



# **National Lacrosse Committee**

## **Disciplinary Process (Bye Law 8)**

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Registered Company No. 3476816



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## National Disciplinary Procedure

The following is a model procedure agreed by the National Lacrosse Committee to rationalise the disciplinary processes throughout the domestic game.

Domestic leagues, tournament and competition procedures should now be amended to ensure:

- compliance with the contents of the model particularly in relation to penalties that may be imposed, and the appeals escalation model is understood;
- existing disciplinary bodies will not be dissolved; and
- where structures are already in place, are seen to work and have the confidence of the membership that they should be disturbed as little as possible.

The National Disciplinary Procedure has the following considerations:

1. To act in a professional manner;
2. ELA employees are subject to their own disciplinary arrangements as part of their terms of employment;
3. The principles of the Human Rights Act do apply to our organisation; therefore, the concept of a fair process must be maintained;
4. The impact of a playing ban may differ from player to player or location to location;
5. Matters should be dealt with as soon as practically possible and by a level of the organisation as close to the operational level as possible;
6. Disciplinary procedures should not be delayed because of possible police involvement or other actions.
7. Systems in place for match disciplinary procedures have largely operated effectively in past years, problems have arisen when the incident is of an unusual nature, involves players in multiple age brackets, or non-ELA members;
8. Competition hosts (e.g. a home side) or event organisers must take responsibility for maintaining discipline and a safe environment for all those attending (including spectators or non-members);
9. Discipline amongst players and other team members (such as coaches), immediately prior to, during and immediately after the conclusion of a game will primarily lie with the match officials;
10. To support the procedure NLC working with the Officiating Group have developed an on-line incident report form <https://form.jotform.com/201063433750041>
11. Safeguarding will require special consideration of incidents involving those under the age of 18;
12. The Respect programme shall provide the benchmarks for expected standards of behaviour;

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## 1. Disciplinary Roles and Appeals Process

- 1.1.** Club/University - Deals with internal disciplinary matters according to their own agreed process.
- 1.2.** League organisation (e.g. SEWLA, NEMLA) - deals with matters arising from matches, including automatic bans, and complaints regarding unacceptable conduct, off field incidents etc.
- 1.3.** Regional body - Deals with appeals from 2, including investigation and holding hearings for more serious matters referred to them.
- 1.4.** NLC - Deals with appeals from 3. Investigate and hold hearings for serious matters regarding clubs and individuals whose actions may bring the game into serious disrepute or breach of national policies. At any stage the NLC may direct that a matter be dealt with at a different level than noted above.
- 1.5.** Board - Deals with appeals from 4.

## 2. Automatic Playing Bans

- 2.1.** Expulsion by a qualified referee, or the receipt of a Red card awarded by a qualified Umpire means the player will receive a minimum one match ban.
  - 2.1.1.** The ban will be in force until one match in the relevant league or cup competition is completed. So, if a player is expelled during a BUCS game on Wednesday, they will miss the following Wednesday game, in addition they will not play in the intervening Saturday league/cup game.
  - 2.1.2.** If the expulsion is awarded in the last match of a season the ban will be suspended until the start of the following season.
  - 2.1.3.** If the ban is awarded in the last game to be played in a league ( for example a BUCS player graduates) then the ban will transfer to the next available match in an equivalent league, or alternately a player may in these circumstances only pay a £50 fine to the appropriate league organisation and the ban will be recorded as served.
  - 2.1.4.** The relevant report document notifying the details of any expulsion/red card must be submitted as soon as possible following the relevant game.
  - 2.1.5.** Clubs/teams are responsible for ensuring that the expelled player is not selected for the following relevant game(s).
- 2.2.** The automatic disciplinary procedures for BUCS games are dealt with by the appropriate ELA league organisation and BUCS expulsions/ red cards are to be reported to the relevant league body. More serious disciplinary issues are dealt with according to the BUCS disciplinary procedure.
- 2.3.** If a second or further expulsion foul / red card is awarded to the same player within a rolling twelve-month period, they shall be awarded an automatic three match ban, and a disciplinary committee will consider the incident reports and take any further action they feel appropriate. This may include a further playing ban, the issue of written warning to the player or their club or the deduction of points etc.

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- 2.4.** Clubs will be reminded following each automatic playing ban of their responsibility to ensure their members behave in an appropriate manner at all times and that it may be appropriate for them to take action in addition to the automatic ban to reinforce the decision with their member.
- 2.5.** Clubs whose players receive three or more expulsion foul within a one year rolling period may be required to attend a disciplinary hearing and explain the measures they have put in place to curb such behaviours amongst the members. Repeated incidents may result in the club facing disciplinary action.
- 2.6.** Players competing in multiple leagues such as Senior, U19 and u16 competitions are not allowed to play in any until the playing ban is served (see 1). Only games in the league where the expulsion occurred count towards the serving of the ban.
- 2.7.** Appeals against automatic playing bans are accepted only where it is claimed that there has been mistaken identity. An appeal will need to include the name and number of the actual culprit. In this case the matter can be dealt by email and considered by the relevant disciplinary body without recall to a formal hearing.
- 2.8.** Match officials with the relevant qualifications are responsible for the exercise of control over those involved in the game from their arrival at the pitch or 20 minutes before the start of the game, during the game and match intervals, and for the period following the game until the players have shaken hands or cheered their opponents and the officials leave the bench area.
- 2.9.** Where match officials believe the nature of the offence is such that more than the automatic playing ban is required, or the behaviour of others arising from the incident may warrant the consideration of a disciplinary body, they should submit such a report with supporting statements to the relevant reporting body as soon as possible and within 48 hours.

