sport and adherence to IHA's Constitution, Regulations and Policies.
- 3.5. Trivial or frivolous charges will not be considered by either the IHA Board or Disciplinary and Tribunal Committee. Any Member making such a charge may be subject to the provisions governing bringing the game into disrepute.

4. Composition of the Disciplinary and Tribunal Committee

- 4.1. The Disciplinary & Tribunal Committee shall consist of a Tribunal Chairperson, plus a minimum of two other persons as appointed by the IHA Board.
- 4.2. In special cases, where the Disciplinary & Tribunal Chairperson sees fit, other experts may be called to sit on a tribunal.
- 4.3. The party reported or charged shall have the right to object to a particular member, other than the Disciplinary and Tribunal Director, of a Disciplinary & Tribunal Committee hearing the matter, providing an objection is received on the basis of actual bias.
- 4.4. In the event that a tribunal member has been dismissed because of bias, a replacement tribunal member is to be appointed. If for some reason this is not possible and the tribunal is reduced to two members, then the hearing may proceed, but a unanimous decision shall have to be reached before any discipline can be administered. In the event that the tribunal is unable to reach a resolution, the matter is to be referred to the Committee of Management to convene a new tribunal.
- 4.5. If a Disciplinary & Tribunal Committee Member has been dismissed because of bias, a replacement member is to be appointed. If for some reason this is not possible, and the Disciplinary & Tribunal Committee is reduced to two members, then the hearing may proceed, but a unanimous decision shall have to be reached before any discipline can be administered. If the Disciplinary & Tribunal Committee is unable to reach a resolution, the

matter is to be referred to the IHA Board to immediately convene a new Tribunal.

- 4.6. A Minute Secretary may be present, or the Disciplinary & Tribunal Committee elect to take their own notes, but in any case, the Minute Secretary has no vote on any matters before the Disciplinary & Tribunal Committee, unless they are an appointed Disciplinary & Tribunal Committee member.

5. Citings Before a Tribunal

- 5.1. If reported under Section 18(a) of IHA's Constitution any member, representative or official of any association, club or team, may be required to appear before the Disciplinary & Tribunal Committee as approved by the IHA Board

6. Disciplinary & Tribunal Procedures & Processes

- 6.1. The Disciplinary & Tribunal Hearing is to proceed in accordance to the Section 18(e) of IHA's Constitution and the Disciplinary & Tribunal Process Flow Chart (Annexure A) of this document.

7. Decision of the Disciplinary & Tribunal Committee

Having considered all the material before it, including oral evidence and representations of the parties, the Disciplinary & Tribunal Committee will make a determination as to the guilt, or otherwise, on each of the charges against the reported person. If the verdict is "guilty", then the Disciplinary & Tribunal Committee will then consider the recommended appropriate penalty as per Section 18 Clause (f) and include such recommendations in the Disciplinary & Tribunal Committee's final report to the IHA Board. If the verdict on the charge(s) is "not guilty" then the charges shall be dismissed and the Members record expunged of such charge(s).

8. Suspended-Suspensions

- 8.1. Where it is considered by the Disciplinary & Tribunal Committee that a suspended-suspension is recommended in a punishment to act as a deterrent to further offences, then the suspended-suspension must be given in conjunction with the **automatic minimum** suspension for the relevant offence. For example, if the automatic game penalty schedule provides for a minimum suspension of one (1) week up to a maximum of ten (10) weeks, then the penalty may award a one week suspension plus up to a further nine (9) weeks suspended sentence. The minimum automatic game penalty must be served, with the remaining suspended portion of the sentence being held in abeyance against any further transgression by the Member during the penalty period. If further transgression occurs during the suspended penalty period, the Member must serve the suspended portion of the original verdict, plus any further penalty imposed from the new charges.

