

# BAFA Disciplinary Code

Issue 3.5 — In effect from 1st October 2008; amended 1st March 2013.

## **Prologue — The Spirit of American Football**

The BAFA Disciplinary Code sets out BAFA's expectations for the conduct of its members (both individuals and organisations).

It is deliberately couched as a set of principles rather than specific fixed procedures. The expectation is that the disciplinary and appeal committees that implement it will apply common sense and good judgement, and that above all else the spirit of the sport will be upheld at all times.

All participants in the sport, but especially coaches, players and officials, should expect to show appropriate levels of respect towards each other. Those participating in a situation that is physically confrontational by the nature of the sport should play hard and fair while the ball is live, but show restraint and care for their opponents at other times.

For brevity, male pronouns are used extensively in this Code, but the Code is equally applicable to female and male participants.

## **SECTION 1. Basic principles**

### **Scope and definitions**

ARTICLE 1. The BAFA Disciplinary Code applies to:

- a. BAFA participants, i.e.:
  1. players
  2. coaches
  3. officials
  4. directors, officers or employees of BAFA organisations
  5. any other person participating in any activity sanctioned directly or indirectly by BAFA
- b. BAFA organisations, i.e.:
  1. the organisations that are members of BAFA
  2. affiliated leagues or competitions
  3. clubs and their team(s)
  4. any other organisation that is involved in arranging any activity sanctioned directly or indirectly by BAFA

ARTICLE 2. A BAFA game is defined to be:

- a. a regular season or playoff game played by teams in affiliated leagues or competitions
- b. any other game played in Great Britain where at least one of the teams represents a BAFA organisation
- c. any "all-star" or exhibition game played in Great Britain involving BAFA participants

ARTICLE 3. A BAFA event is defined to be:

- a. a BAFA game
- b. a training session organised by a BAFA organisation
- c. any national programme or other representative team event, including those held overseas
- d. any activity overseas where the organisation or participant is representing Great Britain, BAFA or a BAFA organisation
- e. any other activity, including meetings, which is clearly related to American football or associated with BAFA

ARTICLE 4. A BAFA foundation organisation is one of the following:

- a. British American Football Coaches Association
- b. British American Football Referees Association
- c. any other organisation recognised by BAFA as a member organisation

ARTICLE 5. For the purposes of this Code:

- a. an employee is someone who carries out work for a BAFA organisation, whether paid or voluntary
- b. an officer is someone who has a formal or informal role acting on behalf of a BAFA organisation
- c. an accused is a participant or organisation against whom/which a disciplinary charge has been made
- d. an appellant is a participant or organisation who wishes to appeal against disciplinary action taken against them
- e. a match official is a person appointed to supervise a game according to Rule 1-1-4

ARTICLE 6. By its very nature, this Code must relate to football-related matters and cannot and will not be available for private civil, criminal or personal disputes which have as their substance matters unconnected with or only marginally connected with the sport, or where the substance of the dispute exists outside the participation within the sport. However, BAFA reserves the right to widen the remit of disciplinary matters in two types of case:

- a. where a member's conduct may reasonably be regarded as bringing the game (i.e. the sport itself) into disrepute, taking account of any undue negative impact or publicity
- b. where the conduct may reasonably be regarded as leading to an increased risk to the safety of any participant, or loss of or damage to property

### **Code of conduct**

ARTICLE 7. A BAFA participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute, including but not limited to:

- a. participating in a game without being registered with BAFA and/or without appearing on their team's roster form (Exception: participants representing a team from outside Great Britain)
- b. being disqualified from a game
- c. being removed from the playing enclosure during a game under the provisions of Rule 13-8-2
- d. misconduct before, during or after a BAFA event, including violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour
- e. committing a criminal offence
- f. involvement in betting on any game or competition in which the participant has any involvement, or providing information to any other person that is not publicly available in relation to betting
- g. selling, offering or exposing for sale, either directly or indirectly, a ticket for a game in excess of the face value of the ticket
- h. incurring financial or other costs to the sport as a result of their disregard for BAFA policies and procedures
- i. making or accepting payments to participants that are not explicitly permitted, or causing or encouraging others to do so
- j. discriminating by reason of ethnic origin, colour, race, nationality, religion, age, gender, sexual orientation, disability, parental or marital status, pregnancy, class, social background, trade union membership or political belief

