

## **1. INTRODUCTION**

- 1.1 These Disciplinary Regulations will take effect from 1st September 2022 and may be amended from time to time by the Board.
- 1.2 World Netball appreciates that a dispute can often arise in the netball family that involves behaviour which falls below the standard acceptable in the sport. Relying on Article 2.2.2 of the World Netball Articles of Association, these Regulations prescribe the World Netball disciplinary process. They describe Disciplinary Offences, set out the procedure that applies to investigate and adjudicate a Disciplinary Offence allegation before an independent and impartial World Netball Disciplinary Panel, outline the sanctions that apply, and provide for an appeal to the Court of Arbitration for Sport (CAS).

## **2. INTERPRETATION**

- 2.1 Capitalised terms in these Regulations will have the meaning given to them in Appendix One.
- 2.2 Unless the context otherwise requires, words denoting the singular include the plural and vice versa.
- 2.3 These Regulations and any dispute or claim arising out of, or in connection with, them (including non-contractual disputes and claims) will be governed by and construed in accordance with the law of England and Wales.

## **3. JURISDICTION**

- 3.1 Except where a procedure set out in another World Netball regulation, policy or document provides, these Regulations apply to investigate and adjudicate Disciplinary Offences as those offences are defined in 6.1.
- 3.2 These Regulations do not apply to: an allegation of Misconduct that arises in a Match that is not an International Event; or an allegation of Misconduct arising at an International Event that has been determined by the Match Official (Umpire) during a Match or an Event Disciplinary Panel.

## **4. APPLICATION**

- 4.1 The following persons and entities are subject to these Regulations:
- a) Regional Federations;
  - b) Members;
  - c) All of World Netball's officers, employees and appointees (including, without limitation, any person holding any World Netball appointment or sitting on any World Netball board, committee or panel);
  - d) Players and Team Officials;
  - e) Match Officials (Umpires);
  - f) Technical Officials;
  - g) Tournament and International Event personnel;
  - h) Volunteers; and

- i) All other persons and entities assigned to exercise a function for World Netball e.g. in relation to an International Event or another event organised by World Netball.

Each such person and entity are deemed to have agreed to be bound by, and to comply with, these Regulations.

- 4.2 If any person or entity ceases to be bound by these Regulations, such person or entity will nevertheless remain subject to these Regulations in respect of any matter arising prior to that cessation.

## **5. RELATIONSHIP TO NATIONAL AND REGIONAL DISCIPLINARY REGULATIONS**

- 5.1 It is acknowledged that, in addition to these Regulations, persons and entities may also be subject to the separate regulations of a Member and/or a Regional Federation. The circumstances that form the basis of a Disciplinary Offence under these Regulations may also give rise to an alleged breach of the disciplinary rules or regulations of a Member and/or a Regional Federation.

- 5.2 In circumstances where there is overlapping jurisdiction between these Regulations and the disciplinary rules or regulations of a Member and/or Regional Federation, the Member and/or Regional Federation may investigate and act as appropriate and report its decision and the procedures adopted to the Disciplinary and Disputes Officer (“DDO”) within 28 days of the decision. Notwithstanding the overlapping jurisdiction, nothing in these Regulations prevents the DDO from commencing a disciplinary investigation concurrently with any action taken by the Member and/or Regional Federation.

- 5.3 If the DDO is satisfied with the procedures adopted and/or decision reached by the Member and/or the Regional Federation pursuant to 5.2, then no further action will be taken under these Regulations. If the DDO is not satisfied with the procedures adopted and/or decision reached by the Member and/or Regional Federation, then the DDO may conduct their own investigation and refer the matter to a Disciplinary Panel in accordance with regulation 7.9.

- 5.4 These Regulations do not limit the responsibilities of any person or entity under the disciplinary rules or regulations of a Member and/or a Regional Federation. Nothing in the disciplinary rules or regulations of a Member and/or Regional Federation will be capable of removing, superseding or amending in any way the jurisdiction of the DDO, the Disciplinary Panel or the Court of Arbitration for Sport in relation to matters properly arising under these Regulations.

- 5.5 Each Member and/or Regional Federation is encouraged to adopt its own disciplinary regulations, to take effect in respect of Netball over which it has jurisdiction, using these Regulations as a guide.

