



Constitution

Federation of International Lacrosse

July 2018~~7~~



FEDERATION of INTERNATIONAL LACROSSE (FIL)

CONSTITUTION

Definitions:

The following definitions are used in this Constitution:

- **Board:** reference to Board in this document is to the Federation of International Lacrosse Board of Directors unless otherwise stated.
- **Continental Federations.** Generic term for the Continental / Regional bodies that represent a specific geography and are Allied Members of FIL.
- **Lacrosse:** Lacrosse shall include all versions, forms and formats of the sport approved by the General Assembly (GA) of the Federation.
- **Member:** The generic term “member” is used to denote the collective of Full Member, Associate Member, Allied Organization and Inactive Member.
- **National Governing Body (NGB):** The organization controlling lacrosse within the member nation
- **Sector voting (sector functioning program):** An established structure (Either Club, University, College and/or School teams playing in a competitive format acceptable to the Board)
- **World Events:** Generic term used to cover the FIL World Championships, some of which are being generally known as “World Cup”.
- **Rule clarification:** minor changes to wording to improve understanding of intent of rule
- **Equipment Modification:** changes to equipment specifications which are measurable.

Formatted: Font: Italic

1. NAME.

1.1 The name of the Federation shall be the Federation of International Lacrosse (FIL) and is referred to in this Constitution and associated Bylaws as "the Federation". For trading, promotional and other purposes the term International Lacrosse may be used.

1.2 The official abbreviation of the Federation is FIL.

Note: For IOC recognition and Global Association of International Sports Federations (GAISF), previously SportAccord, purposes it may be necessary to use the abbreviation FILx.



2. LANGUAGE, GOVERNING LAW and INTERPRETATION.

- 2.1 **Where appropriate** the masculine gender shall include the feminine, and the singular shall include the plural.
- 2.2 **Language.** The official language of the Federation shall be English. In documentation US English will be used.
- 2.3 **Governing Law.** This Constitution shall be governed by and construed in accordance with New York State, United States of America Law.
- 2.4 **All meetings** of the Federation and its committees shall be conducted according to Robert's Rules of Order Newly Revised (1990) 9th Edition, unless specifically defined in this Constitution or Bylaws.
- 2.5 **Lacrosse shall include** all versions, forms and formats of the sport approved by the General Assembly (GA) of the Federation.
- 2.6 **Full Members** must be present at a meeting of the GA to exercise their privilege of voting, except as outlined in 2.7 for postal votes. Proxy votes are not permitted.
- 2.7 **Any vote** or ballot may be conducted at a meeting of the Federation or by postal / electronic ballot as outlined in the Bylaws associated with this Constitution. This applies to both the General Assembly and the Board.

3. OBJECTIVES.

- 3.1 **The objectives** of the Federation shall be to:
 - 3.1.1 coordinate the development of lacrosse throughout the world
 - 3.1.2 promote lacrosse (as defined in 2.5) through specific initiatives
 - 3.1.3 establish and maintain rules and regulations governing international competition
 - 3.1.4 establish and maintain playing rules for lacrosse
 - 3.1.5 establish policies for the operation of international competition and sanction events
 - 3.1.6 represent Lacrosse on / to other international sports bodies (e.g. GAISF / Sport Accord, International World Games Association etc.)
 - 3.1.7 maintain alliances with lacrosse organizations (e.g. ELF, APLU, FIIC), ~~and~~ organizations representing particular forms of lacrosse (FIIC, box lacrosse, ~~ete~~etc.), and relevant professional lacrosse organizations



- 3.1.8 preserve the integrity of Men's and Women's lacrosse
- 3.1.9 deter alcohol, drug and tobacco abuse in lacrosse
- 3.1.10 acquire such property, assets and rights as the Federation believes fit and conducive to the attainment of its objects in such manner and upon such terms as it thinks appropriate
- 3.1.11 dispose of the Federation's property, assets and rights in such manner and upon such terms as the Federation may believe conducive to the attainment of its objects
- 3.1.12 undertake such obligations and incur such liabilities as the Federation may believe conducive to the attainment of its objects
- 3.1.13 do all such things as in the opinion of the Federation are or may be conducive or incidental to the attainment of the above objects
- 3.1.14 apply the income and property of the Federation in furtherance of its objects and ensure it shall not be paid or transferred in any manner to any Member of the Federation save pursuant to related to dissolution.