- k. persistent criticism, disputing or questioning by a participant of calls made by a match official
- l. conduct by a coach that is contrary to the BAFCA Code of Ethics
- m. conduct by an official that is contrary to the BAFRA Code of Ethics
- n. breaching the BAFA welfare policy
- o. breaching the BAFA doping policy
- p. making inappropriate and unauthorised public statements about matters relating to British American football
- q. attempting to breach this Code
- r. inciting or abetting anyone to breach this Code
- s. obstructing or showing disrespect for any proceedings held under this Code

ARTICLE 8. A BAFA organisation shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute, including but not limited to:

- a. a breach of any provision of Article 1-7 by a director, officer or employee of the organisation while acting on behalf of the organisation
- b. making a verbal or written agreement in the reasonable knowledge that it can or will not be kept
- c. failing unreasonably to provide game management facilities for a BAFA game that meet the minimum requirements of Rules 1 and 13
- d. failing to keep proper financial, membership or other relevant records as required by law or BAFA policy
- e. failing to ensure that a participant associated with the organisation complies with a penalty or order imposed pursuant to this Code
- f. a breach of the BAFA Equality Policy

ARTICLE 9. An aggravating factor in any breach is any reference to any one or a combination of:

- a. ethnic origin
- b. colour
- c. race
- d. nationality
- e. religion
- f. age
- g. gender
- h. sexual orientation
- i. disability
- j. parental or marital status
- k. pregnancy
- l. class or social background
- m. trade union membership
- n. political belief

### **Jurisdiction**

ARTICLE 10. The Disciplinary Authority for proceedings against participants who are alleged to have breached the provisions of Article 1-7 shall be the relevant BAFA foundation organisation, provided that:

- a. the participant is or was registered as a member of the BAFA foundation organisation or its affiliate organisations

- b. the matter is within the purview of that BAFA foundation organisation
- c. the BAFA foundation organisation has a disciplinary procedure for dealing with the breach
- d. the BAFA foundation organisation does not waive its right to take action

ARTICLE 11. The Disciplinary Authority for proceedings against organisations that are alleged to have breached the provisions of Article 1-8 shall be the relevant BAFA foundation organisation, provided that:

- a. the organisation is or was registered as a member of the BAFA foundation organisation or its affiliate organisations
- b. the matter is within the purview of that BAFA foundation organisation
- c. the BAFA foundation organisation has a disciplinary procedure for dealing with the breach
- d. the BAFA foundation organisation does not waive its right to take action

ARTICLE 12. Where there is an appeal against a fixed penalty offence, or where a BAFA foundation organisation is unable to take action under Articles 1-10 or 1-11 above, a BAFA Disciplinary Committee shall have jurisdiction.

ARTICLE 13. Where the jurisdiction in a case may reasonably be within the purview of more than one BAFA foundation organisation, the BAFA Disciplinary Officer shall decide which organisation or a BAFA Disciplinary Committee shall have jurisdiction taking into account the primary role of the accused participant or organisation in connection with the breach.

ARTICLE 14. Where a case falls into the jurisdiction of another American football organisation (e.g. EFAF or IFAF), it will not normally be reconsidered by a BAFA disciplinary authority.

ARTICLE 15. A BAFA foundation organisation shall use the prescribed form(s) to notify the BAFA Disciplinary Officer within seven days of the following relating to any disciplinary matter notified or referred to it:

- a. commencement of any proceedings
- b. completion of any proceedings
- c. any significant delay in any proceedings

### **Principles of natural justice**

ARTICLE 16. BAFA, as the national governing body of American Football in Britain, will be the final arbiter of discipline within the sport played in Britain.