## **6. DISCIPLINARY OFFENCES**

- 6.1 A Disciplinary Offence is:

- a) Any breach of World Netball General Regulations, World Netball Codes of Conduct (including the World Netball Ethics and Anti-Corruption Code), World Netball Event

Regulations, World Netball Safeguarding Guidelines, World Netball Policies, Memorandum or Articles.

- b) Misconduct that arises at or in connection to: an International Event organised or sanctioned by World Netball (excluding an allegation of Misconduct arising at an International Event that has been determined by the Match Official (Umpire) during a Match or an Event Disciplinary Panel); or any other World Netball activity e.g. a regulatory or administrative activity or other event organised by World Netball etc.

6.2 Misconduct means any conduct, behaviour, statement (including, without limitation, a statement made on a social networking platform or site such as Twitter, Instagram and Facebook, or similar) or practice, on or off the court, that:

- a) is unsporting; and/or
- b) is insulting; and/or
- c) is discriminatory; and/or
- d) is violent; and/or
- e) is contrary to the integrity of the sport of Netball; and/or
- f) brings or has the potential to bring the sport of Netball, an International Event, a Regional Federation, a Member, a Match Official (Umpire), Technical Official, World Netball and/or any sponsor or other commercial partner of World Netball into disrepute.

Misconduct also includes a failure or refusal to cooperate fully with any investigation or in connection with any complaint or dispute which is or could be brought before a World Netball Disciplinary Panel or Event Disciplinary Panel;

6.3 While it is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under 6.2, by way of illustration, each of the following types of conduct, behaviour, statements or practices are examples of and constitute Misconduct:

- a) acts of violence or intimidation within the venue in which the Match is being played including (without limitation) the off-court area, changing rooms and/or warm-up areas;
- b) acting in an abusive, insulting, intimidating or offensive manner towards a Match Official (Umpire), Technical Official, members of the Jury of Appeal, members of an Event Disciplinary Panel or other officials or any person associated with the host Member, or the Member team participating in the Match or spectators;
- c) acts or statements that are, or conduct that is, discriminatory by reason of religion, race, sex, sexual orientation, gender, disability, colour or national or ethnic origin;
- d) comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or Match officiating (or any aspect thereof), which may be prejudicial to, or adversely impact, such proceedings and/or which are prejudicial to the interests of Netball and/or any person and/or any disciplinary personnel (including a Match Official (Umpire), Technical Official, the Jury of Appeal or an Event Disciplinary Panel);

- e) making any comment (including to the media) that attacks, disparages or denigrates the game of Netball and/or any of its constituent bodies, World Netball and/or its appointed personnel or commercial partners and/or Match Officials (Umpires), Technical Officials, and/or disciplinary personnel (including the Jury of Appeal, Event Disciplinary Panel or World Netball Disciplinary Panel).

## **7. INVESTIGATION**

- 7.1 All allegations of a Disciplinary Offence should be reported in writing to the DDO and, where possible, should provide the following information:
  - a) the names, addresses and relevant contact details of all parties relating to the matter and notification if any person involved is under the age of 18;
  - b) a statement describing the nature and circumstances of the allegation; and
  - c) copies of all documents relevant to the disciplinary matter.
- 7.2 Upon receipt of a Disciplinary Offence allegation, the DDO will notify the person or entity against whom the allegation is made and inform that a disciplinary investigation shall commence. In cases where there is an overlapping disciplinary jurisdiction between the disciplinary regulations of a Member and/or Regional Federation and these Regulations, the DDO shall determine whether or not to commence an investigation under these Regulations or to stay any further action until the Member and/or Regional Federation has investigated, and reported its decision and the procedures adopted, in accordance with 5.2.
- 7.3 The DDO will have the authority to investigate a Disciplinary Offence allegation and determine whether there is a case to answer.
- 7.4 The DDO may delegate an investigation to another World Netball employee, another person in a Member and/or Regional Federation, or instruct a barrister, solicitor, other qualified person or Sport Resolutions to conduct the investigation on the DDO's behalf, provided that the person or entity to whom the DDO has delegated the investigation is not connected to the circumstances of the Disciplinary Offence and is not a member of the Board. Any such person carrying out the investigation shall provide a report of the investigation outcome to the DDO within 30 days or such reasonable time as is necessary to complete the investigation. The report shall include a recommendation as to the course of action to take under 7.7.
- 7.5 In carrying out the function under 7.3 and 7.4, the DDO or delegated person will be entitled to undertake such investigations as necessary. This includes, without limitation: requiring the provision of information, documentation, written statements and/or answers, and other material that the DDO considers relevant; and requiring attendance at meetings to answer questions in person or remotely by way of telephone, video-conferencing or another mode of technology. All investigations shall be carried out in a manner proportionate to all the circumstances, including the nature and seriousness of the allegation made, the role or position of the subject of the allegation or referral, and the resources reasonably available to investigate the allegation.
- 7.6 A person and entity bound by these Regulations will be obliged to cooperate fully with an investigation. A failure or refusal to cooperate with an investigation may itself result

