

## DISCIPLINARY RULES AND REGULATIONS

---

The disciplinary procedures of the South African Sports Coaching Association (SASCA) aim to outline which instances of misconduct on the part of a SASCA Member will be addressed in a fair, objective, rational and transparent manner in order to protect the public, maintain public confidence in the sports coaching profession, SASCA and its Members.

These Regulations are binding on all Members of the SASCA.

### **1. The SASCA disciplinary function**

- 1.1 The Board shall designate groups of persons, to serve as members of the SASCA's disciplinary panel (the Panel). The group shall comprise:
  - (a) A minimum of three (3) Board members
  - (b) A senior SASCA staff member/official;
  - (c) A minimum of two (2) Members of SASCA, in good standing, with experience and expertise in the adjudication of disciplinary matters;
  - (d) Any such other persons as the Board may determine from time to time.
- 1.2 The designation of Panel members does not need to be by name and may be done in the form of the identification of an official or function outlining a specific skill, qualification or experience meeting the criteria of suitability, as determined by the Board from time to time.
- 1.3 The Board may remove or exclude any person, office or function from the group in section 1.1 above, if it deems it appropriate to do so based on the nature of the matter under review.
- 1.4 A complaint against a Member of SASCA shall be adjudicated by no less than 3 (three) members from one or more of the groups in section 1.1.
- 1.5 The Panel shall execute their administrative and adjudication functions in a reasonable, procedurally fair, transparent and unbiased manner in accordance with the provision of these Regulations and the principles of natural justice.
- 1.6 A member of the Panel shall, at the earliest possible opportunity, recuse himself/herself from the Panel should there be any potential or actual personal interest in the matter, bias, prejudice, or conflict of interest on their part in regard to the complaint or the Member.
- 1.7 The Panel shall identify one (1) from among their ranks to act as chair of the Panel, for the duration of a specific complaint, and shall decide each matter on the evidence before it upon the balance of probabilities. The decision will be by majority ruling and in the case of a deadlock the chair will have a casting vote. The chair shall communicate the requests and decision(s) of the Panel, to the Complainant and the Member.

- 1.8 The Head of Operations/CEO/ Executive Director, shall be the custodian of these Regulations and ensure that:
- a) appropriate amendments are initiated and submitted to Board for approval, as and when necessary;
  - b) determine administrative processes and procedures, from time to time, to give effective execution to these Regulations; and
  - c) May obtain legal opinion or counsel should this be required.

## 2. Complaints Process

- 2.1 The Complainant shall refer a complaint to SASCA in writing and in the form of a statement, detailing the particulars relating to the complaint and further, as far as possible; include any documentation in support of the complaint.
- 2.2 Complaints shall be lodged with the SASCA office, by hand delivery, courier delivery or e-mail:
  - a) Hand delivery / Courier: SASCA Olympic House, James and Ethel Grey Park, Athol Oaklands Road, Melrose
  - b) Email: Chairperson of SASCA
- 2.3 If SASCA itself is the complainant, the Head of Operations, shall assume the role of the Complainant in a particular matter. In such case, the Head of Operations may not be a member of the Panel adjudicating the particular complaint.
- 2.4 SASCA shall identify a Panel and provide the Panel with the complaint within ten (10) Days from receipt thereof.
- 2.5 Having considered the complaint, the Panel may request further particulars from the Complainant, to be given in writing and in the form of a supplementary statement, concerning any aspect of the complaint the Panel may deem material in the consideration thereof.
- 2.6 Upon receipt of a complaint (and further particulars where these have been furnished), the Panel may:
  - a) where it is of the opinion that the complaint does not disclose a prima facie case of misconduct, dismiss the complaint and cause SASCA to inform the Complainant accordingly; or
  - b) where it is of the opinion that a prima facie case of misconduct on the part of the Member exists, cause SASCA to furnish the Member with a Notice of Complaint (which shall contain the particulars of the complaint, including the Complainant's statement and further particulars, where relevant) calling upon the Member to furnish the Panel with an explanation in answer to the complaint, in writing and in the form of an answering statement, incorporating any documentation in support of their answer, within ten (10) Days of receipt of such Notice.
- 2.7 Following the receipt of the Member's answering statement, SASCA shall furnish a Notice of Response to the Complainant (which shall contain the Member's answering statement), requesting a reply thereto in writing and in the form of a replying statement, within ten (10) Days of receipt of such Notice. The Complainant may elect not to file a replying statement.
- 2.8 Should a replying statement not be received within the ten (10) day period it will automatically be assumed that the Complainant has elected not to file a reply, and the proceedings will continue on such basis.
- 2.9 Where a replying statement is received, the Member concerned shall be furnished with a copy thereof for their records.
- 2.10 After having considered the complaint, the Member's answering statement and any replying statement, the Panel shall, on the basis of the papers before it, either:
  - a) dismiss the complaint, and provide both the Complainant and Member a Notice of Dismissal notifying the parties of such outcome; or
  - b) where the Panel is of the opinion that an adequate answer to the complaint has not been given, formulate in writing a charge or charges of misconduct (Notice of Misconduct Charge(s)) and require the Member to furnish it with the

