

## **1. INTRODUCTION**

- 1.1 These Disciplinary Regulations will take effect from [ 1 June 2026] and may be amended from time to time by the Board.
- 1.2 World Netball appreciates that disputes 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 consider a disciplinary allegation before an independent and impartial World Netball Disciplinary Panel drawn from the World Netball Committee appointed in accordance with Regulation 11, outline the disciplinary sanctions, 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 or document provides, these Regulations apply to:
  - a) Every International Event organised or sanctioned by World Netball.
  - b) Any breaches of World Netball General Regulations, World Netball Codes of Conduct (including World Netball Ethics and Anti-Corruption Code), World Netball Event Regulations, World Netball Safeguarding Guidelines, World Netball Policies, Memorandum or Articles.
  - c) Any allegation of Misconduct (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).

## **4. APPLICATION**

- 4.1 These Regulations apply to and bind all:
  - 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 that are bound by the Regulations.

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 Officer within 28 days of the decision. Notwithstanding the overlapping jurisdiction, nothing in these Regulations prevents the Disciplinary Officer from commencing a disciplinary investigation concurrently with any action taken by the Member and/or Regional Federation.
- 5.3 If the Disciplinary Officer 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 Disciplinary Officer is not satisfied with the procedures adopted and/or decision reached by the Member and/or Regional Federation, then the Disciplinary Officer may conduct their own investigation and refer the matter to a WN Disciplinary Panel in accordance with regulation 7.15.
- 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

Disciplinary Officer, 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 the World Netball General Regulations, World Netball Anti-Doping Rules, World Netball Codes of Conduct (including the Ethics and Anti-Corruption Code), Event Regulations, World Netball Policies, World Netball Safeguarding Guidelines, Memorandum or Articles;
- b) misconduct.

- 6.2 Misconduct means any conduct, behaviour, statement (including, without limitation, a statement made on a social networking platform or site such as X, 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 contrary to the integrity of the sport of Netball; and/or
- d) 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.

- 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 regulation 6.2, by way of illustration, each of the following types of conduct, behaviour, statements or practices however or wheresoever undertaken 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) failure to cooperate with the disciplinary process in the absence of a reasonable explanation or making a disciplinary allegation frivolously or in bad faith;
  - f) 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; and/or
  - g) making any comments (including to the media) that attack, disparage or denigrate 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 Disciplinary Officer 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 Disciplinary Officer 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 Disciplinary Officer 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 regulation 5.2.
- 7.3 The Disciplinary Officer will have the authority to investigate a disciplinary offence allegation and determine whether there is a case to answer.
- 7.4 The Disciplinary Officer may delegate an investigation to another World Netball employee, another person in a Member and/or Regional Federation, or instruct a barrister, solicitor, or other qualified person, to conduct the investigation on the Disciplinary Officer's behalf, provided that the person to whom the Disciplinary Officer 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 Disciplinary Officer within 30 days or such reasonable time as is necessary to complete the investigation.

- 7.5 In carrying out the function under regulations 7.3 and 7.4, the Disciplinary Officer 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 Disciplinary Officer 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 Disciplinary Officer 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) To deal with the matter under the Summary Procedure set out in Regulation 7.9.
  - e) That the matter should be referred to a World Netball Disciplinary Panel.
  - f) To reject the complaint because it does not fall within World Netball's jurisdiction.
  - g) 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 Disciplinary Officer will notify the outcome of the investigation to the parties, providing reasons for the decision. The decision of the Disciplinary Officer is final and will not be subject to an appeal by any party.
- 7.9. Where, following investigation under Regulation 7, the Disciplinary Officer considers that:
- the material facts are not substantially in dispute;
  - the alleged offence is not of a serious nature; and
  - the interests of justice do not require determination by a Disciplinary Panel,
- the Disciplinary Officer may invite the person or entity to resolve the matter by way of Summary Procedure.
- 7.10 The Disciplinary Officer may propose a specified sanction and/or consequences falling within Regulation 15.2, together with (where appropriate) a contribution to costs. The proposed sanction will be submitted to the WN Independent Chair for

review as to whether it is not unduly lenient and that the Summary Procedure has been invoked correctly.