in a referral to a Disciplinary Panel and will entitle the Disciplinary Panel to draw adverse inferences from such failure or refusal.

- 7.7 At the conclusion of the investigation, the DDO will decide:
- a) There is no disciplinary case to answer, and no further action is required.
  - b) There is no disciplinary case to answer and on agreement by the parties, deal with the complaint by way of the World Netball Dispute Regulations.
  - c) To deal with the complaint informally by way of advice or information because it is not serious enough to warrant full disciplinary proceedings.
  - d) That the matter should be referred to a World Netball Disciplinary Panel.
  - e) To reject the complaint because it does not fall within World Netball's jurisdiction.
  - f) To refer the matter to another body that is more appropriate in practice or in law to handle it e.g., the Police.
- 7.8 The DDO will notify the outcome of the investigation to the parties, providing reasons for the decision. The decision of the DDO is final and will not be subject to an appeal by any party.
- 7.9 If the DDO decides that there is a case to answer, the DDO shall refer the matter to Sport Resolutions to manage the proceedings, appoint a World Netball Disciplinary Panel, and for the matter to be determined in accordance with these Regulations. The DDO will send a Notice of Disciplinary Offence to Sport Resolutions, copied to the other party or parties. The Notice shall:
- a) Identify the nature of the Disciplinary Offence;
  - b) Provide a statement of the facts relied upon; and
  - c) Provide copies of all documents or other evidence relied upon or referred to in the Notice.
- 7.10 The DDO will be a party to the proceedings before the World Netball Disciplinary Panel. The person and/or entity against whom the disciplinary proceeding is brought, shall be the other party.

## **8. PROVISIONAL SUSPENSION**

- 8.1 The DDO shall have the power to provisionally suspend a person or entity from any and all involvement in netball until the Disciplinary Offence allegation is determined by a World Netball Disciplinary Panel. A provisional suspension will only be considered where the allegation is of such a serious nature that the person or entity's continued involvement in netball in any capacity pending an investigation or the final determination of the matter is considered to be: inappropriate; potentially prejudicial to the image and reputation of netball; necessary for the safety of the person or entity or others; or necessary to protect the integrity of netball. Examples of conduct for which a provisional suspension is likely to be imposed include, but are not limited to, an allegation of: match fixing, a safeguarding offence, a serious criminal offence, corruption etc.
- 8.2 The provisional suspension will be effective from the date that it is notified to the relevant party. Where applicable, notice of the provisional suspension will also be sent

to the party's National Association and may be publicised as necessary to give effect to the provisional suspension.

- 8.3 A person or entity who is provisionally suspended has the right:
- a) to have the proceedings expedited so that the investigation and, if relevant, any subsequent proceedings, are determined as quickly as possible, consistent with the requirements of a fair procedure; and
  - b) following the DDO's decision that there is a case to answer, to apply to the appointed Disciplinary Panel to lift the provisional suspension on the basis that there is no reasonable prospect of the allegation being upheld; and/or none of the factors outlined in 8.1 apply.
- 8.4 A person or entity may at any time notify the DDO or Disciplinary Panel in writing that they are foregoing any involvement in any aspect of netball voluntarily pending determination of the allegation.
- 8.5 No admission may be inferred, or otherwise adverse inference drawn, from a party's failure to challenge a provisional suspension pursuant to 8.3(b) or a party's voluntary provisional suspension pursuant to 8.4.
- 8.6 Any period of provisional suspension served (whether voluntarily or otherwise) may be credited against any period of final suspension subsequently imposed.

## **9. CONFIDENTIALITY**

- 9.1 World Netball is entitled to issue a press release prior to a disciplinary hearing that identifies in each case the parties involved, the nature of the case, as well as the time, date and venue for the hearing.
- 9.2 Save for the press release referred to in 9.1, until such time as a decision is published in accordance with 16.3, all parties and participants in the proceedings will treat the proceedings as confidential.