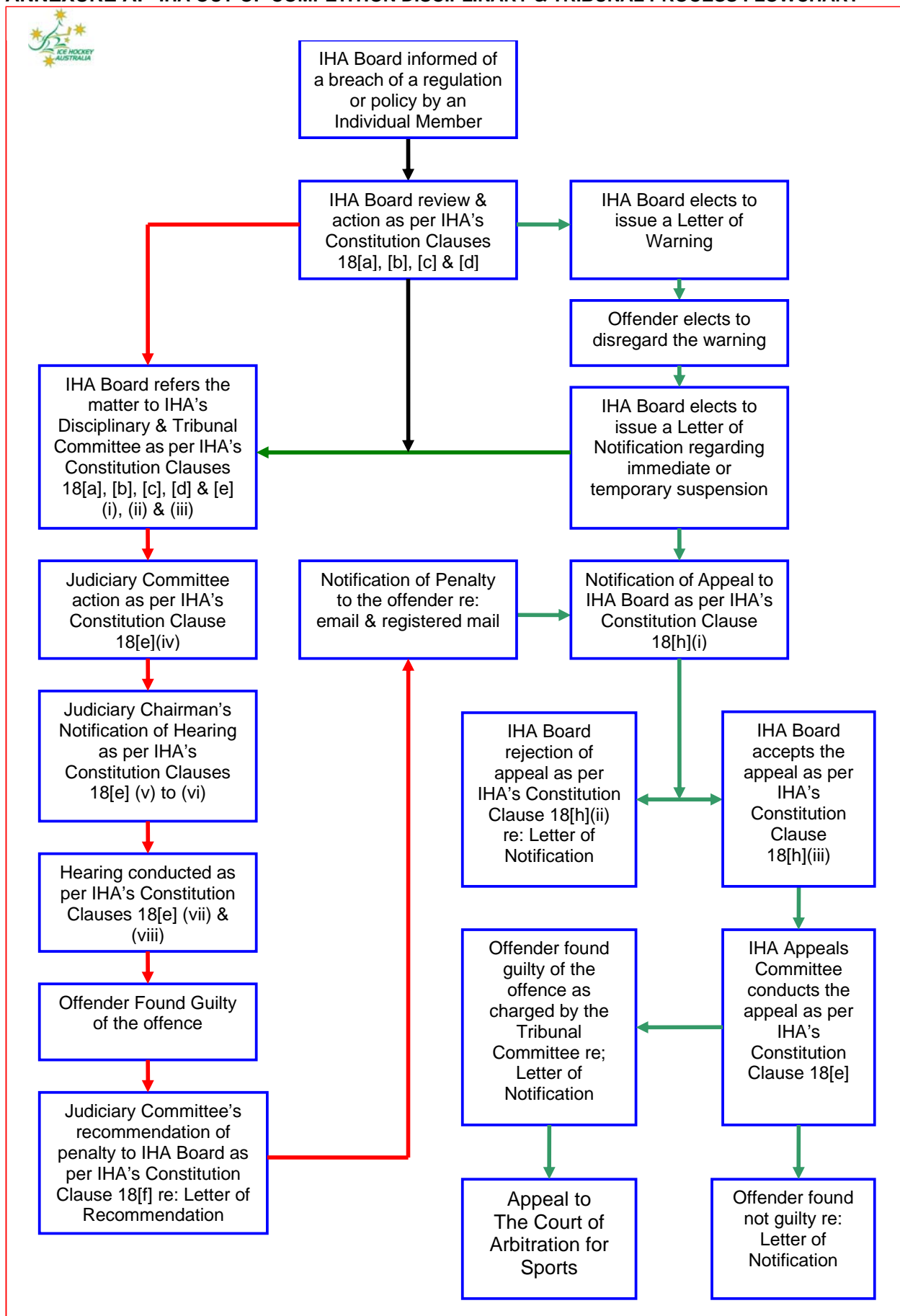
9. Appeals

- 9.1. Appeals are allowed where a party can demonstrate there has been a lack of natural justice, or new evidence has come to light **AFTER** the original Tribunal. In these circumstances, the Appellant must submit a Notification Letter of Appeal to IHA Board as per IHA's Constitution Clause 18[h](i).

10. Annexures:

- A. IHA Disciplinary & Tribunal Process Flow Chart
- B. IHA Disciplinary & Tribunal Letter of Warning
- C. IHA Disciplinary & Tribunal Notification of Suspension
- D. IHA Disciplinary & Tribunal Notification of Hearing
- E. IHA Disciplinary & Tribunal Committee Letter of Outcome & Recommendation
- F. IHA Notification of Penalty Letter
- G. IHA Notification of Appeal Outcome Letter

ANNEXURE A: IHA OUT-OF-COMPETITION DISCIPLINARY & TRIBUNAL PROCESS FLOWCHART





Ice Hockey Australia

(Trading name of the Australian Ice Hockey Federation)

ABN 77 106 538 293

23 DICKERSON WAY, REDWOOD PARK

SOUTH AUSTRALIA 5097

Tel : +61 8 8251 1734 Fax: +61 8 8251 5156

iha@iha.org.au

www.iha.org.au

[date]

[name]

[address]

[suburb] [state] [post code]

Subject: LETTER OF WARNING

Dear [name]

You are hereby advised that you have been reported under Section 18 Clause (a) of IHA's Constitution regarding a breach of IHA's [\[Regulation\]](#) [\[Policy\]](#) dated the [\[date\]](#).

Specifically, the reported breach is specified as.....
.....
.....
.....
.....

Should you elect to disregard this warning and continue to be in breach of the reported offence, be aware your actions will compel the IHA Board to take action against you as stated under Section 18 of IHA's Constitution.

Yours faithfully,

(signature)

[name]

President



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Tel : +61 8 8251 1734 Fax: +61 8 8251 5156

iha@iha.org.au

www.iha.org.au

[date]

[name]

[address]

[suburb] [state] [post code]

Subject: NOTIFICATION OF DISCIPLINARY & TRIBUNAL HEARING

Dear [name]

You are hereby advised that you have been reported (select one):

- a) to have disregarded the Letter of Warning issued to you on [date] and as a result, you are hereby cited under Ice Hockey Australia Constitution Section 18 Clause (c), which states that:

“During investigatory or disciplinary proceedings under this clause 18 (‘proceedings’), a defendant shall not continue to participate in ice hockey, pending the determination of proceedings (including any available appeal) unless the Board decides a continued participation is appropriate having regard to the matter at hand.”

