

HEARINGS & APPEALS TRIBUNAL PROCEDURE

The following Tribunal Hearing Procedure will be followed by hearings tribunals established by Gridiron Australia.

Tribunal Formation and Notification

1. A Tribunal Panel will be constituted following the rules outlined in Gridiron Australia's Constitution, to hear a complaint that has been referred to it by the Chairman or Complaints Manager.
2. The Chairman or Complaints Manager will organise for a Tribunal to be convened by notifying Tribunal Panel members that they are required to hear a complaint. The Tribunal Panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Chairman or Complaints Manager relating to the complaint/allegations.
3. The Tribunal Hearing will be scheduled as soon as practicable but must allow adequate time for the person being complained about (respondent(s)) to prepare to respond to the complaint.
4. The number of Tribunal Panel members required to be present throughout the Tribunal Hearing Process will be three (3).
 - 4.1. The Tribunal Panel will not include any person who has any actual or perceived conflict of interest, preconceived opinions, vested interests or personal involvement relating to the complaint.
 - 4.2. The Tribunal Panel will comprise at least one person who has knowledge, and preferably experience, of any relevant laws relating to the complaint (e.g. anti-harassment).
 - 4.3. If a member of the Tribunal Panel cannot continue once the Tribunal Hearing has commenced, and the minimum number required for the Tribunal Hearing is still maintained, the discontinuing member will not be replaced.
 - 4.4. If the specific or minimum number is not maintained, the discontinuing member may be replaced if it is considered appropriate by the Tribunal Chairperson. Factors to consider should include the circumstances of the complaint and the ability of the new Tribunal Panel member to be reasonably and impartially informed of the hearing evidence up until the time of their appointment. If the Tribunal Chairperson believes it is not appropriate for a new Tribunal Panel member to be appointed then the Tribunal will be rescheduled to a later date. The Tribunal Chairperson will inform the Chairman or Complaints Manager of the need to reschedule, and the Chairman or Complaints Manager will organise for the Tribunal Hearing, with a new Tribunal Panel to be reconvened.
5. The Chairman or Complaints Manager will inform the respondent(s) by written notification that a tribunal hearing will take place. The written notification will outline:
 - That the person has a right to appear at the tribunal hearing to defend the complaint/allegation;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);



- The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position;
 - An outline of any possible penalties that may be imposed if the complaint is found to be true; and
 - That legal representation will not be allowed. If the respondent is considered a minor, they should have a parent or guardian present.
 - A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the respondent.
 - The respondent(s) will be allowed to participate in all Gridiron Australia activities and events, pending the decision of the Tribunal, including any available appeal process, unless the Chairman or Complaints Manager believes it is warranted to exclude the respondent(s) from all or some Gridiron Australia activities and events, after considering the nature of the complaint.
6. The Chairman or Complaints Manager will inform the person making the complaint (complainant) by written notification that a tribunal hearing will take place. The written notification will outline:
- That the person has a right to appear at the tribunal hearing to support their complaint;
 - Details of the complaint, including any relevant rules or regulations they are accused of breaching (if there is more than one complaint these should be set out separately);
 - The date, time and venue of the tribunal hearing;
 - That they can make either verbal or written submissions to the Tribunal;
 - That they may arrange for witnesses to attend the Tribunal in support of their position; and
 - That legal representation will not be allowed. If complainant is considered a minor, they should have a parent or guardian present.
 - A copy of any information / documents that have been given to the Tribunal (e.g. investigation report findings) will also be provided to the complainant.
7. If the complainant believes the details of the complaint are incorrect or insufficient they should inform the Chairman or Complaints Manager as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing Procedure