## **10. WORLD NETBALL DISCIPLINARY PANEL**

- 10.1 The World Netball Disciplinary Panel (referred to in these Regulations as World Netball Disciplinary Panel or Disciplinary Panel) will have the full power and exclusive authority to hear and determine a Disciplinary Offence allegation referred to it under these Regulations.
- 10.2 The Disciplinary Panel will be comprised of members appointed in accordance with 11.1. Disciplinary Panel members will be independent of World Netball and must not be: a member of the Board or World Netball's committees; an employee or consultant of World Netball; a director, consultant or employee of a Regional Federation; or a director, consultant or employee of a Member.

## **11. APPOINTMENT OF DISCIPLINARY PANEL FOR PROCEEDINGS**

- 11.1 Upon receipt of the Notice of Disciplinary Offence, Sport Resolutions shall appoint a World Netball Disciplinary Panel which shall consist of three members, one of whom must be a solicitor or barrister who shall act as the Chair of the Disciplinary Panel.
- 11.2 No person who has any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or who has had any prior involvement with any matter or facts arising in the disciplinary proceeding may sit on a Disciplinary Panel.
- 11.3. Sport Resolutions will inform the parties of the Disciplinary Panel Members and provide 7 days in which either party may raise an objection to a Panel Member's appointment. If a party objects to a Panel Member, it will provide reasons in writing of any potential conflict of interest to Sport Resolutions. Sport Resolutions will decide all challenges to Disciplinary Panel appointments.
- 11.4 If a Panel member is, for whatever reason, unwilling, unable or unfit to hear or continue to hear and decide a proceeding, Sport Resolutions may: appoint another member to replace that member in the proceeding; or authorise the remaining member(s) of the Disciplinary Panel to hear and decide the proceeding alone, in which case if the decision cannot be reached unanimously or by majority, then the Chair of the Panel (or a substitute chairperson) shall have the casting vote.
- 11.5 Upon appointment as a member of a World Netball Disciplinary Panel, each member must sign a declaration that there are no facts or circumstances known to them which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

## **12. CONDUCT OF THE PROCEEDINGS**

- 12.1 Save where the Memorandum, Articles or another rule or regulation vests jurisdiction with another person and/or entity, the World Netball Disciplinary Panel will have the full power and exclusive authority to hear and determine those matters referred to it.
- 12.2 The parties, including the DDO, are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before the Disciplinary Panel.
- 12.3 Regulations 12.4 to 13.10 set out the procedural rules for the conduct of proceedings before a World Netball Disciplinary Panel. The Disciplinary Panel may in its discretion vary the procedure in each case, provided that each party is given a fair and reasonable opportunity to state its case in full and to challenge or respond to all evidence offered against it.
- 12.4 The Disciplinary Panel, will have all powers necessary for, and incidental to, the discharge of its responsibilities, including (without limitation) the power, whether on the application of a party or of its own motion:
- a) to rule on its own jurisdiction;
  - b) to determine whether any hearing or any part thereof should be oral or in writing;
  - c) to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Disciplinary Panel;

- d) to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it will determine;
- e) to extend or abbreviate any time limit specified in any regulations or by the Disciplinary Panel itself, save for any appeal deadline;
- f) to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Disciplinary Panel and/or any other party;
- g) to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
- h) to order that certain preliminary and/or potentially dispositive questions (e.g., as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter;
- i) to award interim relief or other conservatory measures on a provisional basis and subject to final determination;
- j) to determine upon the manner in which it shall deliberate with a view to making any determination in or connected with the proceeding;
- k) to make any other procedural direction or take any other procedural steps which the Disciplinary Panel considers to be appropriate in pursuit of the efficient and proportionate management of any proceeding or matter pending before it; and
- l) to impose costs orders.

In making any of the above orders or directions, the Disciplinary Panel shall be guided by considerations of fairness.