Member's answer to such charge or charges, in writing in the form of a statement, within a stipulated time.

- 2.11 Having considered the Member's reply to the Notice of Misconduct Charge(s), or where no answer is received, then on the basis of the papers before it, the Panel may either still dismiss the complaint in terms of clause 2.10(a) above or find the member guilty of one or more of the charges.
- 2.12 The Panel must, in regard to each charge, determine whether sufficient facts have been proved on a balance of probabilities to support the charge(s).
- 2.13 The Panel may suspend the adjudication of a complaint, in its sole discretion, pending the outcome of ongoing civil or criminal proceedings against a Member where such proceedings concern, in part or in full, the subject matter of the complaint lodged with SASCA against the Member.
- 2.14 A Member may utilise legal representation to assist him/her in answering a complaint. Notwithstanding a Member's right to utilise legal representation in formulating their defence, the member shall personally sign and file all of his/her statements. The costs of a Member's legal representation, irrespective of the eventual outcome of the complaint, shall be for the sole and exclusive account of the Member concerned and the Member shall have no claim whatsoever against SASCA or any of its officers, members, agents, Panel, or the Complainant, for the payment of such costs.

### **3. Precautionary suspension**

- 3.1 Where the SASCA becomes aware of published (irrespective of the medium or form) allegations or reports of possible misconduct on the part of a Member, and where the process in section 2 above has not yet commenced, or has commenced but has not yet been concluded, SASCA Chairperson may:
  - a) advise the Member in writing that a precautionary suspension of membership is intended and provide the Member with an opportunity to make written representations within ten (10) Days to SASCA before the precautionary suspension is confirmed;
  - b) were the representations in (a) above are rejected, confirm the precautionary suspension in writing, and thereafter proceed with the process as outlined in section 2 above at the first reasonable opportunity.
- 3.2 The implementation of a precautionary suspension may not be published as envisaged in section 6 below.
- 3.3 A precautionary suspension should be uplifted in the event that, and at the earliest opportunity, if it be reasonable to do so.
- 3.4 The decision on the implementation, duration and/or or upliftment, of a precautionary suspension shall vest with SASCA.
- 3.5 The precautionary suspension is not a form sanction as envisaged by the Sports Coaching Charter.

