



**STA DISCIPLINARY GUIDANCE
FOR OUT-OF-GAME MATTERS**

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DEFINED TERMS

| Term | Meaning |
|---------------------------|--|
| Affiliated Touch Clubs | Clubs that are affiliated to the STA through their Regional Association. In this document this also includes unconstituted teams that play in events affiliated to the relevant Regional Association or STA |
| Credible | An individual who had good sight of the Incident and is able to accurately and reliably describe what happened. Credibility may be enhanced if the person has significant relevant experience and/or holds a senior role in an regional association or the STA |
| Disciplinary Code | The STA Disciplinary Code |
| Disrepute | Damaging to the reputation of the sport of Touch, the STA and/or its officials, representatives and Members. |
| In-Game | At or around the time of a match whether this is in the vicinity of or on the field of play. This includes any period prior and after the match from the moment of arrival at the pitch to the departure of the last player |
| The Incident | The event that has arisen which it is adjudged is in breach of the STA Disciplinary Code. |
| Law | The civil and criminal laws of the land where the Incident took place. In Scotland or where this is not clearly defined, this is Scots Law. |
| Member | An individual who is defined as a Member of the STA in accordance with the STA Articles of Association. |
| Neutral | An individual who has no known affiliation to any participant in the match, be that personal or through team membership and whose account is likely to be unbiased and objective |
| Panel | Disciplinary Panel |
| Regional Association (RA) | A Regional Association affiliated to the STA |
| STA | Scottish Touch Association |
| Tournament Organiser | The person with primary responsibility for the running of an affiliated Touch tournament |

A. INTRODUCTION

PURPOSE

1. This document provides guidance on how the Scottish Touch Association (STA)'s Disciplinary Code is used to adjudicate in matters that are not In-Game. In-Game disciplinary matters should be dealt with using the Disciplinary Guidance for In-Game Matters document.
2. This document details what the responsibilities are for each party before, during and after the process has taken place. The STA Disciplinary Code can be found on the STA website at <http://www.scottishtouch.org.uk/refereeing/disciplinary-procedures/>

APPLICATION AND SCOPE

3. This guidance will be applied by the STA or relevant affiliated Regional Association to any relevant Incident that is not In-Game.
4. As such, the range of Incidents that this guidance may apply to is extremely broad and cannot be easily defined. However, for the avoidance of doubt the type of Incident covered by this guidance includes but is not limited to:
 - a. Any breach of STA or RA policy;
 - b. Any breach of the STA's Disciplinary Code;
 - c. Any matter that has resulted in the violation of the Law (and where the Member has been found guilty of the offence);
 - d. Any matter deemed by the STA or relevant RA to bring the sport of Touch into Disrepute;
 - e. The defamation of any individual, group or organisation in any public forum, which may include the use of abusive language. This includes online platforms such as social media; or
 - f. Any matter that where the health or wellbeing of another person is deemed to have been or will be put at risk.
5. Child Protection matters are handled using a separate process. See the [Child Protection Disciplinary Procedures](#).
6. The STA Disciplinary Officer determines whether the disciplinary matter is local, national or international. In the latter case, this adjudication is made after discussion with the Federation of International Touch, European Federation of Touch and any relevant foreign national Touch association. In any international case the STA reserves the right to retroactively invoke this process to any of its members.

7. Affiliated Touch Clubs may at their discretion impose additional sanctions on the Member but must as a minimum comply with the Disciplinary Panel's decision. It is suggested that Affiliated Touch Clubs await the outcome of the disciplinary process and act to complement the Panel's verdict, especially to help avoid a repeat offence.

8. Only Members of the STA and Touch Clubs can be disciplined through the process outlined in this document.

LAYOUT

9. This guide breaks the process down into simple steps. It is important that you read through all pertinent sections so that you know the part of the process that relates to you and what your responsibilities are.