- 12.5 Any procedural rulings may be made by the Disciplinary Panel or the Chair of the Disciplinary Panel alone.
- 12.6 The Chair of the Disciplinary Panel has the power, whether on the application of a party or of the Chair's own motion:
- a) to order consolidation before the Disciplinary Panel of two or more separate proceedings and/or to order that concurrent hearings be held in relation to such proceedings; and/or,
  - b) to exercise any of the powers of the Disciplinary Panel in relation to urgent matters that require a decision before a Panel has been convened.
- 12.7 As soon as reasonably practicable after a Panel has been convened in a particular matter, the Chair of the Disciplinary Panel will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where the Chair deems it appropriate, the Chair may hear from the parties (in person, by telephone or video conference, or otherwise) prior to issuing such directions. In particular, the directions will:
- a) fix the date, time and venue of the hearing;
  - b) establish a schedule for a party to submit a written Response to the Notice, the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and



- c) make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

### **13. HEARINGS**

- 13.1 The Disciplinary Panel or Chair of the Disciplinary Panel alone may order that a hearing be conducted: in person; remotely (in whole or in part) by video conference and/or telephone conference; or on the papers only.
- 13.2 Except where the Disciplinary Panel or Chair otherwise directs, an in-person or remote hearing shall take place in private, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third party permitted under the applicable rules to attend in order to participate in and/or to observe the proceedings.
- 13.3 At the request of the netballer or other person or entity who is a party to a disciplinary hearing, the hearing may be held in public. The DDO may also request a public hearing provided the other party has given written consent to a public hearing. However, a request may be denied by the Disciplinary Panel or the Chair of the Disciplinary Panel in the interests of morals, public order, national security, where the interests of minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to a question of law.
- 13.4 Unless the Disciplinary Panel orders otherwise for good cause shown by any party, the hearing will be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at their own cost. Any party who wishes (or whose witness wishes) to give oral evidence in another language must bring an independent interpreter to translate that evidence into English, at their own cost, unless the Disciplinary Panel orders otherwise.
- 13.5 The procedure to be followed at the hearing will be at the discretion of the Disciplinary Panel, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and to present their case to the Panel. The Panel will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 13.6 The Disciplinary Panel has the absolute discretion to receive such evidence as it considers relevant and to evaluate or attach such weight to that evidence as it sees fit. No formal rules of admissibility of evidence will apply. Facts may be established by any reliable means.
- 13.7 A Disciplinary Panel may treat facts established by a decision of a court or tribunal of competent jurisdiction that is not the subject of a pending appeal as binding, where it considers it appropriate to do so.
- 13.8 Unless the Disciplinary Panel orders that parties may make submissions in writing only, all parties should attend hearings, along with any representative(s). The non-attendance of any party and/or the party's representative(s) at the hearing, after due

notice has been given, will not prevent the Panel from proceeding with the hearing in the party's absence, whether or not written submissions have been made by or on behalf of that party. A Disciplinary Panel has the discretion to postpone a hearing in the event of the non-attendance of a party, if the non-attendance is for reasonable excuse and an adjournment is required in the interests of fairness.

13.9 Where a party:

- a) refuses or fails to respond to questions as part of an investigation;
- b) refuses or fails to appear at a hearing to answer questions; or,
- c) appears but refuses or fails to answer questions;

then the Panel may infer that the answer(s) would be adverse to that party.

13.10 Once the parties have completed their respective submissions, whether orally or in writing, the Disciplinary Panel will deliberate in private. The Panel will make its decision unanimously or by majority. No member of the Panel may abstain.

**14. BURDEN AND STANDARD OF PROOF**

14.1 The DDO will have the burden of establishing that the Disciplinary Offence has been committed. The standard of proof will be comfortable satisfaction. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

14.2 Where these Regulations place the burden of proof upon the other party to rebut a presumption or establish specified facts or circumstances, then the applicable standard of proof shall be by a balance of probability.

**15. CONSEQUENCES, SANCTIONS AND COSTS**

15.1 Where it is decided by a Disciplinary Panel that a Disciplinary Offence has been committed, the Panel will impose such consequences and sanction(s) as it deems appropriate including, without limitation, any one or more of the following (any of which may, where appropriate, be suspended):

- a) a caution, reprimand and/or warning as to future conduct;
- b) a fine of any amount (which, unless otherwise specified, will be payable within 30 days);
- c) a compensation payment;
- d) community service within Netball;
- e) suspension or removal from office;
- f) removal of any award or other honour bestowed by World Netball;
- g) disqualification of results, with all resulting consequences, including forfeiture of any related medals, titles, points and/or prizes;
- h) disqualification/expulsion from competitions or events;
- i) a specified period of ineligibility, or life ban, from participating in any capacity in any aspect of Netball and/or in any activities authorised, organised, controlled, recognised, sanctioned and/or supported in any way by World Netball, a Regional Federation or any National Association (other than authorised education or rehabilitation programs); and

- j) a recommendation that World Netball withhold grants or subsidies from a Regional Federation or Member, exclude a Member's national representative team(s) from International Event(s), remove or deny accreditation to representatives of a Regional Federation or Member, suspend or withdraw recognition of a Regional Federation or Member, suspend or expel a Member from membership of World Netball; and
- k) such other sanction(s) as may be deemed appropriate.