### **3. Non-automatic Penalties**

- 3.1.** Behaviours reported where further disciplinary action may be considered should be reported in writing to the relevant authority as soon as possible after the incident and within 48 hours using the incident report.
- 3.2.** Upon receipt the report will be acknowledged and as soon as possible the matter shall be considered by members of the relevant body to decide if the issue is a breach of the Respect Code, and if so whether disciplinary action is appropriate, and whether the matter is to be dealt with informally or formally.
- 3.3. Informal**
  - 3.3.1.** Both parties to the complaint should be informed that the correspondence has been received and the nature of the complaint.
  - 3.3.2.** Responses should be invited by an agreed time limit, input from witnesses requested, and a meeting of a disciplinary group of three appointed members arranged to consider the matter.
  - 3.3.3.** A decision based on the written reports held and will decide how the issue is to be addressed, this may include requirements for retraining and assessment, issue of written

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warnings or playing or match attendance bans up to three games, fines of up to £100 or exceptionally the docking of points from clubs.

### **3.4. Formal**

- 3.4.1.** All parties will be informed of the complaint details and invited to submit further information.
- 3.4.2.** Witnesses will be asked for their comments on the events.
- 3.4.3.** A disciplinary group of three appointed members, who will set a date, time and location, for a hearing.
- 3.4.4.** The complainant, the complainer (if under 18 they should be accompanied by a responsible adult who may represent them at the hearing) and relevant witnesses will be invited to attend the meeting to provide clarification to the written statements and to place any further relevant information or issues of mitigation to the hearing.
- 3.4.5.** In any matter involving a member or witness under the age of 18 the Chair of the disciplinary body should have received relevant Safeguarding training.
- 3.4.6.** If the matter involves discrimination under the ELA Equality policies a member of the disciplinary body should have received relevant Diversity training.
- 3.4.7.** The decision of the hearing will be issued to the relevant clubs or individuals within 48 hours. The options open to the hearing include (but not limited to): direction to retrain or mentor, bans from playing or attendance at events, expulsion from English Lacrosse, fines on individuals and clubs, the expulsion of teams from competitions, the docking of league points from current or future competitions, demotion.
- 3.4.8.** Penalties may be held in suspension for a stated period of time.

## **4. Appeals**

- 4.1.** Appeals against extended playing bans and other disciplinary penalties will be lodged with the relevant body within 7 working days of the notification of the disciplinary penalty.
- 4.2.** A deposit of £50 should accompany the appeal. In the event that the appeal is successful the deposit will be returned, if unsuccessful the costs of holding the appeal meeting will be deducted and any balance returned.
- 4.3.** An appeal will be considered by three appointed members nominated by the relevant body on the escalation ladder. They will be provided with the written evidence considered at the original hearing, the minutes of that meeting and the appeal documents. The appellant will be invited to address the appeal body or submit written comments.
- 4.4.** The appeal body may mitigate or reduced the penalties imposed by the original hearing if they feel there were matters no sufficiently considered at the original meeting. They may also decide to suspend the imposition of penalties for a stated period of time. However, if they feel that the matter is sufficiently serious and the original penalty imposed was perversely lenient, they may increase the original penalty if the matter involves the following: -

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- 4.4.1.** violent conduct;
- 4.4.2.** abusive behaviour;
- 4.4.3.** matters involving racist ethnic or religious, gender or transgender, disability, sexuality related abuse or discrimination;
- 4.4.4.** repeated serious misconduct;
- 4.4.5.** or matters likely to bring the sport into serious disrepute.

## **5. Appeals Against Disciplinary Decisions**

- 5.1.** Member clubs and registered individuals have the right to appeal against automatic disciplinary awards, and those awarded by the relevant disciplinary panel in the following circumstances: -
  - 5.1.1.** there is a case of mistaken identity as described within the disciplinary process;
  - 5.1.2.** the Panel perversely failed to consider evidence available and presented for consideration at the initial hearing;
  - 5.1.3.** fresh evidence, not available at the time of the original hearing, that strongly contradicts the evidence considered at the initial hearing, is submitted. For example, CCTV recording of an incident, or relevant documents not previously available, are submitted; or
  - 5.1.4.** that the initial penalties awarded were perverse, discriminatory, and or in breach of the policies and objectives of England Lacrosse.
- 5.2.** All appeals must be submitted in writing (Including electronic forms) stating the relevant cause for the appeal from the examples above and stating briefly the reasons why the appeal is submitted. No appeal will be accepted without the relevant deposit being paid. Simply not agreeing with the conclusions of the initial hearing is not sufficient grounds for an appeal.
- 5.3.** Appeals should be submitted to the relevant responsible body for consideration. League/Regional Secretary, NLC, Performance Committee, England Lacrosse Board. Whose officers will decide whether the basis for the appeal is relevant and legitimate and if an appeal is to be heard.
- 5.4.** If an appeal is not to be heard as it does not meet the required criteria the appellant must be informed at the earliest opportunity, explaining why this decision has been taken and refunding the relevant deposit.
- 5.5.** If the appeal is accepted then all financial and points penalties initially awarded to clubs and individuals, will be suspended until after the appeal is concluded.
- 5.6.** Participation bans will remain in place until the appeal is concluded.
- 5.7.** An Appeal Panel of at least 3 and a maximum of 5 members shall be appointed by the relevant body to consider the appeal. Where the matter involves incidents during or immediately following a match or the actions of match officials, one member of the Panel should be an experienced match official with a good knowledge of the relevant and current rules.
- 5.8.** No member of the Appeal Panel shall have served on the original Disciplinary Panel considering the matter.