10. This guide presents information in chronological order, splitting tasks into those before, during and after the disciplinary process. Deadlines are not provided since the nature of any Incident will vary widely but the relevant Disciplinary Officer should ensure that the process is not unduly delayed.

CONFLICT OF INTEREST

11. If at any time there is a conflict of interest present, this should be announced by the relevant party and they should withdraw from the process immediately. It is important therefore to have a reserve available at every stage of the process. Any individual not owning up to a relevant conflict of interest may be subject to disciplinary procedures.

B. THE PROCESS

INITIAL DETERMINATION

12. Awareness of the Incident may arise through a variety of means. However, in all cases, any aware party should notify the **STA National Disciplinary Officer** in the first instance.

13. If the Incident involves any matter of a potentially criminal nature, it should immediately be reported to the police. In this instance, the case will always be adjudicated a national one and managed by the STA National Disciplinary Officer. He/she will determine whether any Panel is convened in parallel to criminal proceedings or await for those to run their course. No final determination may be made by any Panel until criminal proceedings are concluded.

14. The STA National Disciplinary Officer once aware should:

- a. Note details of the Incident;
- b. Decide whether the matter is local, national or international in its nature; and
- c. Advise the relevant persons of his/her decision.

15. **Local** matters pertain to an Incident where the repercussions are likely to be felt within the Regional Association and it does not affect others outside that area. It is the RA's Disciplinary Officer who should manage the process for any local cases.

16. **National** matters pertain to an Incident where the repercussions are likely to be felt across more than one Regional Association. If the matter is especially serious, the STA National Disciplinary Officer may also decide or the RA may request that it requires a decision to be made at the national level. It is the STA National Disciplinary Officer who should manage the process for any national cases.

17. **International** matters pertain to any Incident where a member from a foreign national Touch association is involved, even if this relates to their participation in a local Touch tournament. It also relates to any Member's involvement with any event held outside Scotland or any Federation of International Touch (FIT), European Federation of Touch (EFT) or Junior Touch Championship (JTC) sanctioned event held in Scotland. It is the STA National Disciplinary Officer who should manage the process for any international cases, however, he/she may have to defer to international rules.

PANEL PROCESS

18. At the start of the season the Disciplinary Officer of each RA and the STA must assemble a Disciplinary Panel roster. This should consist of 6 people and preferably include an even gender split. Ideally the panel should consist of a mix of experienced referees, players and/ or administrators.
19. Once the STA National Disciplinary Officer has determined whether it is a local, national or international case, the relevant RA or STA Disciplinary Officer will form a Panel from the Disciplinary Panel roster ensuring there is no conflict of interest. He/she may decide to add, either as a consultant or full Panel member, any individual who has particular relevant expertise.
20. A Panel must have at least 3 representatives and must contain minimum one man and one woman.
21. The Disciplinary Officer should set a realistic timeframe for the Panel to discuss the Incident, call meetings, speak to the Member and any parties they deem to be relevant to the case.
22. At the outset the Disciplinary Officer should inform in writing to the Member that a Disciplinary Panel has been convened to consider the Incident and that he/she will be notified in due course the outcome of the Panel's deliberations.
23. The Panel should keep records of their discussions and provide a final report to the Disciplinary Officer within the agreed timeframe. Any papers used by the Panel should be passed to the Disciplinary Officer to be retained in accordance with STA policy on data storage.
24. The Disciplinary Officer should **within 48 hours** of receipt of the Panel's report, inform the Member in writing the outcome of the Panel's deliberation along with instructions for the implementation of any sanction. He/ she should also notify any third party relevant in the administration of any sanction.
25. Disciplinary Officer should **within 72 hours** of receipt of the Panel's report, inform any other relevant party, including anyone or any organisation deemed injured by the Member's actions.
26. The Disciplinary Officer should use his/her discretion to advise relevant RA committee and STA board members where the case requires media handling.