15.2 In order to determine the appropriate sanction(s) to be imposed in each case, the Disciplinary Panel must first determine the relative seriousness of the offence, including identifying all relevant factors that it deems to aggravate the nature of the offence or mitigate the nature of the offence, including (without limitation):

**Aggravating Factors:**

- a) a lack of remorse;
- b) previous Disciplinary Offences etc.
- c) substantially damaged (or had the potential to substantially damage) the commercial value and/or public interest in the relevant International Event and/or the sport of Netball;
- d) where the offence affected (or had the potential to affect) the result of the relevant competition or event;
- e) where the welfare of a person has been endangered as a result of the violation;
- f) where the offence involved more than one person or entity; and
- g) where the person or entity failed to cooperate with any investigation or requests for information from the DDO.

**Mitigating Factors:**

- a) a timely admission of an offence;
- b) a clean disciplinary record;
- c) the youth and/or inexperience of the person;
- d) where the offence did not substantially damage (or have the potential to substantially damage) the commercial value and/or public interest in the relevant International Event and/or the sport of Netball;
- e) where the offence did not affect (or have the potential to affect) the course or result of the relevant competition or event;
- f) where the person or entity has cooperated with the DDO and any investigation or requests for information;
- g) where the person or entity has displayed remorse; and
- h) where the person or entity has already suffered penalties under other laws and/or regulations for the same offence.

15.3 Having considered the factors in 15.2, the Panel will then determine the appropriate consequences and sanction(s).

15.4 Any period of ineligibility or suspension will commence on the date the decision of the Disciplinary Panel is published and will end on the date stated in the decision. The Disciplinary Panel may at its sole discretion reduce the period of ineligibility or suspension imposed by any period of provisional suspension already served prior to the decision being reached.

- 15.5 Subject to 15.6, World Netball shall ordinarily bear the costs of holding the disciplinary hearing (including the travel, accommodation and/or costs of the Disciplinary Panel members, costs of an independent expert under 12.4(c) if one was required, and all other arbitration costs) and any legal costs that World Netball incurs in the process of bringing the proceedings. The netballer or entity that is the subject of the proceedings shall ordinarily bear their own costs, including the travel and accommodation costs of the netballer/entity, their representatives and their witnesses, as well as any legal costs incurred in defending the proceedings.
- 15.6 Notwithstanding 15.5, a World Netball Disciplinary Panel shall have complete discretion to impose a costs order in relation to any proceedings, after consideration of submissions made by the parties. The costs order may direct the payment of some or all of:
- a) the costs of holding the disciplinary hearing, including the travel, accommodation and/or costs of the Disciplinary Panel members, costs of an independent expert under 12.4(c) if one was required, and all other arbitration costs; and/or
  - b) a party's legal costs.
- No costs order will be considered a basis for reducing the sanction(s) that would otherwise be applicable.
- 15.7 When considering whether to make an award under 15.6 against World Netball, the Disciplinary Panel should have regard to World Netball's regulatory function and its obligation to bring and defend proceedings for the good of World Netball. Costs awards will not ordinarily be made against World Netball simply because the allegation was not upheld. Rather, the Disciplinary Panel will make such a costs award only if it determines that the case was brought frivolously, improperly, dishonestly and/or in bad faith or if the allegation on which the complaint was based was misconceived, without foundation or actuated by malice or some other improper motive.
- 15.8 Once any period of ineligibility or suspension imposed by the Disciplinary Panel has expired, the person or entity will become re-eligible to participate in Netball, provided also that any fine, compensation payment and/or costs order imposed by the Disciplinary Panel has been paid in full (unless the Disciplinary Panel, in its absolute discretion, agrees otherwise).
- 15.9 Where a matter arises that is not otherwise provided for in these Regulations, the Chair of the Disciplinary Panel will resolve it as the Chair sees fit.