ARTICLE 17. All proceedings undertaken by BAFA or a BAFA organisation against a BAFA participant or a BAFA organisation may be conducted at the disciplinary authority's discretion either by hearing or correspondence, and shall conform to the following principles of natural justice:

- a. the accused should be given reasonable notice about the proceedings including details of the accusation
- b. all persons involved in making a decision should declare any personal interest they may have in the proceedings
- c. all decision-makers should be unbiased, non-discriminatory and act in good faith
- d. proceedings should be conducted so they are fair to all the parties
- e. each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party
- f. any decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations
- g. justice should be seen to be done

- h. the accused will be found guilty only if the disciplinary authority finds that, in the balance of probabilities, the evidence proves the offence
- i. the balance of probabilities is a sliding scale: the more serious the allegation, the less likely it is that the event occurred and hence the stronger the evidence needed that it did occur
- j. where matters are dealt with by personal hearing, the accused is given a reasonable opportunity to attend the hearing and participate in it, accompanied by a friend (who is not legally qualified) if they so wish
- k. where matters are dealt with by correspondence, the accused or a friend (who is not legally qualified) is given reasonable opportunity to view the evidence and respond to the allegations
- l. where the accused refuses to answer questions or provide reasonable explanation for their actions, that refusal may be used against them
- m. penalties taken against a guilty party shall be proportionate to the offence
- n. where the accused admits to the offence at the first available opportunity, a more lenient penalty is imposed
- o. where any breach is proven to be motivated by or aggravated by one or more aggravating factors, a more serious penalty is imposed
- p. penalties for repeat offenders should be more serious than for a first offence

ARTICLE 18. Where a case is dealt with by a BAFA foundation organisation, the accused has the right of appeal to a BAFA Appeals Committee on the grounds that:

- a. significant evidence was not available to the disciplinary authority (although the appellant would have to show why any new evidence was significant to the case and why it was not submitted originally)
- b. the penalties imposed are unreasonably severe
- c. the procedure undertaken for disciplinary or appeal matters was unfair or discriminatory to a significant extent

ARTICLE 19. A disciplinary authority may determine timescales and procedures for its own purposes, but these will only be applicable if notified to BAFA in advance.

ARTICLE 20. Proceedings dealt with by a BAFA foundation organisation that do not conform to the principles of Articles 1-17 or 1-18 may be appealed to a BAFA Appeal Committee. However, a technical breach of these principles that in the balance of probabilities did not affect a decision or the outcome of a process shall be disregarded.

ARTICLE 21. A disciplinary authority shall have the power to require of any participant upon reasonable notice:

- a. his or her attendance to answer questions and provide information; and/or
- b. the production of documents, information or other material in whatever form held

ARTICLE 22. Proceedings will not normally be commenced more than 6 months after any event to which it relates. Where the accused has taken steps to conceal the breach, the 6 months will be counted from when the breach came to light.

ARTICLE 23. All BAFA foundation organisations shall recognise penalties imposed by BAFA and other BAFA foundation organisations.

ARTICLE 24. BAFA may recognise the disciplinary rules and sanctions of any other sporting body (and institution which may be involved in the management of a team) and any person suspended or banned by any other sporting body may be suspended or banned concurrently by BAFA. Before imposing any such concurrent suspension or ban, however, a BAFA disciplinary committee must grant the person the opportunity to offer an explanation.

ARTICLE 25. The BAFA Disciplinary Officer may provide an opinion on the interpretation of this Code. Such an opinion shall be binding unless subsequently overridden by a decision of the BAFA Board.

ARTICLE 26. The BAFA Disciplinary Officer may from time to time determine procedures to be followed where not otherwise specified in this Code. Such procedures shall be binding on all participants.

## **SECTION 2. Game regulations**

### **Registration and rosters**

ARTICLE 1. All players, coaches, sideline personnel and match officials participating in a BAFA game must be registered with BAFA at the time of the game (Exception: participants representing a team from outside Great Britain).

ARTICLE 2. Teams shall provide the referee with a roster of their players and sideline personnel (showing BAFA registration number, forename, surname and jersey number or sideline role) before each game. A player may appear on the roster under more than one jersey number to enable him to change number during the game (informing the referee when he does so).