POTENTIAL SANCTIONS

27. Sanctions are entirely at the Panel's discretion and may include a conditional element such as some form of education, contrition or recompense made by the Member to avoid a more severe penalty.
28. The Panel may wish to apply a permanent sanction, specify a timescale or make the sanction 'until further notice by XXX' where 'XXX' is the RA or STA as appropriate.
29. Options for sanctions include but are not limited to:
- a. A withdrawal of membership from the RA (note, this would bar their membership from the STA also);
 - b. Restriction of participation at events. Restrictions may be to volunteer/ coaching or refereeing/ spectating or total;
 - c. A formal written warning;
 - d. The requirement of some sort of public statement;
 - e. Some monetary recompense/ payment of damages or material compensation;
 - f. Some mandatory activity such as attendance at a referee course or diversity awareness training; and
 - g. An apology to any injured party.
30. The duty of any enforcement of sanctions is ultimately the responsibility of the relevant Disciplinary Officer (national or regional as appropriate) in association with the most appropriate person to administer the sanction as defined by the Panel in its verdict. For instance this may include a relevant tournament organiser in the case of a ban; the RA or STA treasurer for any fine; the regional or national referee organiser for mandatory attendance at a referee course, etc.
31. In any case where there is non-compliance with the sanction, the relevant Disciplinary Officer (national or regional as appropriate) should remind the individual of their obligation. Persistent failure to comply should be noted and at the Disciplinary Officer's discretion referred back to the Panel for consideration and possible further sanction.

APPEALS

32. The Member has the right to appeal any decision made by the Panel. Any appeal must be in writing (an email is acceptable) and received **within 96 hours** of the Disciplinary Officer's letter to the Member.

33. If the Member chooses to appeal the decision, the matter is referred to the Disciplinary Appeals Panel – see the boxed text below. The Member's request should be acknowledged and a Disciplinary Appeals Panel assembled, ensuring no conflict of interest.

At **Regional** Association level, the Disciplinary Appeals Panel consists of the President, the local Disciplinary Officer and the Secretary. Any regional association committee member may act in reserve.

At **STA** level, the Disciplinary Appeals Panel consists of the President, the National Disciplinary Officer and Director of Volunteer Management. Any STA Board member may act in reserve.

At either level, no member of the Disciplinary Panel may also sit on the Disciplinary Appeals Panel for any single case. The Appeals Panel must have a gender split.

34. The Appeals Panel must have at least 3 representatives and must contain minimum one man and one woman. For local cases, the RA may request for the National Disciplinary Officer to sit on the Panel.

35. The Disciplinary Officer should set a realistic timeframe for the Appeals Panel to discuss the Incident, call meetings, speak to the Member and any parties they deem to be relevant to the case.

36. The Appeals Panel should keep records of their discussions and provide a final report to the Disciplinary Officer within the agreed timeframe. Any papers used by the Appeals Panel should be passed to the Disciplinary Officer to be retained in accordance with STA policy on data storage.

37. The Disciplinary Officer should **within 48 hours** of receipt of the Appeal Panel's report, inform the Member in writing the outcome of the Appeal Panel's deliberation along with instructions for the implementation of any sanction. He/ she should also notify any third party relevant in the administration of any sanction.

38. Disciplinary Officer should **within 72 hours** of receipt of the Appeal Panel's report, inform any other relevant party, including anyone or any organisation deemed injured by the Member's actions.

39. The Disciplinary Officer should use his/her discretion to advise relevant RA committee and STA board members where the case requires media handling.

ANNEX A – DISCIPLINARY PANEL REPORT TEMPLATE

| | | |
|--|--------|-----------------------|
| Disciplinary Panel Report | | Ref: 2013/001 |
| Name: | | Region: |
| Team: | | Incident Date: |
| Summary of Panel’s Deliberations: | | |
| <p>Panel Verdict on additional sanctions for player (note this paragraph will be repeated in writing to the player by the Disciplinary Officer):</p> | | |
| Signature (Chair) | (name) | (date) |
| Signature (Panel Member) | (name) | (date) |
| Signature (Panel Member) | (name) | (date) |