## **16. DECISIONS**

- 16.1 The Disciplinary Panel will announce its decision to the parties with reasons, dated and signed by at least the Disciplinary Panel Chair, ordinarily no later than 30 days after the date of the hearing whether conducted in person, remotely or on the papers.
- 16.2 A copy of the decision will also be sent to the relevant Member or Regional Federation (if applicable) and any other party that has a right of appeal against the decision (and any such party may, within 15 days of receipt, request a copy of the full case file

pertaining to the decision). The Disciplinary Panel may, if it considers it appropriate, announce its decision in advance of the reasons for it.

- 16.3 World Netball publishes the decisions of the World Netball Disciplinary Panel, in full, on its website. To protect confidential information or if the case involves a person under the age of 18, World Netball may decide at the request of a party or of its own volition to publish a redacted version or a summary of the decision.
- 16.4 If the decision is that the offence has not been committed, then the written decision may only be publicly disclosed with the consent of the person or entity who is the subject of the decision. The DDO may publicly disclose the fact that the allegation has been dismissed.
- 16.5 Decisions of the Disciplinary Panel will be final and binding on all parties, and may not be challenged or appealed other than strictly as set out in 17. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.

## **17. APPEALS**

- 17.1 The decision of a World Netball Disciplinary Panel pursuant to 16.1 may be submitted exclusively by way of appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of sports-related arbitration.
- 17.2 Unless otherwise stated in these Regulations, an appeal under 17.1 may be against the whole of the decision or against a particular aspect or aspects of the decision. The decision of a Disciplinary Panel that may be appealed pursuant to 16.1 are those final, substantive decisions that are reached after cases have been heard, including any decision taken at any stage to dismiss or strike out an allegation (as opposed to any decisions, directions, orders or determinations made in respect of preliminary or interim matters raised). There will be no separate right of appeal from any decisions, directions, orders or determinations made in respect of preliminary or interim matters, including an application to lift a provisional suspension, (other than by way of an appeal of the final, substantive decision in each case), unless the Disciplinary Panel that made the decision, direction, order or determination orders that such an appeal may be brought (which it will only do in truly exceptional circumstances).
- 17.3 In any appeal under 17.1, World Netball will be the appellant or the respondent to an appeal by the person or entity.
- 17.4 The deadline for filing an appeal to CAS will be 21 days from the date of receipt of the written decision in question by the appealing party. Where the appellant is a party other than World Netball, to be a valid filing under these Regulations a copy of the appeal must also be filed on the same day with World Netball. The decision being appealed will remain in full force and effect pending determination of the appeal unless CAS orders otherwise.
- 17.5 The decision as to whether:
  - a) World Netball should appeal a decision of the Disciplinary Panel to CAS;

- b) World Netball should participate in any appeal or other proceeding before CAS, or before any other tribunal, to which World Netball is not a party;
- c) World Netball shall suspend the person or entity pending the CAS decision or the decision of the other tribunal,

shall be taken by the DDO subject to the prior approval of the Chief Executive Officer.

- 17.6 Cross appeals and other subsequent appeals by any respondent named in cases brought before the CAS under these Regulations are specifically permitted. Any party with a right to appeal under these Regulations must file a cross appeal or subsequent appeal at the latest with its answer.
- 17.7 The CAS Code of sports-related arbitration will apply to the proceedings. The procedural law will be Swiss law. The substantive law will be the law of England and Wales, and the language of the proceedings will be English.
- 17.8 The CAS decision will be publicly disclosed in full unless the parties to the appeal agree that it should remain confidential. If the parties agree that the full CAS decision should remain confidential, then the parties will agree a joint summary of the proceedings to be published on the World Netball website.
- 17.9 Decisions of the CAS will be final and may not be challenged in any forum or on any grounds except as set out in Chapter 12 of Switzerland's Federal Code on Private International Law.

## **18. RECOGNITION OF DECISIONS**

- 18.1 Provisional suspensions, hearing results or other final decisions under these Regulations will be applicable worldwide and will be recognised and respected by World Netball, its Members and Regional Federations automatically upon receipt of notice of the suspension, hearing result or other final decision, without the need for any further formality.