4 MEMBERSHIP.

- 4.1 **The National Governing Body (NGB)** for lacrosse in any country or nation shall be eligible for membership of the Federation. Only one Association from each country or nation may be a member, and such member shall be recognized by the Federation as the only national governing body for all lacrosse in such country or nation.
- 4.2 **Membership may be conferred** by the membership following the policy and criteria set by the General Assembly.
- 4.3 **Membership categories** shall be:
 - 4.3.1 Full Member
 - 4.3.2 Associate Member
 - 4.3.3 Allied Organization
 - 4.3.4 Inactive Members
- 4.4 **Any member may resign** from membership of the Federation by giving notice in writing to the **President or Secretary General**~~Vice President (VP)~~ but such member shall remain liable for all monies due by the member to the Federation at the time of ceasing to be a member.
- 4.5 **The Federation may place any condition to or refuse** to continue the membership of a member by a resolution passed by a majority of at least two thirds of votes cast. Such motion shall only be considered provided that a



minimum of two (2) months' notice of motion has been provided to all members, and the Board, and that the member has the opportunity to make written representation to all members, and the Board, and personal representation at a meeting of the GA to consider the motion.

- 4.6** **Failure of a Full Member** to meet their membership obligations, as set out in the FIL Bylaws ~~provide any delegates, without reasonable cause, at three (3) consecutive meetings of the General Assembly or to participate without reasonable cause in two (2) consecutive senior field World Events, in which they are entitled to participate,~~ shall cause the GA to consider a resolution to refuse to continue the membership of that Full Member, to place any condition deemed necessary or to place that member in the Inactive Member category.
- 4.7** There is ~~an expectation, but not a specific~~ ~~no~~ requirement, ~~that for~~ an Associate Member or Allied Organization ~~will attend General Assemblies to provide a delegate to a GA however they are encouraged to attend.~~ Likely new Associate Members or new Allied Organizations will be invited as guests in the year of considering joining. Associate Members who do not meet their **membership** obligations may also be considered for and be placed in the Inactive Member category.

5 GENERAL ASSEMBLY

5.1 Structure

- 5.1.1** The General Assembly (GA) consists of the membership and the elected Board. The President shall act as the chair of the GA.

5.2 Role

- 5.2.1** Elect the Board
- 5.2.2** Vote on Constitution, ~~and~~ By-Law ~~and~~ Policy changes (including Rule changes which will be subject to Sector voting)
- 5.2.3** Approve the Strategic Plan
- 5.2.4** Approve ~~the forward (generally a 2-45 year period)~~ budget and authorize the Board to manage the budget
- 5.2.5** Delegate day-to-day running to the Board
- 5.2.6** Oversee Board activity and performance
- 5.2.7** Receive and review reports from the Board
- 5.2.8** ~~Agree the general Set policies for~~ structure of Committees ~~with the Board to consider the detail.~~
- 5.2.9** Approve Board recommendations regarding risk management



- 5.2.10** Set policies and criteria for acceptance of new members
- 5.2.11** Agree acceptance of new members
- 5.2.12** Agree the conditions and responsibilities of membership
- 5.2.13** Review audited financial statements
- 5.2.14** Approve Auditors
- 5.3 Meetings**
 - 5.3.1** The General Assembly (GA) shall meet annually or as determined by the membership and the meetings should, preferably be aligned to an international event in the June – August time frame.
- 5.4 Attendance**
 - 5.4.1** All full members are entitled to appoint one delegate and may have one observer in attendance at a GA. **Associate and Allied members are encouraged to attend.**
 - 5.4.2** The name of the delegate and any observer must be submitted to FIL at least 30 days before a meeting of the GA.
- 5.5 Quorum**
 - 5.5.1** The Quorum shall be 1/3 rounded up of the eligible voting members.
- 5.6 Voting**