ARTICLE 3. The roster must clearly state the names and (where required) registration numbers of all team coaches, and indicate who is the head coach.

ARTICLE 4. Persons serving a suspension or for whom an appeal has been lodged must be included and clearly marked. If a suspended person is not so marked, he shall not be considered as having served the suspension. It is a team's responsibility to know who is suspended and to correctly mark them.

ARTICLE 5. Additions to the roster form shall not be permitted after the game has kicked off. Competitions may set an earlier deadline.

ARTICLE 6. The referee shall provide each team with a list of the match officials.

ARTICLE 7. The game shall not start until all lists have been provided and meet the requirements above.

ARTICLE 8. If a squad member in uniform does not appear on his team's roster form then, upon discovery, he shall be disqualified from the game. (If discovered after disqualification for another offence it will count as two disqualifications.)

### **Incident reports**

ARTICLE 9. The referee (or another match official) for each game shall report all incidents of:

- a. disqualified players
- b. persons removed under Rule 13-8-2
- c. persons not appearing on the roster form
- d. allegations that teams played unregistered or suspended players
- e. breach of mandatory game management requirements as set out in Rules 1 and 13

ARTICLE 10. Any match official (including an assessor who has been officially appointed to attend the game) may report any incident of:

- a. misconduct by any BAFA participant (including suspected breaches of this code)

ARTICLE 11. The referee (or another match official) or an authorised officer of a BAFA organisation† may, after viewing a video (or other record) of a game, report any incident of:

- a. foul play that in their opinion should have resulted in disqualification of a player, including a player called for a foul for targeting an opponent (under Rules 9-1-3 or 9-1-4), a flagrant personal foul or flagrant unsportsmanlike conduct that game officials did not call
- b. a person participating in the game who did not appear on the roster form
- c. a person participating in the game while suspended
- d. misconduct by any BAFA participant (including suspected breaches of this code)
- e. a player who is disqualified from the game due to a flagrant personal foul or flagrant unsportsmanlike conduct so serious that it may merit an additional penalty

ARTICLE 12. Any match official who has made a report (or an authorised officer of BAFRA acting on their behalf) may withdraw a report submitted as above if, after viewing a video (or other record) of a game, it is realised that the report was submitted in error, or that the foul committed was not on reflection flagrant enough to warrant disqualification.

ARTICLE 13. Referees' reports shall normally be made in the first instance by 8pm on the Monday following a weekend game, or within 48 hours of any other game. Further reports must be submitted to arrive normally within 7 days. Reports arising from viewing video must be submitted normally within 7 days of the video becoming available to the viewer.

ARTICLE 14. Reports shall be made to the BAFA Disciplinary Officer, who will forward them to the relevant disciplinary authority or deal with them under this Code.

### **SECTION 3. Penalties**

ARTICLE 1. All fines specified here are halved in youth, junior and student leagues. Appeal and other administrative fees are not halved.

ARTICLE 2. All fines and fees shall be paid to BAFA, though a disciplinary authority with jurisdiction in a case may collect them on BAFA's behalf.

ARTICLE 3. A club is responsible for the payment of any fine or fee incurred by a participant registered with it. It is then up to the club whether or not to reclaim the money from the individual, but that process is not part of the BAFA Disciplinary Code. (A club may regard an unpaid amount by a participant as a club debt and prevent that person registering for another club.)

ARTICLE 4. A club must pay all fines and fees within 28 days of becoming due (and regardless of whether an invoice is issued or not). A fine for a disqualification or a person removed from the playing enclosure becomes due on the day of the offence. Other fines/fees become due when notified to the club.

ARTICLE 5. A 50% discount is automatically applicable for a fine resulting from a fixed penalty provided BAFA receives full payment within 14 days of the offence. The full fine is due after 14 days.

