



Checklist – tribunal members

- ⇒ Check if the charged person is in attendance
 - If not, ask Organising Body to advise efforts made to contact and/or notify the charged person
 - Consider whether tribunal satisfied with these efforts, and if not, consider adjournment
 - If satisfied the Organising Body has made all reasonable attempts to notify the person of the hearing, continue as outlined below
- ⇒ Identify members of the tribunal
- ⇒ Ask charged person whether they accept the tribunal members as impartial and independent
 - If not, and the tribunal find this objection to be valid, that tribunal member shall stand down for the duration of the hearing
- ⇒ Advise the charged person and reporting official of their right to remain in the room for all evidence, but not whilst the tribunal are considering findings and penalty
- ⇒ Advise that the charges will be read out and the charged person has the option to plead guilty or have all evidence heard on full hearing
- ⇒ Advise how the proceedings are being recorded (preferably audio if all parties consent)
- ⇒ Read out the charges and summary of facts from reporting official to the charged person
- ⇒ For each charge, ask the charged person whether they
 - Accept the charge and the facts (can proceed straight to penalty)
 - Accept the charge but dispute some or all of the facts (can hear from all parties on contested issues and proceed straight to penalty from there)
 - Dispute the charge but accept the facts (query why they dispute the charge and if the wrong charge has been laid, it can be amended or removed. Otherwise, ask the charged person whether they want to add any information, and if not, proceed straight to finding)
 - Dispute the charge and the facts (proceed to full hearing)
- ⇒ Full hearing
 - All witnesses except reporting official and charged person must leave the room
 - Evidence heard from reporting official and both the charged person and tribunal can ask questions
 - Witnesses for reporting official are called one at a time to give evidence on their version of events. They can be asked questions by both tribunal members and charged person
 - Witnesses are entitled to leave the hearing after they have given evidence, or they can stay with permission of the tribunal
 - Charged person then gives evidence and can be asked questions by the tribunal
 - Witnesses for reporting official are called one at a time to give evidence on their version of events. They can be asked questions by both tribunal members and reporting official
 - Offer opportunity for the charged person or reporting official to make closing submission or summary of evidence
 - Everyone then leaves room except for tribunal members
 - Once decided on guilt for each charge, call person back into room
- ⇒ Charged person is advised of the tribunals decision
 - If not guilty on all charges, advise the person they are free to leave
 - If guilty on any of the charges, ask the charged person if they would like to provide any mitigating circumstances, or provide character references
 - Ask the Organising Body if there have been any previous recorded suspensions or penalties
- ⇒ All people except tribunal must once again leave room – Tribunal consider Sentencing Guidelines to ascertain penalty
- ⇒ Call charged person and reporting official back into room and advise of penalty
- ⇒ Advise they have a right of appeal and can contact the Association for more details on the process within 14 days
- ⇒ Complete the Outcome Form & Sentencing Guidelines table (by circling relevant factors), and provide to Organising Body

Appeal

- ⇒ Follow same procedures as outlined above, with options being:
 - Dismiss appeal
 - Uphold appeal
 - Impose any penalty under by-law
 - Reduce, increase or otherwise vary any penalty initially imposed
- ⇒ Can be run as complete re-hearing or solely consideration of the grounds of appeal
- ⇒ Advise charged person, reporting official and Organising Body of decision
- ⇒ Complete Appeal Outcome form & Sentencing Guidelines and give to Organising Body