Those entitled to vote are:

 - 5.6.1** Full Members (one vote per Full Member) in good standing.
 - 5.6.2** Board Members (except the Chair [most likely the President] who will have a casting vote in the event of a tie).
 - 5.6.3** The previously named delegate must cast the Full Member vote.
- 5.7 Constraints**
 - 5.7.1** A Board member may not also represent their country.
 - 5.7.2** A person can only exercise one vote.
 - 5.7.3** A Board member may “step down” from their position to speak against a Board recommendation but may not vote as a Full Member delegate.
 - 5.7.4** A Full Member placed into the Inactive Member category shall not be entitled to vote.
- 5.8 Sector Voting**
 - 5.8.1** On specific matters covering Rules, Umpiring/Refereeing and Competition, only those Full Members who have a functioning program in that specific version of lacrosse will be entitled to vote.



5.8.2 Proposals for sector specific voting must be submitted to the Board for approval to ensure they do not conflict with other sectors or conflict with risk management or finances of the Federation otherwise a full GA consideration will be appropriate.

5.8.3 For a sector specific vote the quorum will be 1/3 rounded up of the eligible (for that sector) Full Members.

5.8.4 Currently there are four sectors:

- Men's Field
- Women's Field
- Men's Indoor
- Women's Indoor

5.8.5 Criteria for Sector Voting

To be eligible to vote in the relevant sector the member must meet the following criteria:

Administration – a dedicated person (e.g. committee chair / director) or sector / division / chapter for women's / men's / indoor lacrosse, formally identified to receive correspondence via the **nominated member advised prime** contact point.

Playing - A minimum of 18 players

Coaching - A minimum of 2 coaches

A pathway for coaches from junior to national coaching

Officiating - A minimum of 2 officials

A pathway for officials from junior to national representation.

Competition - A structured domestic competition e.g. school, youth, university or club teams

At least 2 of the following 3 met:

1. Competed in 1 FIL or a FIL recognized event
2. Competed against a FIL member in at least 2 organized matches
3. Hosted a FIL or FIL recognized event

5.9 Voting Majority

5.9.1 On all matters related to the Constitution, the Bylaws, **Policies**, -Membership and the Rules the majority must be at least 2/3 of those present at a quorate meeting, who are eligible to and cast a vote, recording a vote in



favor.

- 5.9.2 For clarity it should be noted that an abstention is not considered as a cast vote.
- 5.9.3 For all other matters, at a quorate meeting, a simple majority (of the eligible voters who cast a vote) is sufficient.
- 5.9.4 In the event of a tie or deadlock the chair shall have a casting vote.

6 BOARD

Except as otherwise provided in this Constitution all corporate powers and authority to conduct business affairs shall be exercised by, or under the authority of the FIL Board. ~~The management and control of the business and affairs of the Federation shall be vested in the Board of the Federation.~~

6.1 Structure

- 6.1.1 The Board of the Federation shall be comprised of positions as agreed by the membership.
- 6.1.2 Currently the ~~those elected by the membership at a GA se~~ are:
 - a) President
 - b) Vice President
 - c) Secretary General / Finance
 - d) Development Director
 - e) Competition Director
 - f) Technical Director

~~elected by the membership~~

6.1.3 There are ~~also~~ ~~additionally~~ two appointed Board Member ~~positions with~~ ~~specifics~~ portfolio:

- a) Olympic Vision Committee Director
- b) Legal Counsel

~~Terms of office for appointed Board members are determined by the Board according to the specific needs of the positions.~~

~~b) 6.1.4 Athletes Committee representation (normally) the Chair, Representative, normally the Chair, of the Athletes Commission.~~

Formatted: Indent: Left: 2.54 cm, First line: 0 cm

Formatted: Normal, Indent: Left: 2.5 cm, Hanging: 0.04 cm, No bullets or numbering

Formatted: Font: 12 pt

Formatted: Normal, Indent: First line: 1.27 cm, No bullets or numbering

Formatted: Font: 12 pt



6.1.5 Up to two Independent Board members with the specific skill sets to assist the Board in implementing the FIL Strategic Plan.