ARTICLE 6. Where a fine or fee relates to a suspended participant, that person's suspension will automatically continue until the fine or fee is paid. If not paid within 28 days, the fine or fee will be automatically doubled and the person suspended for a further one game. A

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† The list of authorised persons is:

BAFA Disciplinary Officer or his deputy;

BAFRA President or his deputy;

BAFCA President or his deputy;

Chairman, National League Organising Committee or his deputy;

Commissioner, BUAFL or his deputy,

further one game suspension will be added for each further 28 days the fine or fee remains unpaid.

### Fixed penalty offences

ARTICLE 7. The following breaches of the Code of Conduct may be regarded as fixed penalty offences:

- a. participating in a game without being registered with BAFA
- b. participating in a game without appearing on a team's roster form
- c. being disqualified from a game
- d. being removed from the playing enclosure during a game under the provisions of Rule 13-7-2
- e. misconduct before, during or after a BAFA event, including violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour

ARTICLE 8. In the event of any of the above, the BAFA Disciplinary Officer may determine that the breach was so severe that the case should be dealt with under full disciplinary proceedings.

ARTICLE 9. The fixed penalty offences involve suspensions and fines as follows:

Offence	Suspension	Fine if paid within 14 days	Fine if paid within 28 days	Fine if <i>not</i> paid within 28 days
First offence	Minimum 1 game	£20	£40	£80
Second offence	Minimum 2 games	£50	£100	£200
Third offence	Minimum 12 months	£100	£200	£400

ARTICLE 10. A player is given an automatic playing suspension. Any other participant is given an automatic game day suspension.

ARTICLE 11. A fixed penalty shall be considered as "spent" 12 months after it takes place.

ARTICLE 12. Fixed penalties arising from disqualifications and being removed from the playing enclosure will have immediate effect and fines will become immediately due unless an appeal is lodged with the BAFA Disciplinary Officer by 8pm on the second day following the game, and followed up in writing to arrive on or before the fifth day following. Any appeal not so notified will be void.

ARTICLE 13. Fixed penalties arising for other reasons will take effect from when notified to the relevant club and fines will become immediately due unless an appeal is lodged with the BAFA Disciplinary Officer within 72 hours of being notified, and followed up in writing to arrive on or before the fifth day following. Any appeal not so notified will be void.

ARTICLE 14. Appeals must be accompanied by a £50 administration fee, which will be retained if the appeal is unsuccessful. Any appeal not accompanied by the fee will be void. The appeal may be made either by the player himself or on his behalf by his organisation.

ARTICLE 15. Appeals against a fixed penalty may only be made on the grounds that:

- a. the person penalised was not the one who committed the breach (mistaken identity), or
- b. no breach was committed (there must be evidence that, in the balance of probabilities, the breach did not take place, or (in the case of a disqualification) the match officials misapplied a rule)
- c. while a breach was technically committed, the penalty was clearly disproportionately severe



ARTICLE 16. All appeals must be supported by video or other evidence.

ARTICLE 17. Appeals will be heard by an appropriate disciplinary authority, normally within no less than 3 and no more than 14 days of the disqualification, provided all parties have had a reasonable opportunity to submit evidence.

ARTICLE 18. Serving the suspension and payment of the fine means that no further proceedings may then be brought against the participant in respect of the breach.

ARTICLE 19. A team that permits a suspended person to participate will forfeit the game and be subject to disciplinary action.

### **Penalties for other breaches**

ARTICLE 20. A disciplinary authority may impose one or more of the following penalties against a BAFA participant:

- a. issue them with a written warning concerning their conduct
- b. issue a fine, which can be of no more than £100 for a first offence
- c. issue a playing or game day suspension for a stipulated number of games
- d. issue a total suspension from all or certain specified BAFA events for a stipulated period of time or number of games
- e. prohibit them serving as a director or officer of a BAFA organisation for a stipulated period of time

ARTICLE 21. A disciplinary authority may impose one or more of the following penalties against a BAFA organisation:

- a. issue it with a written warning concerning their conduct
- b. issue a fine of no more than £500 for a first offence
- c. if a club, disqualify any of its teams from a competition (or part thereof), deduct a stipulated number of league points, prohibit it from entering international competition or playing overseas for a stipulated period of time, or prohibit it from organising or attending BAFA events for a stipulated period of time
- d. suspend it from a parent organisation for a stipulated period of time
- e. impose any of the penalties listed in Article 3-20 on any of the officers of the organisation

ARTICLE 22. Any penalty may be deferred for a stipulated period. The penalty will become applicable if the accused is found guilty of any further offence within that period, unless there is a good reason not to impose it. Deferred penalties will normally only be used where there is evidence of extenuating circumstances that mitigate the accused's actions or intentions.