## **19. GENERAL PROVISIONS**

- 19.1 Any deviation from any provision of these Regulations and/or any irregularity, omission, technicality or other defect in the procedures followed will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.
- 19.2 In the event that a particular incident takes place for which there is no provision in these Regulations, the DDO may either refer the matter to a Disciplinary Panel or take such other action as considered appropriate in the circumstances. If the DDO refers the matter to a Disciplinary Panel, the Panel will deal with the matter in accordance with general principles of natural justice and fairness.
- 19.3 Any notice or communication required to be given under these Regulations must be given in writing and sent by courier, registered or first class post, or transmitted by email.

- 19.4 Notices and communications to be served on World Netball will be treated as served where they are delivered to the office of World Netball's secretariat. Communications should be marked for the attention of the World Netball Disciplinary and Disputes Officer. The contact details are:

Postal address: World Netball, Suite 6.02, Floor 6, Tomorrow, Media City UK, Salford, M50 2AB, United Kingdom

Email address: [info@worldnetball.sport](mailto:info@worldnetball.sport)

- 19.5 Notices and communications to parties other than World Netball or the DDO may be served:

- a) by delivery to the party at the address last notified to World Netball; or
- b) via a party's National Association, at the address last notified to World Netball.

- 19.6 If sent by courier or by registered or first class post, the notice or communication will be deemed to have been given at the expiration of five Working Days after it was sent e.g. if the notice or communication was sent on a Tuesday, then the period expires at 5pm the following Tuesday. If transmitted by email, the notice or communication will be deemed to have been given at the expiration of 48 hours after the time it was sent.

- 19.7 In the event that a person or entity fails to pay any fine, compensation payment and/or costs award imposed under these Regulations by the specified deadline (or, where no deadline is specified, within a reasonable period), that person or entity's National Association at the time of the incident to which the fine, compensation payment and/or costs award relates will become immediately liable to satisfy the fine, compensation payment and/or costs award. For the avoidance of doubt, in respect of any sums payable by a person, entity or National Association under these Regulations, World Netball may deduct (and retain) a corresponding amount from any sums payable by World Netball to the applicable National Association.

- 19.8 Except in the case of gross negligence, the DDO or those delegated to undertake an investigation on the DDO's behalf, World Netball or members of World Netball's Disciplinary Panels, will not be liable for any acts or omissions relating to these Regulations, provided that any such person or entity has acted at all times in good faith.

- 19.9 The DDO shall provide an annual report to the Board regarding Disciplinary Offence allegations and outcomes.

## **APPENDIX ONE: DEFINITIONS**

**Articles** means the Articles of Association of World Netball, as amended from time to time.

**Board** means the board of directors of World Netball, elected pursuant to the Articles.

**CAS** means the Court of Arbitration for Sport in Lausanne, Switzerland.

**CEO** means the chief executive officer of World Netball.

**Chair of the Disciplinary Panel** means the person referred to in 11.1.

**Disciplinary and Disputes Officer (DDO)** means the person appointed by World Netball to act on its behalf in matters arising under these Regulations.

Disciplinary Offence has the meaning ascribed to it in 6.1.

**Disciplinary Panel** means the panel appointed to hear disciplinary proceedings in accordance with 11.1.

**Event Disciplinary Panel** means the panel appointed to hear Event Disciplinary proceedings.

**International Event** means a duly-sanctioned Match, competition or event contested by national representative teams or by teams under the jurisdiction of different National Associations or by teams representing different Regional Federations.

**Match** means a contest between two teams played according to the Rules of Netball

**Match Official (Umpire)** means the two umpires and reserve umpire appointed to the Match or International Event.

**Member** means an entity that has been admitted as a member of World Netball in accordance with the Articles.

**Memorandum** means the Memorandum of Association of World Netball, as amended from time to time.

**Misconduct** has the meaning ascribed to it in 6.2.

**National Association** means a national governing body of Netball.

**Netball** means the sport of netball and other derivatives of the game as determined by the Board from time to time.

**Regional Federation** means a regional federation established in accordance with the Articles.

**Rules of Netball** means the official rules written for international play as amended from time to time.

**Team Officials** means the named team officials for each Match and all accredited supplementary team personnel for the Event.



**Technical Official** means scorers and timekeepers seated at the official bench and any other official specified for an International Event.

**World Netball** means the International Netball Federation Limited.

**World Netball Disciplinary Panel (also referred to in these regulations as the Disciplinary Panel)** means the panel appointed to hear disciplinary proceedings in accordance with 11.1.

**Working Day** means any day of the week, excluding Saturday and Sunday and those days designated as a public holiday in England and Wales.