Formatted: Font: Bold

6.1.6 Independent Directors once appointed are voting Board members and subject to the same terms and conditions as all other Board members including declaration of any conflicts of interest and acceptance of the code of conduct. Terms of office will be decided by the Board.

Formatted: Indent: Left: 2.54 cm, First line: 0 cm

Formatted: Font: Bold

Formatted: Font: Not Bold

6.1.7 The GA will be advised of all appointed Board members and their terms of office.

Formatted: Font: Bold

6.1.83 Members of staff may also participate in Board meetings with voice but no voting privileges. This will include, ~~as appointed~~, the Chief Executive Officer (CEO).

6.2 Role

6.2.1 The Board shall have and may exercise all of the powers and authority of the GA, in between meetings of the GA, in the management of the Federation. **The FIL Board shall represent the interests of the FIL membership by providing strategic direction, guidance and management oversight. The Board shall also select, manage and evaluate the performance of a CEO who will be empowered to engage and manage additional staff subject to Board approval.**

6.2.2 The role of the Board is to:

- a) To report on the activities that have occurred since the last GA and to keep the membership informed of significant matters.
- b) prepare, seek approval and implement, the Strategic and Operational plans and monitor progress.
- c) prepare, seek approval, and manage the forward ~~four (4) year~~ Budget, **generally 2 – 4 years ahead.**
- d) develop policies for approval by the GA, where appropriate, and implement such polices approved by the GA
- e) manage communications with members and external stakeholders
- f) appoint Chairs of the Committees and review the Committees work
- g) select and approve Hosts for International Events
- h) determine whether an applicant country meets the criteria and policies set by the GA and then propose acceptance to the membership
- i) prepare audited accounts on an annual basis and review with the membership.



- j) exercise due diligence-Risk management, including ensuring compliance with statutory and legal obligations (e.g. employment and tax law and general and Directors and Officers Liability)
- k) review and recommend auditor appointments
- l) approve contractual agreements
- m) implement and monitor the agreed anti-doping policies

6.3 Meetings

- 6.3.1 Board Meetings will normally **have two face to face meetings annually supplemented by electronic meetings which will normally be monthly and with additional calls as needed.** ~~be held twice a year.~~
- 6.3.2 The Board will be chaired by the President or in his / her absence by the Vice President. If neither is present then the Board will decide.

6.4 Quorum

- 6.4.1 The Quorum shall be 50% plus one (1) of the Board Members.

6.5 Voting

- 6.5.1 Each Board Member may vote.
- 6.5.2 Resolutions will be decided by simple majority.
- 6.5.3 In the event of a tie or deadlock the Chair shall have an additional (casting) vote.

7 FINANCIAL

- 7.1 **The financial year** of the Federation shall commence on January 1 and end on December 31, in each year.
- 7.2 **The Secretary General:**
 - 7.2.1 shall be responsible for the keeping of accounting records sufficient to show and explain the Federation's transactions and to disclose at any time the financial position of the Federation.
 - 7.2.2 shall prepare and present for consideration at every meeting of the Federation (GA and Board) an income and expenditure statement and a balance sheet for each financial year and for the current year to date.
- 7.3 **All sums payable** to the Federation shall be received by the **Secretary General** ~~Director of Finance~~ and deposited in a bank account approved by the Federation.
- 7.4 **All members shall pay** such subscription and other fees as may from time to time be prescribed by the Federation. Such subscriptions and fees shall be



listed as an Appendix to the Bylaws of the Federation. Any Member who has not paid in full all subscriptions and fees within ninety (90) days from notification of the subscription or fee shall not be entitled to participate in any of the Federation events or vote at the Federation meetings. This may result in loss of membership.