ARTICLE 23. A written warning alone may be imposed only for a first offence and where the offence is determined to be minor.

ARTICLE 24. The penalty for a second offence in any category will normally be double the penalty for a first offence. The penalty for a third offence in any category will normally be treble the penalty for a first offence. The penalty for a fourth offence will normally involve a period of suspension from the sport for a number of years.

ARTICLE 25. For appeals against disqualifications and appeals against other disciplinary decisions, a participant's penalty shall normally be doubled where a disciplinary or appeal authority denies an appeal and believes that the appeal was made:

- a. on unreasonable or substantially mistaken grounds; or
- b. substantially in order to permit a participant to participate in a game for which he was otherwise suspended; or
- c. for vexatious reasons.

## Suspensions

ARTICLE 26. There are four types of suspension:

- a. A *playing suspension* is where a player is suspended from playing in a game. While suspended, he may stand in his team area during the game, provided that he is not in uniform (exception – he may wear a jersey in his team’s colours) and that he is wearing the necessary credentials. Note: a playing suspension cannot be imposed on any participant who is not a player.
- b. A *game day suspension* is where a participant is suspended from any participation in a game. While suspended, he may not enter the playing enclosure (as defined in Rule 2-31-5), communicate in any way with anyone who is in the playing enclosure, or otherwise draw the attention of anyone in the playing enclosure from two hours before kickoff until two hours after the game has finished.
- c. A *total suspension* is where a participant is suspended from any participation in a BAFA event. Unless stated otherwise, this includes all games played by the participant’s team or any other team, any coaching activity, any officiating activity, or any activity at a BAFA event. While suspended, for a game he may not enter the playing enclosure (as defined in Rule 2-31-5), communicate in any way with anyone who is in the playing enclosure, or otherwise draw the attention of anyone in the playing enclosure from two hours before kickoff until two hours after the game has finished. While suspended, for any other BAFA event, he may not enter the site of the event or otherwise draw the attention of anyone at the event from two hours before the event’s start until two hours after the event’s finish.
- d. An *organisational suspension* is where an organisation is prohibited from playing games, entering international competition or playing overseas or organising or participating in other BAFA events.

ARTICLE 27. The general principle is that a participant who is suspended (or any club or other organisation with which they are affiliated) cannot influence to their advantage the game(s) in which the suspension shall be served.

ARTICLE 28. Normally, a suspension for a stipulated number of games applies to the next scheduled game(s).

- a. This will normally be the next game on the team’s schedule.
- b. However, suspensions resulting from a competitive game (i.e. a regular season or playoff game) will apply only to competitive games.
- c. If there is any question as to a team’s schedule, the one notified to BAFRA will take precedence.

ARTICLE 29. A suspension for a stipulated period of time applies to all relevant BAFA events that occur before the period of suspension ends.

ARTICLE 30. Schedules cannot be rearranged to alter the game(s) for which a suspension is served. The recognised schedule at the time of the incident that led to the suspension shall apply.

- a. If a regular season or playoff fixture is arranged to take place before the date of the game, the suspension will apply to the original game and the person will be eligible to participate in the re-arranged game.
- b. Further, if a fixture is cancelled at any time up to its kickoff, the suspension will carry forward to the next scheduled game.

