

Protests and Complaints Policy In Competition

For use in Competitions where a decision is required in sufficient time to be applied to any following game containing any of the affected parties.

This is similar to the Tournament Policy but with different timeframes assuming games are weekly at a minimum.

Protests

1. A protest may be lodged on the basis that:
 - The Competition rules, the rules variations or the IFAF rules that cover the conduct of the Competition are not being observed; and
 - The conditions of the Competition endanger participants in the Competition.
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3. No protest can be lodged or considered in relation to any decision by a referee or other official concerning the conduct of a game which is in the nature of a "field of play" decision.
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5. A Protest can only be made within 48 hours of the game finishing.
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7. The Protest or Complaint can only be presented by the Club Chairperson/President, the team coach or the manager as noted on the team sheets for the game, who will be deemed to represent the team.
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9. For incidents that fall outside the above parameters refer to the Competition Manager.
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10. The onus is on the Complainant to identify how their Protest, Complaint, or Appeal clashes with the Rules, regulations etc, that justify the reason for the Protest or Complaint. The Competition manager (or other duly authorised person), will need to confirm that the Protest or Complaint (or the Appeal) is valid before the Protest or Complaint is progressed to the next step.
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11. The Competition manager (or other duly authorised person) will:
 - then notify the member, Association or Region ("Respondent"), which is subject of the Protest or Complaint, of the nature of the complaint.
 - form a Hearing Panel to hear the Protest or Complaint.
 - nominate one of the members of the Hearing Panel as chairperson of the Panel.
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12. The Hearing Panel will be made up of 3 persons, to serve as members, drawn from:
 - the NZAFF Board,
 - the Chairpersons or presidents of affiliated Regions or Clubs,
 - Senior game Officials.

In forming the Panel due consideration will be given to any possible conflict and, to the extent possible, the elimination of such conflict. This may result in different panel composition depending on the team(s) involved.

Complaints

2. Complaints cover everything that can't be protested:
 - Conduct which is generally unbecoming of the sport or contravenes the sport's codes of conduct.
 - Misconduct, abuse by or of:
 - an official,
 - another competitor
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4. If the Complaint is related to an incident during a game then it must be notified to the Event Manager within 48 hours of the end of the game where the incident took place. Where there is no Event Manager, the GM of NZAFF.
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6. If the complaint is related to conduct outside of a game, then the complaint must be presented within 48 hours of the incident that is the subject of the complaint.
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8. The Protest or Complaint can only be lodged by registered members of NZAFF and can only be directed at members of NZAFF.

13. The Hearing Panel will convene within 48 hours of the Protest or Complaint being confirmed unless there are extenuating circumstances.

The Hearing Panel will:

- be entitled to consider such evidence as it sees fit including witnesses if either party chooses to have them available at the time of the hearing.
- adopt procedures which it considers are appropriate in the circumstances of the particular Protest or Complaint.

14. The process will be one of Natural Justice.

Generally, the following procedure will be adopted:

- The Hearing Panel will hear from the complainant and consider any evidence given in support of the complaint. The Respondent (or any representative) will be entitled to ask questions of the complainant and any witness called by the complainant.
- The Hearing Panel will then hear any evidence from the Respondent and the Complainant (or any representative of the complainant) may ask questions of the Respondent and any witnesses called by the Respondent.

In the case of a Protest the Panel will not consider video evidence unless specifically stated in the Competition rules as being allowed.

15. All hearings will be private and confidential and only the parties and persons involved as witnesses or representatives of the parties shall be entitled to attend hearings. The exception to this is covered in point 16.

16. If the outcome of the Protest has the potential to impact another team that team's representative (Coach or Manager speaking on behalf of their team or club) should be included in the hearing, as a party, but their comments should be the final comments, including responses from other parties, requested and considered by the Panel.

17. Members appearing before the Panel are entitled to have a support person attend. This is especially applicable if a member is U18.

18. Where the Hearing Panel finds that a Protest or Complaint has been established, it has the power to impose any of the following sanctions (either individually, or in combination):

- A suspension
- Fine
- Such other sanction, or outcome, as it sees fit.

19. After hearing the evidence, the Hearing Panel will retire to consider its decision in private. After its deliberations, it will announce to the parties verbally or in writing.

Appeals

20. Appeals can only be made on a decision by the Panel and must be lodged within 48 hours of the Decision being announced.

21. The basis of the Appeal can only be on:

- The process leading to the Decision not following the guidelines laid out in this document.
- The Decision contravenes the rules and regulations for the conduct of the competition.

22. The onus is on the Member making the appeal to prove that the Appeal meets the above conditions.

23. The process will then follow the same process as above starting at point 10 above. The process will involve the formation of an Appeals Hearing Panel.

24. The Appeals Hearing Panel will consist of different Members to that of the original Protest or Complaint Hearing Panel with the same process for selection as noted in point 12 above.

25. There will be no further opportunity to Appeal the decision of the Appeals Hearing Panel. The decision on the protest will be considered final.

Appeal to Sports Tribunal

26. A decision of the Appeals Hearing Panel may be the subject of an appeal to the Sports Tribunal by any party to the decision. In order to exercise this right of appeal, a written notice of appeal must be received by the Federation and an appeal filed with the Sports Tribunal within 72 hours of the provision of the written decision of the Appeals Hearing Panel.

Further Notes

27. This Policy does not affect or limit the general powers of the Federation and its Board under the Constitution, [the Incorporated Societies Act 2022](#), and regulations made under the Constitution which may be exercised where any matter is not considered under these Regulations.

28. No appeal under these Regulations will operate to suspend or stay the operation of any sanction imposed. An application for a sanction to be suspended in its effect pending the hearing of any appeal may be made to either the Appeals Tribunal (in the case of an appeal from a decision of the Disciplinary Committee) or the Sports Tribunal (in the case of an appeal from a decision of the Appeals Tribunal). An application may be made orally. In considering an application the relevant tribunal will decide whether, in the circumstances of the particular appeal, it is in the interests of justice that the sanction imposed should be suspended pending the hearing of the appeal. A decision on an application may be given orally. There shall be no appeal from any decision in relation to an application under this Regulation.

Interpretation

The following words shall have the following meanings within the text of this document.

Federation means the New Zealand American Football Federation Incorporated (NZAFF)

Member Includes Regional bodies, Clubs or Associations and individual members that are a member of the Federation as defined in the Constitution.

NZAFF means the Federation.

Board or **NZAFF Board** means the Board of the Federation.

Board Member means a member of the Federation Board including Elected Board Members and Appointed Board Members.

Chairperson means the Chairperson of the Federation

Constitution means the Constitution of the Federation

Tournament means an event that has a schedule of games over several days generally up to 2 to 4 days.

Competition means a regular series of games played regularly with gaps, of approximately a week between games, over several weeks or months.

Competition Manager means the person responsible for running the Competition.

Hearing Panel is a three-member panel formed to hear a Protest or a Complaint.

Appeal Hearing Panel is a three-member panel formed to hear an appeal against a ruling by a Hearing Panel.

Event Manager is the person primarily responsible for the delivery and running of a Tournament.

Sports Tribunal means the Sports Tribunal of New Zealand who is the tribunal established by Sport New Zealand under the Sport and Recreation New Zealand Act 2002 to hear and determine sports related disputes, including appeals.

Complainant – the Member bringing the Protest or Complaint.

Respondent – the Member who is the subject of the Complaint or Protest.