- 7.5** **The travel and accommodation costs for delegates** to the GA shall be the responsibility of the member.
- 7.6** **Costs associated with meetings of Committees** of the Federation shall be the responsibility of participating Committee members or his / her NGB.
- 7.7** **Once at least in every year**, an examination of the accounts of the Federation shall be undertaken by one (1) or more qualified and independent auditors who shall report their findings to the members annually. The auditors will be recommended by the Board to the membership for approval.

8 CONSTITUTION, RULES AND BYLAWS.

8.1 Amendments.

Proposed amendments to the Constitution, Bylaws, **Policies** and Playing Rules must be advised in writing to the **Secretary Vice President General** at least ninety (90) days prior to any meeting of the GA. Those proposed amendments shall be circulated to Board and members at least sixty (60) days before the date of the meeting.

- 8.2** **Amendments require a** majority vote of at least two thirds of votes cast at a quorate meeting. Proposed amendments for which proper notice has not been given, but which have been discussed and agreed at a meeting of the GA, may be determined by postal/electronic ballot as outlined in this Constitution and Bylaws.

8.3 Playing Rules.

The Rules of the Games of Lacrosse as amended from time to time by the GA shall be an Appendix to the Federation Bylaws. See Policies regarding the types of rule changes and the timing of rule changes.

8.4 Bylaws.

The GA may make, repeal and amend Bylaws for the furtherance of the objects of the Federation and for the conduct of its business providing such Bylaws are not inconsistent with this Constitution.

- 8.5** **The GA shall** establish and maintain Bylaws that govern the conduct of all World Events.



9 ANTI DOPING

- 9.1** **The General Assembly may**, by Resolution passed at a meeting of the General Assembly or by Regulation specify, amend, add to or revoke such procedures and policies as it thinks fit from time to time regarding to the prevention of and discipline in relation to drug abuse within lacrosse.
- 9.2** **The Federation adopts** the protocols prescribed by the World Anti-Doping Agency (WADA).

10 DISPUTES BETWEEN MEMBERS

- 10.1** **Member dispute resolution is currently with the remit of the Vice President (VP) and as such all communication on these matters is with the VP**
- Dispute between members, excluding disputes regarding anti-doping matters, which are governed by the FIL Anti-Doping policy, defined in Appendix D of the FIL Bylaws, may be referred to the FIL Board for resolution by submitting written notification of a dispute to the VP. If the VP is from one of the countries involved then the President shall take on this responsibility.
- 10.2** The VP will contact the parties involved to confirm the allegations and / or circumstances of the dispute. If the VP determines that allegations and / or circumstances warrant FIL facilitation, the VP will attempt to broker a solution to the dispute
- 10.3** If the VP cannot resolve the dispute, the VP shall notify the Board of the request for dispute resolution and refer the matter within four (4) weeks to a hearing panel of three (3) Board members who do not originate from the Member countries involved in the dispute. The hearing panel shall be endorsed by the full Board and may include the VP.
- 10.4** The hearing panel shall consider the matter, conduct an investigation that will include testimony from the parties involved in the dispute and provide, within a period of four (4) weeks, a decision that is consistent with the FIL Constitution, Bylaws and Rules of the respective Games of Lacrosse.
- 10.5** The VP shall then advise the Board and the parties involved in the dispute of the hearing panel's decision which shall be binding on all parties and not subject to appeal.
- 10.6** Any costs required to facilitate the solution to the dispute between Members shall be borne by the Member filing the dispute.