Or

- b) under Section 18 Clause (a) of IHA’s Constitution on the [date] to have breached IHA’s [Regulation] [Policy].

Specifically, the reported breach is specified as

.....

In view of the reported offence, and review by the IHA Disciplinary & Tribunal Committee, you are hereby advised in accordance to IHA’s Constitution at Section 18 Clause (e) that a Tribunal will be constituted to hear your case on the [time] [date] at [location][via teleconference]. You are further advised you have the right to:

- (1) make written submissions not less than seven (7) days prior to the date of the hearing; and
- (2) appear at the hearing at your own expense if you so wish.

Yours faithfully,

(signature)

[name]

IHA Disciplinary & Tribunal Director

ANNEXURE D: IHA DISCIPLINARY & TRIBUNAL COMMITTEE
LETTER OF RECOMMENDATION



Ice Hockey Australia

(Trading name of the Australian Ice Hockey Federation)
ABN 77 106 538 293
23 DICKERSON WAY, REDWOOD PARK
SOUTH AUSTRALIA 5097
Tel : +61 8 8251 1734 Fax: +61 8 8251 5156
iha@iha.org.au
www.iha.org.au

[date]

Attention: IHA President
IHA Board

Subject: **LETTER OF RECOMMENDATION**

IHA Board,

The IHA Disciplinary & Tribunal Judiciary Committee, having taken into account the written and verbal submissions presented to them regarding the case of [name] on [date] at a hearing conducted at [location][via teleconference], and other evidence of the parties.

The Disciplinary & Tribunal Judiciary Committee considers the allegations in the reported offence sustained, and as such, the recommends the following penalty as stated under Section 18 Clause 18(f) of IHA's Constitution to be imposed. (make selection from the following)

- a) a reprimand
- b) suspension from [activities][terms][period] commencing the [date]
- c) exclusion from [activity][event][events]
- d) [membership][team] expulsion
- e) a fine of [\$] or
- f) a combination of the above penalties as is seen fit

A copy of the hearing transcripts will be immediately forwarded to the IHA Office for further consideration by the IHA Board and records.

Yours faithfully,

(signature)

[name]
IHA Disciplinary & Tribunal Judiciary Chairman



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(Trading name of the Australian Ice Hockey Federation)

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iha@iha.org.au

www.iha.org.au

[date]

[name]

[address]

[suburb] [state] [post code]

Subject: NOTIFICATION OF PENALTY

Dear [name]

The purpose of this Letter of Notification is to officially advise you on the outcome of the IHA Disciplinary & Tribunal Hearing held on [date] at [location] regarding the breach of IHA's [Regulation] [Policy] as stated in a Letter of Notification to you on the [date].

The IHA Board and Disciplinary & Tribunal Judiciary Committee, having taken onto account the written and verbal submissions, and other evidence of other parties, presented to them regarding the hearing conducted at [location][via teleconference] on the [date] at [location] find you [not guilty or guilty] as charged.

(If not guilty remove the following / if guilty proceed to the following and select the appropriate wording)

1. Based on the above guilty charge, you are hereby (suspended from participating in any further [games][events] organised by, or under the control of the IHA, a Member State, Affiliated Association or organisation of the IHA until [date]. Unless otherwise advised and subject to the direction of your Club or Team officials, you may continue to train with your team.
2. Based on the above guilty charge, your membership with IHA is hereby revoked for the period from [date] to [date].

Subject to this penalty, you have the Right of Appeal under IHA's Constitution Section 18(h). You are also to be aware of all clauses in Section 18(h) pertaining to the process and outcomes of the appeal.

Yours faithfully,

(signature)

[name]

President



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iha@iha.org.au

www.iha.org.au

[date]

[name]

[address]

[suburb] [state] [post code]

Subject: APPEAL LETTER OF NOTIFICATION

Dear [name]

The purpose of this Letter of Notification is to officially advise you on the outcome of the IHA Disciplinary & Tribunal Hearing held on [date] at [location] regarding your appeal to the penalty(ies) imposed on you at a hearing conducted at [location][via teleconference] on the [date] at [location].

The IHA Board, having taken onto account your written and verbal submissions, and the evidence of other parties presented to them regarding your Appeal Hearing conducted at [location][via teleconference] on the [date] at [location] find you [guilty][not guilty] as charged. (select one of the following)

a) Based on the above guilty charge, the IHA Board hereby upholds its decision as stated to you in our Notification of Penalty to you dated the [date].

OR

b) Based on the findings of the Appeal Hearing, the Appeals Committee in its sole discretion, [upholds the decision of the IHA Board's as stated to you in their Notification of Penalty to you dated the (date)] and further imposes the penalty of [define].

OR

c) Based on the above not guilty charge, the Appeals Committee hereby revokes the penalty (ies) imposed on you as stated to you in their Notification of Penalty to you dated the [date].

The decision of the Appeal Committee is final and is not subject to further appeal.

Yours faithfully,

(signature)

[name]

Appeals Committee Chairman