7.11 If the person or entity:

- admits the disciplinary offence; and
- agrees in writing to the proposed sanction within 14 days,

the matter shall be concluded without referral to a Disciplinary Panel.

7.12 An agreed sanction under this Regulation:

- shall be final and binding;
- shall not be subject to appeal; and
- may be published in accordance with Regulation 16.

7.13 If the proposed sanction is not accepted within 14 days, the matter shall be referred to a Disciplinary Panel pursuant to Regulation 7.9. The terms of any proposed sanction shall not be disclosed to the Panel until after a determination on liability.

7.14 The Summary Procedure shall not apply:

- to anti-doping violations except where expressly permitted under the World Netball Anti-Doping Rules;
- to safeguarding matters involving minors;
- where a provisional suspension has been imposed for serious misconduct; or
- where the Disciplinary Officer considers that a full hearing is required in the public interest.

7.15 If the Disciplinary Officer decides that there is a case to answer, the Independent Chair of the World Netball Disciplinary Committee shall appoint a World Netball Disciplinary Panel, and for the matter to be determined in accordance with these Regulations. The Disciplinary Officer will send a Notice of Disciplinary Offence to the Independent Chair, 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.

7.16 The Disciplinary Officer 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 Disciplinary Officer 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, or a decision made under 7.7(a), (b), (c) and (e). 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.
- 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 Disciplinary Officer'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 Disciplinary Officer 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 regulation 8.3(b) or a party's voluntary provisional suspension pursuant to regulation 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 press releases and make comments prior to disciplinary hearings (identifying in each case, for example, the parties involved, the nature of the case, as well as the time, date and venue for the hearing) and following hearings (providing, for example, a summary of the decision).
- 9.2 Save for the press releases and comments referred to in regulation 9.1, until such time as a decision is published in accordance with regulations 16.2 or 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 (known 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 regulation 11.1 or 11.2. 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. WORLD NETBALL PANEL AND APPOINTMENT OF DISCIPLINARY PANELS**

- 11.1 World Netball shall establish and maintain a standing panel of independent persons to be known as the World Netball Disciplinary Committee.
- 11.2 The term of office of the members of the WN Disciplinary Committee shall be for [10] years.
- 11.3 A member of the WN Disciplinary Committee must not hold any other function within WN or a WN Regional Federation or Member.
- 11.4 In the event a WN Disciplinary Committee member resigns (by giving not less than 30 days' written notice to WN), dies, or is removed from office, WN may appoint a replacement member.
- 11.5 A member of the WN Disciplinary Committee may, as appropriate, be suspended or removed from office prior to the expiry of their term of office as follows:
- a) by the Independent Chair, adopting whatever procedure to reach a determination they consider in their discretion to be fair and appropriate in the circumstances, if:
    - i) the member is alleged to have, or has, breached the WN Articles of Association, or any other WN rule or regulation; or
    - ii) the member is unable or unwilling to perform the duties of office or has neglected their duties or has engaged in any misconduct.
  - b) by the Board, adopting whatever procedure it considers in its discretion to be fair and appropriate in the circumstances, if any of the circumstances set out in Regulation 4(a)(i) or (ii) apply to the Independent Chair.
- 11.6 Before making any decision to remove a member of the WN Disciplinary Committee, the member concerned shall be given reasonable notice in writing by the relevant

decisionmaker in Rule 4 of the proposal to remove them as a member of the WN Disciplinary Committee, the grounds for such proposal and the facts supporting the grounds for such proposal. The member concerned shall be entitled to respond to that proposal in person or in writing within 7 days of being notified in writing of the proposal and the response must be taken into account by such decision maker.