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- 5.9.** The Appeal Panel may appoint a note taker independent of the panel to maintain records of the hearing.
- 5.10.** The Appeal Panel shall be provided with all documentation relevant to the original hearing for consideration and may request input from the original Panel Chair to clarify any issues arising. However, the Appeal Panel are to consider only the issues directly relevant to the stated reason for appeal, not to reconsider the whole case.
- 5.11.** The Appeal Panel will invite the appellant to submit more detailed information for consideration within 7 days of acceptance of the appeal and set a date for the formal consideration of the appeal as soon as practically possible from the date of acceptance.
- 5.12.** The formal consideration may be by e-conference, telephone conference, or a physical meeting, which the appellant will be invited to attend in order to respond to any questions or matters of clarification the Panel may wish to raise. The appellant will retire from the hearing while the Panel consider the information before them, and their conclusions.
- 5.13.** The Appeal Panel must be satisfied that the appellant has been given every reasonable opportunity to state their case, and to present evidence in support of their case during the initial hearing and appeal.
- 5.14.** It is not a requirement that the Appeal Panel concur with all the conclusions of the original hearing, but that they are satisfied that overall, the proceedings were conducted in a fair and reasonable manner and were not in breach of England Lacrosse protocols or policies.
- 5.15.** The findings and conclusions of the Appeal Panel will be communicated to all relevant parties within two days of the Panel meeting. Appeal decisions may be noted in the minutes of relevant bodies, but records of hearing will not be published.
- 5.16.** Where the appeal is upheld, partially or in full, and the initial penalties imposed are changed, the records of the original Disciplinary Panel, will be amended, and any changes confirmed in writing with the appellant and other relevant parties (Club, league etc.)
- 5.17.** Records of all appeals will be maintained by the relevant body (League/Region, NLC etc.) for future reference.

## 6. Special Cases

- 6.1. Officials/ coaches** - complaints regarding competence are not necessarily disciplinary matters. Consideration should be made whether the issue should be properly addressed by training or mentoring organised by the relevant body e.g. regional committee, performance committee. Other disciplinary complaints regarding behaviours or conduct can be should be dealt with using the normal procedures
- 6.2. Violent or abusive conduct towards or by minors** - it is important that these matters are dealt with quickly and in confidence. Advice and guidance shall be available from ELA HQ when requested. Where necessary matters may need to be reported to the relevant authorities, the police or social services.

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- 6.3. Failure by clubs etc. to enforce standards of behaviour** - Where this occurs a disciplinary investigation of the club's actions will be required and where required a disciplinary hearing. This includes breaches of the Respect policy by parents, and supporters who may not be ELA or club members.
- 6.4. Representative Teams** - Disciplinary matters are dealt with according to the arrangements in place for each Region/Geographical league. For national representative teams there will be a separate disciplinary process. Automatic bans shall be reported to the relevant national squad management, but automatic playing bans shall not apply to representative games.
- 6.5.** More serious disciplinary matters leading to bans from all lacrosse shall apply to representative games and activities. Expulsion or other disciplinary matters arising from national or representative squad activities may be referred to the relevant regional disciplinary body for consideration.
- 6.6.** Disciplinary issues arising for independent representative teams such as Stockport Metros and English Knights are generally outside the remit of this process, however behaviours that bring serious disrepute on our sport may be referred to the relevant regional/geographical disciplinary body.
- 6.7. Tournaments** - Tournaments such as Bath 8s, Bluesfest, and the BNCs have their own disciplinary processes that operate on the day in respect of match expulsions. More serious matters should be referred to the relevant regional/geographic league body.
- 6.8. Witnesses** - Witness statements are vital to the proceeding of the disciplinary bodies. These should be short and factual relating what was seen or heard in regard to the incident or behaviours. Collusion in the preparation of statements is a serious matter. Where such behaviour is suspected the witness statements may be set aside. Where such behaviour is proven this may be considered a disciplinary matter of itself.

## 7. Records

- 7.1.** Records relating to automatic playing bans will be retained by the appropriate body for 12 months after the ending of the season in which the ban was completed. Records of formal disciplinary matters will be retained for 36 months after the ending of the season in which the ban was completed.

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