#### **4. Finding and sanction**

- 4.1 Where the Panel makes a finding of guilt against a Member on one or more charges, it shall notify the Member accordingly in the form of a Notice of Finding and Sanction, through SASCA, and afford the Member an opportunity to place before it, in writing and within ten (10) Days of such Notice, mitigating submissions as are relevant to the nature of the finding and the sanction to be imposed.
- 4.2 Upon receipt of any submissions concerning the nature of the sanction to be imposed on the Member, the Panel shall consider the Member's submission(s) before it, and any aggravating circumstances it deems relevant in the circumstances, and impose upon the Member a sanction(s) provided for in these Regulations.
- 4.3 If a Member is dissatisfied with the finding and/or sanction imposed he/she shall have the right to refer the matter for appeal, as provided for in section 5 below.
- 4.4 The sanction shall be one or a combination of the following and shall, in the case of multiple sanctions, run concurrently:
  - a) CENSURE: This is the least restrictive discipline. The imposition of censure acts as a public reprimand that is permanently kept in the Member's file.
  - b) PROBATION: The imposition of probation places terms and conditions on the Member's designation. The Member must comply with the terms and conditions throughout the probationary period, which may extend up to 5 years.
  - c) SUSPENSION: The imposition of suspension requires that the Member cease practicing as a sports coach, a coach developer or a member of SASCA for a period not to exceed 3 years.
  - d) REVOCATION: This is the most restrictive discipline. The imposition of revocation mandates that the Member immediately loses his/her designation and may no longer practice as a member of SASCA. Once a membership is revoked, the individual may not apply for reinstatement for at least one year from the date of revocation. Upon application, the individual may be reinstated at the discretion of the Board after compliance with all the requirements relative to a new applicant will apply.
- 4.5 The Panel may suspend or defer all or any part of sanction(s) for any period on any condition that it deems appropriate in the circumstances.

#### **5. Appeal**

- 5.1 A Member (the Appellant) having been found guilty of a charge or charges may lodge an appeal against the finding and/or sanction of the Panel within ten (10) Days of the date of the finding by setting out the grounds for appeal in writing and submitting their appeal to SASCA.
- 5.2 SASCA shall identify and furnish a new panel (the Appeal Panel), comprising of no less than three persons as set out in 1.1 above, with the appeal documentation at the first reasonable opportunity.
- 5.3 The Appeal Panel shall study the record of the complaint and the grounds for the appeal and allow or disallow an appeal within twenty (20) Days of receiving the Notice of Appeal, and the Secretariat shall cause the Appellant to be informed in writing, accordingly (Notice of Response to Appeal). In the case of the Appeal Panel disallowing the appeal, the matter will be dealt with as if no appeal has been lodged. No person who was involved in the initial consideration of the complaint, may be tasked to consider the appeal thereof.

- 5.4 Where an appeal is allowed, the Appeal Panel shall consider both the record of the initial complaint and the appeal received from the Member concerned, but may not consider new evidence, except where: (a) new information becomes available and it would be impracticable, in the opinion of the Appeal Panel, to refer the matter back to the (initial) Panel; and/or (b) a dispute arises as to a point of procedure followed by the (initial) Panel, and it is not possible to ascertain from the record, in the opinion of the Appeal Panel and on a balance of probabilities, the process that was initially followed.
- 5.5 The Appeal Panel shall, in its sole discretion, have the authority to: (a) substitute any finding of the (initial) Panel, with a new finding; (b) impose any new sanction(s) from the competent sanction(s) in section 4.4; (c) confirm the finding(s) and/or sanction(s) of the (initial) Panel; and/or (c) refer the matter back for a rehearing by a new Panel on all or some of the original charges.
- 5.6 The Appeal Panel shall execute their adjudication function in a reasonable, procedurally fair, transparent and unbiased manner in accordance with the provision of these Regulations and the principles of natural justice.
- 5.7 SASCA shall cause a full record of the appeal to be kept in an appropriate format or medium for a minimum period of five (5) years after the date on which the matter ended.
- 5.8 Nothing in this section, shall preclude the Member concerned from approaching a Court for such relief as he/she may believe they may be entitled to in the event that they are aggrieved by the outcome of their appeal.

**6. Publication of findings**

The findings of the SASCA disciplinary function may be published in such form and manner as the Board determines from time to time, subject thereto that a finding and sanction(s) may only be published once the period for lodging an appeal has expired and no appeal was received, or in the event that the Member’s appeal was unsuccessful, and the timing or content of the publication may not adversely affect the rights of those involved in related civil or criminal matters. Subject to the aforementioned, the findings may be communicated to other professional associations, regulators or similar forums as the Board deems appropriate.

**7. External advice**

The Panel or Appeal Panel, as the case may be, may if it deems it necessary acquire appropriate external advice or consultation regarding any matter pertaining to a complaint or any procedural aspect not covered by these Regulations. The cost associated with such advice shall be borne by the SASCA.

Approved on.....

.....  
Signature: Board chairperson

.....  
Date