- 11.7 The Independent Chair shall represent the WN Disciplinary Committee towards WN, its Regional Federations and its Members and, if applicable, to the public.
- 11.8 No member of the WN Disciplinary Committee will be personally liable for any act or omission of a WN Disciplinary Panel or any member of the WN Disciplinary Committee done in good faith in pursuance or intended pursuance of the functions, duties, powers and authorities of the WN Disciplinary Committee. World Netball will indemnify such member for any costs, expenses or damages if they are made the subject of a claim or complaint by a third party arising out of any such act.
- 11.9 The World Netball Disciplinary Panel shall be appointed by the Independent Chair who:
- shall be legally qualified with not less than 10 years' standing.
  - shall not be a member of the Board, any WN committee, employee or consultant of World Netball.
  - shall be appointed by the Board for a fixed term of years.
  - shall act independently in appointing Disciplinary Panels; and
  - shall be a member of the World Netball Disciplinary Panel.
- 11.10 The World Netball Panel shall comprise suitably qualified individuals including:
- legally qualified persons.
  - persons experienced in sports disciplinary proceedings.
  - medical practitioners (where appropriate);
  - safeguarding specialists (where appropriate).
- 11.11 Panel members must not be:
- members of the Board;
  - employees or consultants of World Netball;
  - directors, consultants or employees of a Regional Federation or Member.
- 11.12 Upon referral under Regulation 7.9: the Independent Chair shall appoint a Disciplinary Panel from the World Netball Panel; the Panel shall ordinarily consist of three members; one member shall be legally qualified and shall act as Chair. In straightforward matters, the Independent Chair may appoint a sole legally qualified member. The Independent Chair shall also be able to appoint themselves to a Disciplinary Panel and deal with any procedural matters arising prior to the appointment of a Disciplinary Panel.

11.13 The parties shall be notified of Panel appointments and shall have 7 days to raise any objection based on conflict of interest.

Any challenge shall be determined by the Independent Chair.

11.14 Each Panel member must sign a declaration confirming their independence and absence of conflict.

11.15 If a Panel member is unable to continue, the Independent Chair may appoint a replacement or authorise the remaining members to proceed.

## **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 Disciplinary Officer, are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before the Disciplinary Panel.

12.3 Regulations 12.5 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 World Netball Disciplinary Panel shall within 5 working days of being appointed set down a timetable for the resolution of the disciplinary offence. The Disciplinary Panel shall have the discretion to decide all procedural and evidential matters. Except in the case of complex proceedings or with the agreement of the parties, the Disciplinary Panel shall make and communicate its decision within 60 days of being appointed.

12.5 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.

- 12.6 Any procedural rulings may be made by the Disciplinary Panel or the Chair of the Disciplinary Panel alone.
- 12.7 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.
- 12.8 As soon as 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**

- 3.1 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 Disciplinary Officer 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 No formal rules as to admissibility of evidence will apply. Facts may be established by any reliable means. The Disciplinary Panel will have the discretion to receive such evidence as it considers relevant and to attach such weight to that evidence as it sees fit. In a case involving anti-doping, the rules of proof set out in Article 3.2 of the World Netball Anti-Doping Rules also apply.

- 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.
- 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 Disciplinary Officer 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 an anti-doping violation has occurred, the Panel will impose such consequences and sanction(s) in accordance with, and pursuant to, Article 10 of the World Netball Anti-Doping Rules.
- 15.2 In all other cases, 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.

15.3 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 Disciplinary Officer.

**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 Disciplinary Officer 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.
- 15.4 Having considered the factors in Regulation 15.3, the Panel will then determine the appropriate consequences and sanction(s).
- 15.5 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.
- 15.6 The Disciplinary Panel will have discretion to order any party subject to the proceedings to pay some or all of the actual costs incurred by World Netball, including:
- a) the costs of holding the hearing(s).
  - b) the legal/travel/accommodation costs and/or fees or charges of the members of the Disciplinary Panel; and/or
  - c) the legal/travel/accommodation costs of any party subject to, or witness involved in, the proceedings.
- No costs order will be considered a basis for reducing the sanction(s) that would otherwise be applicable.
- 15.7 The Disciplinary Panel will not ordinarily make an order as to costs (including an order that each party bears its own costs) without first considering submissions from the relevant parties on the question of costs. Where, following an order as to costs, the parties subject to the proceedings remain in disagreement as to the specific sums payable, any such party may refer the matter to the Disciplinary Panel, which will decide (and which will have the power, where appropriate, to make further costs orders relating to the work carried out by the parties in resolving the disagreement on costs).
- 15.8 The Disciplinary Panel will also have discretion to order some or all of the costs of the proceedings to be paid by some other person or entity that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person or entity will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.
- 15.9 In exercising the discretion to award costs as set out in 15.6, in any case in which the offence allegation was not upheld, the Disciplinary Panel should have regard to World

Netball's regulatory function and its obligations to bring/defend proceedings, for the good of World Netball. In particular, in such cases, costs awards will not ordinarily be made against the Disciplinary Officer or World Netball simply because the complaint was not upheld. Rather, the Disciplinary Panel will ordinarily 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.