Formatted: Indent: First line: 0 cm



11 DISPUTES BETWEEN A MEMBER AND THE FIL BOARD

- 11.1** As noted in Section 6.1 of the FIL Bylaws, The Board shall have and may exercise all the powers and authority of the GA, in between meetings of the GA, in the management of the Federation except for the areas enumerated in Section 6.4 of the FIL Bylaws.
- 11.2** Decisions of the Board that follow or enforce the FIL Constitution, Bylaws, Policies and Rules of the respective Games of Lacrosse currently in place shall not be eligible for appeal to either the Board or the Membership.
- 11.3** Decisions by the Board that do not follow or enforce the FIL Constitution, Bylaws, Policies and Rules of the respective Games of Lacrosse currently in place are eligible for appeal and may be referred to the FIL Board for consideration by submitting a written request for appeal to the VP. The written request for the appeal must include a detailed basis upon which the appeal is being made.
- 11.4** Upon receiving a written request for appeal, the VP shall notify the Board and refer the matter within four (4) weeks to a hearing panel comprised of three (3) representatives from different FIL member countries who are not members of the Board and who do not originate from the Member country involved in the appeal. The hearing panel shall be endorsed by the full Board.
- 11.5** The VP shall not be a member of the hearing panel but shall facilitate an appeal hearing, which shall include testimony from no more than two (2) representatives from the Member country that filed the appeal and no more than two (2) members of the Board. Following the appeal hearing, panel will issue a written decision within four (4) weeks, and the VP shall then advise the Member country and the Board of the result of the appeal, which shall be final within the FIL.
- 11.6** Any such appeal must be accompanied by a fee of \$250(US) which is returnable if the appeal is successful.

12 MEMBER FINANCIAL LOSS

- 12.1** The board of the FIL can determine that in the event that a member organization is caused to suffer the loss of financial support due to a FIL decision that inadvertently results in such loss, the FIL can submit to the membership for vote the waiver of



participation fees for a member country for up to two (2) full cycles of championship events.

(Full cycle is defined as men's, women's, seniors & U19 and indoor)

13 COURT OF ARBITRATION FOR SPORT– (CAS)

13.1 Members who disagree with the results of an appeal conducted according to the procedures defined in Section 11 may contact the Court of Arbitration for Sport in Lausanne, Switzerland (www.tas-cas.org).

13.2 Any costs associated with the engagement of the Court of Arbitration for Sport shall be the responsibility of the Member country taking such action.

14 DISCIPLINARY ACTION

14.1 Suspension in Exceptional Circumstances

In addition to the rights of suspension and expulsion under the Constitution, the Board may in its discretion suspend a Member from FIL in exceptional circumstances pending determination of a resolution under this clause. For the purposes of this clause "exceptional circumstances" means circumstances in which, after reasonable inquiry, it is considered that FIL or any of the Members may suffer damage or detriment as a result of the actions or inactions by the Member who is being considered for suspension under this clause. See Appendix A

15 DISSOLUTION and/or MERGER.

15.1 **The Federation shall not be merged**, amalgamated or dissolved except by at least a two-thirds majority resolution of all Full Members voting in person on a resolution at a meeting of the General Assembly of the Federation.

15.2 **Any merger**, amalgamation, dissolution, re-organization or reconstitution shall take effect from the conclusion of the meeting of the General Assembly at which the relevant Resolution is passed or such later date as is specified in the Resolution.

15.3 **Any property**, assets and rights of the Federation remaining after discharge of its liabilities shall be applied in such manner as the GA (acting by



Resolution) shall think fit for the promotion or development or protection of the interests of the lacrosse or any other sport.



Appendix A

DISCIPLINE OF MEMBERS

1 Suspension in Exceptional Circumstances

In addition to the rights of suspension and expulsion under the Constitution, the Board may in its discretion suspend a Member from FIL in exceptional circumstances pending determination of a resolution under this clause. For the purposes of this clause "exceptional circumstances" means circumstances in which, after reasonable inquiry, it is considered that FIL or any of the Members may suffer damage or detriment as a result of the actions or inactions by the Member who is being considered for suspension under this clause.

If any action is imposed under this clause, the FIL Designated Board Member shall notify the Member concerned of the action in writing and copy this notification to the Board.