8. The following people will be allowed to attend the Tribunal Hearing:



- The Tribunal Panel members;
 - The respondent(s);
 - The complainant;
 - Any witnesses called by the respondent;
 - Any witnesses called by the complainant;
 - Any parent / guardian or support person required to support the respondent or the complainant.
9. The Tribunal Chairperson will call the hearing to order at the designated time and determine if the respondent(s) is present.
 10. If the respondent(s) is not present and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been carried out correctly.
 11. If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) is presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been carried out correctly, then the Tribunal Hearing will be rescheduled to a later date.
 12. The Tribunal Chairperson will inform the Chairman or Complaints Manager of the need to reschedule, and the Chairman or Complaints Manager will organise for the Tribunal Hearing to be reconvened.
 13. The Tribunal Chairperson will read out the complaint that is to be judged, ask the respondent(s) if they understand the complaint being made against them, and if they agree or disagree with the complaint.
 14. If the person agrees with the complaint, they will be asked to provide any evidence or witnesses that should be considered by the Tribunal Panel when determining any disciplinary measures.
 15. If the person disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - Brief notes may be referred to.
 - The complainant will be allowed to call witnesses.
 - The respondent(s) may be allowed to question the complainant and their witnesses.
 16. The respondent(s) will then be asked to respond to the complaint.
 - Brief notes may be referred to.
 - The respondent will be allowed to call witnesses.



- The complainant may be allowed to ask questions of the respondent and their witnesses.
17. Both the complainant and respondent will be allowed to be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the Tribunal Hearing until required.
 18. The Tribunal will be allowed to:
 - consider any evidence, and in any form, that it deems relevant.
 - question any person giving evidence.
 - limit the number of witnesses presented if it is agreed by all parties that they will support the person who requested them but will not provide any new evidence.
 19. Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
 20. If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone allowed to be present, the Tribunal Chairperson shall have the power to stop any further involvement of the person in the Tribunal Hearing.
 21. After all of the evidence has been presented the Tribunal Panel will make its decision in private. If the Tribunal believes the complaint has been substantiated on the balance of probabilities (i.e. more probable than not), the respondent will then be given an opportunity to address the Tribunal Panel and make a submission on any disciplinary measures that may be imposed. Only those disciplinary measures outlined in the Gridiron Australia's Constitution or Member Protection Policy will be considered. Any disciplinary measure imposed must be reasonable in the circumstances.
 22. All decisions made by the Tribunal will be based on a majority vote.
 23. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed.
 24. Within 48 hours, the Tribunal Chairperson will:
 - 24.1. Forward to the Chairman or Complaints Manager a copy of the tribunal decision including any disciplinary measures imposed.
 - 24.2. Forward a letter to the respondent(s) reconfirming the Tribunal's decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal to be made.

Appeals Procedure

25. A complainant or a respondent(s) who is not satisfied with a decision described in Step 7 of the Complaints Procedures can lodge one appeal to Gridiron Australia on one or more of the following bases:



- 25.1. That a denial of natural justice has occurred; or
- 25.2. That the disciplinary measure(s) imposed is unjust and/or unreasonable.
26. A person wanting to appeal in accordance with paragraph 25 must lodge a letter stating their intention and the basis for their appeal with the Secretary within 21 days of the relevant decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
27. If the letter of appeal is not received by the Secretary within the relevant time period the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received by the relevant time, the appeal shall be deemed to be withdrawn.
28. Upon receipt of the letter of appeal, the Secretary must convene a special meeting of the Gridiron Australia Executive Committee to review the letter of appeal and decide whether there are sufficient grounds for the appeal to proceed. The Gridiron Australia Executive Committee will be able to invite any witnesses to the meeting it believes are required to make an informed decision.
29. If it is considered that the letter of appeal has not shown sufficient grounds for appeal in accordance with paragraph 25, then the appeal will not proceed and the person will be notified of this decision and the reasons for this decision. The appeal fee will be forfeited.
30. If the appeal is considered to have sufficient grounds to proceed then a Tribunal with a new panel will be convened to rehear the complaint, and the appeal fee will be refunded. The Gridiron Australia Executive Committee shall follow the Tribunal Formation and Notification procedures outlined above.
31. The Tribunal Hearing Procedure shall be followed for the appeal.
32. The decision of the appeal Tribunal will be final.