- 15.10 In all cases in which a Disciplinary Panel is asked to make a costs award pursuant to 15.6 (including determinations as to the specific sums payable), the Disciplinary Panel will be entitled to take into account the parties' conduct at all relevant times.
- 15.11 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).
- 15.12 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, as soon as reasonably practicable and ordinarily no later than 30 days after the date of the hearing whether conducted in person, remotely or on the papers. 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.
- 16.2 If the decision is that the offence has been committed:
  - a) the decision will be publicly disclosed in full (after giving the parties prior notice of the decision) on World Netball's website, and in any event no later than 20 days after its issue; and
  - b) the Disciplinary Officer may also publish such other parts of the proceedings before the Disciplinary Panel as the Disciplinary Officer thinks fit.

Public disclosure will not, however, be required where the person found to have committed the offence is under the age of 18. Any optional public disclosure in a case involving a person under the age of 18 will be proportionate to the facts and circumstances of the case.

16.3 If the decision is that the offence has not been committed, then the decision may only be publicly disclosed with the consent of the person or entity who is the subject of the decision, however the Disciplinary Officer may publicly disclose the fact that the allegation has been dismissed.

16.4 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 regulation 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 Disciplinary Officer 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 substantive law will be the law of England and Wales, and the language of the proceedings will be English unless the parties agree otherwise.
- 17.8 If the CAS decision is that an offence has been committed:
- a) the decision will be publicly disclosed in full without delay, and in any event no later than 20 days after its issue; and
  - b) the Disciplinary Officer may also publish such other parts of the proceedings before CAS as it thinks fit.

Public disclosure will not, however, be required where the person found to have committed the offence is under the age of 18. Any optional public disclosure in a case involving a person under the age of 18 will be proportionate to the facts and circumstances of the case. If the person or entity is exonerated of all allegations, then the decision may only be publicly disclosed with the consent of the person or entity who is the subject of the decision.

- 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 The Arbitration Act 1996 governs proceedings of World Netball Disciplinary Panel and these Regulations amount to a binding agreement to arbitrate for the purposes of section 6 of that Act.

- 19.3 In the event that a particular incident takes place for which there is no provision in these Regulations, the Disciplinary Officer may either refer the matter to a Disciplinary Panel or take such other action as considered appropriate in the circumstances. If the Disciplinary Officer refers the matter to a Disciplinary Panel, the Panel will deal with the matter in accordance with general principles of natural justice and fairness.
- 19.4 Any notice or communication required to be given under these Regulation must be given in writing and sent by courier, registered or first-class post, or transmitted by facsimile or email.
- 19.5 Notices and communications to be served on World Netball or the Disciplinary Officer will be treated as served where they are delivered to the office of World Netball's secretariat.
- 19.6 Notices and communications to parties other than World Netball or the Disciplinary Officer 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.
- 19.7 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. If transmitted by facsimile or email, the notice or communication will be deemed to have been given at the expiration of 48 hours after the time it was sent.
- 19.8 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.
- 19.9 Except in the case of gross negligence, the Disciplinary Officer or those delegated to undertake an investigation on the Disciplinary Officer'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.
- 19.10 The Independent Chair 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 legally qualified member appointed to chair a Disciplinary Panel pursuant to Regulation 11.

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

**Disciplinary Panel** means a panel appointed by the Independent Chair from the World Netball Panel pursuant to Regulation 11.

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

**Independent Chair** means the person appointed by World Netball under Regulation 11.2 to lead the World Netball Panel.

**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 or 11.2.