2 Board Resolution

Subject to the Constitution, the Board may by resolution:

- (1) as a last step, and with membership approval, expel a Member from FIL; or
- (2) suspend a Member from membership of FIL for a specified period; or
- (3) impose a fine on a Member;
- (4) impose such other penalty, action or educative process as it sees fit,

if the Board considers that the Member has:

- (a) breached, failed, refused or neglected to comply with a provision of the FIL Constitution, the FIL Bylaws or any FIL Policy, resolution or determination of the Board;
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of FIL, or another Member; or the sport of lacrosse; or
- (c) brought FIL, or another Member, or the sport of lacrosse into disrepute.

3 Notice of Alleged Breach

Where the Board considers that a Member may have satisfied one or more of the grounds in clause 2(a), (b) or (c), the Designated Board Member, shall, as soon as practicable, serve on the Member a notice in writing:

- (1) setting out the alleged breach of the Member and the grounds on which it is based;
- (2) stating that the Member (personally or by its representative) may address the Board at a meeting to be held not earlier than 7 days and not later than 28 days after service of the notice;
- (3) -stating the date, place and time of that meeting;
- (4) informing the Member that they may do one or more of the following: -



- (a) attend that meeting;
- (b) provide FIL, before the date of that meeting a written statement regarding the alleged breach.

4 Determination of Board

At a meeting of the Board held in accordance with clause 3, the Board shall:

- (1) give to the Member every opportunity to be heard;
- (2) give due consideration to any written statement submitted by the Member; and
- (3) by resolution determine whether the alleged breach occurred.

5 Appeal to the Appeals Tribunal

- (1) If the Board passes a resolution at the meeting held in accordance with this clause, the Member has a right to appeal the decision to the Appeals Tribunal.
- (2) The Member must lodge the appeal with the Designated Board Member within 14 days of the date the resolution is passed. The appeal must specify the grounds of the appeal and be accompanied by an Appeal Fee of \$250.
- (3) Where the Designated Board Member receives an appeal under clause 5(2), the Board shall convene a meeting of the Appeals Tribunal to be held within 30 days of the date on which the Designated Board Member received the appeal.
- (4) Where the Member lodges an appeal to the Appeals Tribunal under this clause, the resolution of the Board does not take effect unless the Appeals Tribunal confirms the resolution in accordance with the clause below.

APPEALS TRIBUNAL

1 Composition of Appeals Tribunal

- (1) An Appeals Tribunal of 5 persons shall be appointed by the Board for the purpose of adjudication of appeals from Members under the clause above.
- (2) No member of the Appeals Tribunal shall be permitted to hold any office on the Board or its appointed sub-committees.
- (3) A minimum of 3 Members of the Appeals Tribunal shall constitute a quorum.
- (4) A casual vacancy on the Appeals Tribunal shall be filled by the Board appointing a replacement as it sees fit.
- (5) A legal counsel may act as a consultant to the Appeals Tribunal

2 Proceedings before Appeals Tribunal

Proceedings before the Appeals Tribunal shall be conducted as follows:



- (a) The Chairperson of the Appeals Tribunal shall announce the opening of the proceedings, stating the Tribunal's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.
- (b) The procedure to be followed at proceedings shall be clearly explained by the Appeals Tribunal Chairperson. The Appeal Tribunal Chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- (c) The matter(s) which is/are the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- (d) The Appeal Tribunal will consider the evidence presented. It may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Appeals Tribunal at this time. If the Appeals Tribunal finds the decision of the Board is not proved it will uphold the appeal accordingly. The Appeal fee of \$100 will be refunded.
- (e) If the Appeal Tribunal finds the decision of the Board to be proved, it may impose, in its discretion, an appropriate penalty or penalties (which may confirm, increase or decrease the original penalty), or it may report its findings to the Board with such recommendations as it considers appropriate. The Appeals Tribunal Chairperson will declare the proceedings closed.
- (f) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty and the reasons for the decision shall be given in writing and signed by the Appeals Tribunal Chairperson. Every decision of the Appeals Tribunal shall be conveyed in writing to the parties concerned.

3 Decisions Binding

Decisions of the Appeals Tribunal will be binding and final upon the Board and the Member.

Note: In all instances above the meetings may be held using Skype (or similar) or by audio conference.