

Protests and Complaints Policy In Tournament

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

Protests

1. A protest may be lodged on the basis that:
 - The Tournament rules, the rules variations or the IFAF rules that cover the conduct of the Tournament are not being observed; and
 - The conditions of the Tournament endanger participants in the Tournament.
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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 30 minutes of the game finishing.
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7. The Protest or Complaint can only be presented by the coach or the manager as noted on the team sheets at the beginning of the tournament who will be deemed to represent the team.
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9. For incidents that fall outside the above parameters refer to the Event Manager or GM of NZAFF as the case may be.
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10. The Protest, Complaint, or Appeal must be accompanied by \$100 (cash or bank transfer with a confirmation receipt) which is returned only if the Protest or Complaint is upheld. There will be no action regarding a Protest or a Complaint (or an Appeal) until the receipt of the \$100, by the Event Manager. Upon receipt of the \$100 the Protest, Complaint, or Appeal will be considered formally lodged.

NZAFF account details - 123083 0540849 00

11. The onus is on the Complainant to identify how their Protest or Complaint clashes with the Rules, regulations etc, that justify the reason for the Protest or Complaint. The Event 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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12. The Event 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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13. 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 anything else that can't be protested. Examples include:
 - 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 30 to 45 minutes 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 30 to 45 minutes 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.

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14. The Hearing Panel will convene within an hour (60 minutes) 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.
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15. 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 Hearing Panel will not consider video evidence unless specifically stated in the Tournament rules as being allowed.

16. 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 17.
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17. 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 Hearing Panel.
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18. Individuals appearing before the Hearing Panel are entitled to have a support person attend. Individuals under 18 years old will be required to have an adult support person attend. A Protest or Complaint cannot be heard from an individual under 18, unless a support person is present. The support person must be over 18 years old.
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19. Where the Hearing Panel upholds the Complainant's Protest or Complaint on the balance of probabilities (more likely than not), it has the power to impose any of the following penalties (either individually, or in combination):
- A suspension
 - Fine
 - Such other sanction, or outcome, as it sees fit.
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20. After hearing the evidence, the Hearing Panel may retire to consider its decision in private. After its deliberations, it may announce its decision to the parties verbally or in writing.
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Appeals

21. Except for appeals to the Sports Tribunal, appeals can only be made by a Member against a decision by the Hearing Panel and must be lodged within 30 minutes of the decision being announced.
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22. 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 Tournament.
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23. The onus is on the Member making the appeal to prove that the Appeal meets the above conditions.
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24. The process will then follow the same process as above starting at point 11 above. The process will involve the formation of an Appeal Hearing Panel.
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25. The Appeal Hearing Panel will consist of different Members to that of the Hearing Panel with the same process for selection as noted in point 13 above.
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26. There will be no opportunity to appeal the decision of the Appeal Hearing Panel. The decision on the appeal will be considered final.

Complaints subsequent to the Tournament

27. If a Member wishes to lodge a Complaint regarding any aspect of the Tournament subsequent to the Tournament finishing it must be filed in writing with the Federation within 48 hours from midnight on the last day of the Tournament.

28. Complaints subsequent to the Tournament cannot address any decision made by the Appeal Hearing Panel.
If the Complaint is regarding a decision of the Hearing Panel, it can only be on the basis that the process leading to the Hearing Panel Decision did not follow the guidelines laid out in this document, or that it contravenes the rules and regulations for the conduct of the competition.

29. Depending on the nature of the complaint, the process may be dealt with through mediation or any other means considered appropriate.

Appeal to the Sports Tribunal

30. A decision of the Appeal 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 Appeal Hearing Panel.

Further Notes

31. 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 this Policy.

32. No appeal under this Policy can 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 Appeal Hearing Panel (in the case of an appeal from a decision of the Hearing Panel) or the Sports Tribunal (in the case of an appeal from a decision of the Appeal Hearing Panel). An application may be made orally and at the same time the appeal is heard. 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 clause.

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.

Board means the Board of the Federation.

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, but no more than 7 days.

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

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.

Field of play decision - a decision made by any official on the outcome of a play including any penalty incurred as a result of the play between the first whistle and final whistle of that game.