ARTICLE 31. A suspended participant who has not completed a suspension, and who wishes to transfer organisation, carries their suspension with them to their new organisation. If there is a hiatus between the end of membership of one organisation and the beginning of membership of the other, and during this time, the new organisation plays games, these

games shall be counted towards meeting the suspension unless the BAFA Disciplinary Officer rules this to be unfair. If a suspended participant is registered with more than one organisation (e.g. more than one team in the same club or more than one team in different competitions), the suspension shall normally be served with the team he was with when the suspension was imposed, but the BAFA Disciplinary Officer has the power to vary this in the interests of justice.

ARTICLE 32. A participant suspended for a period of more than 5 years (including "for life") may appeal to a BAFA Appeals Committee for reinstatement at any time after 5 years of their sentence has elapsed. The BAFA Appeals Committee shall normally permit reinstatement if it is satisfied there are reasonable grounds to believe that the participant shows remorse for their previous offence(s) and is unlikely to reoffend.

### **Pro tem suspension**

ARTICLE 33. In cases where the BAFA Disciplinary Officer believes that a serious breach of this Code has been committed, he may at his discretion impose pro tem a suspension (of any of the four types) on a participant or organisation, if he believes any of the following conditions hold:

- a. There are reasonable grounds to believe a suspension will reduce the risk of a further breach being committed.
- b. There are reasonable grounds to believe a suspension will reduce the risk to the safety of any participant.
- c. The police or another agency is investigating the case with a view to criminal charges or civil proceedings in court.
- d. The incident in question resulted in serious harm to an individual.
- e. The incident in question resulted in a large amount of damage to property.

ARTICLE 34. Appeals against a pro tem suspension may be made to the BAFA Disciplinary Officer, who may revoke or amend the terms of the suspension if he is persuaded it is unreasonable.

ARTICLE 35. Where a pro tem suspension is imposed, the period of such suspension shall be counted as "time served" if a suspension is subsequently imposed by a Disciplinary Committee. If the Disciplinary Committee does not impose a suspension, there is no compensation due to the accused.

## **SECTION 4. Procedures for BAFA disciplinary and appeal proceedings**

### **General principles**

ARTICLE 1. A BAFA disciplinary proceeding is a proceeding of a sports association and not of a Court.

ARTICLE 2. The Convener shall normally be the BAFA Disciplinary Officer or one of his deputies.

ARTICLE 3. Once notified of a matter, and having assured that the matter is within BAFA's jurisdiction, the Convener shall constitute a Disciplinary/Appeals Committee to deal with the case.

ARTICLE 4. The Convener shall:

- a. appoint a chair of the Committee
- b. appoint at least two other persons to be members of the Committee
- c. in consultation with the chair and the accused/appellant, decide whether the matter is best dealt with by hearing or correspondence

ARTICLE 5. The chair and members of the Committee shall be persons who have had no previous major involvement in the matter under consideration. They shall not be excluded solely because they have heard a case against the accused/appellant before.

ARTICLE 6. The chair or members of the Committee shall declare any sporting, personal or other relationship they have or had with any party to the case, and the accused/appellant may raise any objections to their involvement, but will not normally be excluded from consideration of a case unless that relationship is/was particularly close or the objection is a serious one. The BAFA Disciplinary Officer's decision is final.

ARTICLE 7. The Convenor is not a member of the Disciplinary/Appeals Committee, but shall attend any hearing and be copied in on all correspondence relating to a matter. The Convenor's advice may be sought by the Committee or any party on interpretation of this Code or any other matter relating to the proceedings.

ARTICLE 8. Any BAFA Disciplinary Committee or BAFA Appeals Committee business may be conducted by means of a hearing and/or by correspondence. In either case, any reasonable technology may be used to facilitate the business and the input of the participants provided the principles of natural justice are maintained.

ARTICLE 9. The costs of conducting a hearing or correspondence shall be borne by BAFA except:

- a. where the costs of the hearing or correspondence are caused or increased due to a request or action by the accused/appellant; AND
- b. the Committee finds against the accused/appellant

In such cases, the Committee may order that the accused/appellant shall pay all or part of the costs.

ARTICLE 10. All Disciplinary Committee and Appeal Committee matters shall be dealt with as soon as is practically possible.

