

THE SAFE SPORT DISCIPLINARY PANEL

The Safe Sport Disciplinary Panel refers to a panel of members from which Disciplinary and Appeal Committees are constituted under the disciplinary rules and regulations for the Safe Sport Programme.

The central tenet of the Safe Sport Programme's disciplinary framework is the independence of its panel members - it shall be independently appointed and shall exercise its functions independently, including independently of (a) the parties to the proceedings (b) Member Organisations and (c) the Safe Sport Commission.

The primary role of the of the Disciplinary Committee is to determine whether a breach of the Safe Sport Unified Code has occurred and apply the relevant measure(s) and/or sanction(s) in accordance with the rules of the Safe Sport Programme. The role of the Appeal Committee, is to hear appeals arising out of decisions made by the Disciplinary Committee.

The composition of Safe Sport Disciplinary Panel members will include Legal and Ordinary members which shall be appointed by the Safe Sport Disciplinary Panel Chairperson, to be appointed from the Safe Sport Disciplinary Panel, to the Disciplinary Committees and Appeal Committees as the case maybe.

Persons who appear before a Disciplinary Committee shall have the right to know the evidence against him/her, shall have the right to be heard, to be represented, to produce evidence and defend himself/herself before independent adjudicators. The hearings process will be inquisitorial in nature.

Secretariat services for the administration of hearings will be provided to Disciplinary Committees and Appeal Committees.

Appointment Process & Term

Applications for Safe Sport Disciplinary Panel Members will be processed by the Safe Sport Commission.

Appointment of the Safe Sport Disciplinary Panel Members will be made by the Ministry of Community, Culture and Youth.

Appointment of Disciplinary Panel Members will be for a term of 2 years.

Performance of the role of a Disciplinary Panel member are undertaken on a voluntary basis.

Eligibility

The independence of the Safe Sport Disciplinary Panel Members is essential to fair and unbiased adjudication. To be independent means to be autonomous of member organisations of the Safe Sport Programme (e.g., national sport associations and/or national governing body) (“Member Organisation”) by virtue of the following:

- a. not be under the employ and/or party to contract for service of a member Organisation;
- b. not an elected office holder of any Member Organisation.

Individuals who are appointed as independent members of disciplinary panels and/or appointed to independent disciplinary committees for Member Organisations are therefore independent of Member Organisations.

Criteria for Legal Member

Legal Members shall be:

- a. a legal practitioner of at least 7 years standing, a judicial officer/commissioner, a retired and/or senior legal practitioner or former judge
- b. independent of Member Organisations;
- c. have demonstrable experience in first instance and/or appeal of disciplinary proceedings.

Previous experience chairing/sitting on hearing panels in sport will be preferred.

Criteria for Ordinary Member (current or former athletes/coaches, former sport administrators, former organisational leaders, sport disciplinary committee members)

Committee Members shall:

- a. have extensive experience in sport (playing, coaching, officiating, administrating.),
- b. be independent of Member Organisations (e.g., national sport associations and/or national governing body).

Previous experience sitting on hearing panels will be preferred.

The Role of Panel Members

The Legal and Ordinary Members of the Disciplinary Committee and/or Appeal Committees will need to have the following abilities:

QUALITIES	ROLE/SCOPE
Work effectively as part of a team	<ul style="list-style-type: none"> ▪ work collaboratively with other committee members, while still exercising independence of judgement ▪ listen carefully to the views of others and show respect for the opinions of others ▪ intervene appropriately to clarify issues and to contribute effectively while allowing others to do the same ▪ strive to achieve consensus
Assess evidence, analytical skills and making decisions	<ul style="list-style-type: none"> ▪ think logically, analyse and interpret information in a fair and impartial manner in order to make objective and reasoned decisions ▪ weigh evidence and make thoughtful and unbiased evidence-based decisions ▪ review and understand written reports relating to cases in advance of each hearing
Demonstrate fairness	<ul style="list-style-type: none"> ▪ demonstrate an understanding of, and commitment to, the principles of natural justice ▪ show a commitment to the principles which underpin the Safe Sport Unified Code and the Safe Sport Programme
Possess an understanding of Safe Sport	<ul style="list-style-type: none"> ▪ demonstrate an understanding of best practice in respect to Safe Sport ▪ be familiar with, or understand, the Safe Sport Unified Code and the rules that govern the Tribunal ▪ demonstrate a desire to positively influence the framework which protects the community and maintain the integrity and reputation of sport
Reflect integrity in practice	<ul style="list-style-type: none"> ▪ respect the need to maintain confidentiality ▪ raise conflict of interest where situation arise ▪ understand their role in the tribunal and the overarching duty to protect the community, particularly as it relates to decision-making

<p>Commitment to attendance at hearings and meetings</p>	<ul style="list-style-type: none"> ▪ meetings will be scheduled periodically over the term to brief the Panel Members ▪ Panel Members will be expected to sit on a minimum of 2 hearings a year ▪ be able to schedule time to prepare for and to review the papers pre-meeting / hearings
<p>Lend expertise</p>	<p><i>For Legal Members only</i></p> <ul style="list-style-type: none"> ▪ provide leadership and legal expertise to the Disciplinary/Appeals Committee ▪ chair hearings and guide committee on procedural matters ▪ organise time efficiently and produce clear reasoned written decisions expeditiously