

Judiciary Procedures



1. JUDICIARY AND ADVISORY PROCEDURE

1.1 Grievance by a Member

Where a Member of the Association has a grievance with another Member or with the Association and that Member considers the grievance warrants investigation and action by the Association, the Member shall follow the procedure set out in the ETA Complaint Procedure. Prior to this an attempt to resolve the issue locally has to be made.

1.2 Judiciary and Advisory Panel

The Member shall contact in writing, the ETA Governance Director appointed by the ETA Executive. The Member will advise using the ETA Complaint Procedure, that they have a grievance which they wish to address. The identity of the nominated Governance Director will be communicated to all Members of the Association by written notice. The Grievance should be addressed clearly to the Governance Director and marked "Private & Confidential".

1.3 Action by Judiciary and Advisory Panel

(a) Where a grievance has been received by the Governance Director she or he shall, as soon as practicable, meet with the Judiciary and Advisory Panel. The Judiciary and Advisory Panel may take whatever steps and conduct whatever investigations necessary to determine whether the grievance is legitimate.

(b) When considered necessary the Judiciary and Advisory Panel may employ an independent expert opinion to assist in the dealing of the matter.

(c) Where the Judiciary and Advisory Panel determines the grievance is legitimate they shall create a plan of action to address the grievance. This plan of action will be delivered by the Governance Director.

(d) Where the plan of action is deemed to be inadequate by the member initiating the grievance their reasons will be written to the Governance Director and distributed to the Judiciary and Advisory Panel for further discussion.

(e) Where the Judiciary and Advisory Panel determine the grievance is not legitimate the Governance Director shall advise the aggrieved Member accordingly, citing the reasons why. If the aggrieved Member is not satisfied with the determination they may appeal to the Judiciary and Advisory Panel, citing their reasons for dissatisfaction.

(f) Where the Judiciary and Advisory Panel is unable to resolve a grievance or considers the grievance of a very serious nature they shall report the grievance to the ETA Executive for action.

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(g) All grievances received by the Governance Director, and all information surrounding the circumstances of a grievance which is discovered by the Governance Director on investigation shall be confidential and may be communicated only to the Judiciary and Advisory Panel and any expert advisor the Judiciary and Advisory Panel deems necessary.

1.4 Procedures by Judiciary and Advisory Panel

In investigating a grievance and/or determining its legitimacy, the Judiciary and Advisory Panel shall observe and apply the ETA Customer Charter, ETA Equity and Inclusion Policy, ETA Conflict of Interest Policy, ETA Data Protection Policy, Player Eligibility, Code of Behaviour, Players Agreement & Code of Conduct.

2. DISCIPLINE OF MEMBERS

2.1 Disciplinary Action

Where the ETA Executive is advised or considers that a Member has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any resolution or determination of the Executive or any duly authorised committee; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of the Association and/or the sport of Touch; or
- (c) brought the Association or the sport of Touch into disrepute;

the Executive may refer disciplinary proceedings to the Judiciary and Advisory Panel against that Member, and that Member will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms (if any) of the Association set out in the By-Laws.

Definitions

Governance Director – Position appointed by the ETA Executive

Advisory and Judiciary Panel - Shall comprise of Governance Director and 2 officials appointed by the ETA Executive who are independent of the ETA Executive and or appointed ETA Executive Subcommittee. Should a Panel member have a conflicting interest the ETA President or Vice President will take their place.