### **Specific principles for appeals**

ARTICLE 11. A notice of appeal relating to a case handled by a BAFA Disciplinary Committee or another disciplinary authority shall be notified to BAFA within 28 days of the finding being issued in writing. This notice must contain or be accompanied by:

- a. their name, address and relevant contact details (and date of birth if under 18)
- b. what the appellant is appealing against, and what remedy they request
- c. if applicable, an application to stay the execution of the decision appealed against, together with reasons
- d. a £50 administration fee, which will be retained if the appeal is unsuccessful

ARTICLE 12. Within 38 days of the date of the finding, the appellant must submit a statement of appeal (failing which the appeal will be deemed to be withdrawn) containing or accompanied by:

- a. a statement of the facts and relevant elements of the Disciplinary Code upon which the appellant is relying
- b. copies of any evidence upon which the appellant is relying

ARTICLE 13. Appeals that do not relate to any subsection of Article 4-16 (below) will be void.

ARTICLE 14. Where an appeal is made against the decision(s) of a disciplinary authority, that authority shall make a submission to the Appeals Committee justifying its decision(s).

ARTICLE 15. An Appeals Committee will be formed from members of the BAFA Disciplinary Panel, excluding any involved previously in the case in question.

ARTICLE 16. A BAFA Appeals Committee shall not substitute its judgement for that of any disciplinary authority, except that it may:

- a. Order that a disciplinary authority shall reconsider a case in the light of new evidence that could not reasonably have been available to the disciplinary authority at the time it considered the case.
- b. Determine that the procedure in a disciplinary case was conducted so incorrectly as to bring into reasonable doubt the finding of a case, and order that the case be reconsidered either by the original disciplinary authority or by a BAFA Disciplinary Committee.
- c. Determine that the sanction imposed in a case was unreasonably severe or unreasonably lenient, and order that the case be referred back to the disciplinary authority for a reasonable sanction to be imposed. (The Appeal Committee may recommend a reasonable sanction, or recommend a range within which a sanction would be thought reasonable.)

ARTICLE 17. A BAFA Appeal Committee shall not normally consider any case dealt with by a BAFA foundation organisation until it has been dealt with by the final appeals process of that BAFA foundation organisation. This can be waived with the agreement of the BAFA foundation organisation concerned.

ARTICLE 18. Any appeal against the decision of a BAFA Appeals Committee shall be made within 28 days to a tribunal of arbitrator(s) appointed in accordance with the Rules (as amended from time to time) of Sport Resolutions (Company No. 3351039) and the decision of those arbitrator(s) shall be final and binding on all concerned. BAFA may require an appellant to pay all or part of its costs should the arbitrator find against the appellant. The parties shall be deemed to have waived irrevocably any right to appeal, review or recourse to a court of law.

### **Procedures for reviewing cases**

ARTICLE 19. The BAFA Disciplinary Officer may, in exceptional circumstances where in his view a sanction imposed by a disciplinary authority is wholly inappropriate, appeal against the sanction imposed.

ARTICLE 20. Additionally, in exceptional circumstances, where a participant or organisation has been cleared of the charges faced, the BAFA Disciplinary Officer shall have the right to appeal against that finding.

### **Appointments**

ARTICLE 21. The BAFA Disciplinary Officer and his deputies shall be appointed from time to time by the BAFA Board.

ARTICLE 22. Where the BAFA Disciplinary Officer is unavailable for a significant period of time, or involved in a case as a complainant, one his deputies shall act for him. The BAFA Board may make a temporary appointment if neither the Disciplinary Officer nor any of his deputies is available or able to act.

ARTICLE 23. Wherever practicable, the chair and members of a BAFA Disciplinary Committee shall be persons who have been trained in this Code and its application.

ARTICLE 24. Wherever practicable, the chair and members of a BAFA Appeal Committee shall be persons who:

- a. have been trained in this Code and its application, and
- b. are of considerable standing and experience in British American football.

ARTICLE 25. Wherever practicable, the chair and members of a disciplinary committee convened by BAFA or a BAFA foundation organisation shall be persons who have been trained in this Code and its application.