

## APPENDIX D: CONDUCT OF HEARINGS/APPEALS BEFORE VARIOUS LACROSSE TRIBUNALS

For those individuals who preside at the hearings/appeals of various lacrosse tribunals, there are four cardinal principles. They are as follows:

1. Process is the most important factor in such hearings/appeals. The process is how the hearing/appeal is conducted. The most important factor is not who wins or loses.
2. The process must be fair.
3. Those who preside must come to the hearing/appeal with an open mind.
4. Be polite (even if it is difficult).

There are twelve specific rules which ought to be adhered to. They are as follows:

1. Read over the rules which apply to the particular case before you. You may think you know these rules without reference. You are wrong. Bring the rule book with you. Also bring paper and a pen or pencil.
2. Before the hearing/appeal begins, read all the material which has been filed. Note particular questions you may have in the margin.
3. Arrive in good time for the hearing/appeal. Do not arrive late.
4. Before the hearing/appeal starts, do not talk to the parties who appear before you, unless it is to say simply "hello" or to advise someone where the washroom is. Nothing is more disconcerting to the other side than to see a member of the tribunal in conversation with the other side, even if it only relates to pleasantries.
5. Make sure that the room where the hearing/appeal is to take place is properly set up before the hearing/appeal starts. If the furniture needs to be rearranged, do this before the scheduled time for the commencement of the hearing/appeal.
6. Call the hearing/appeal to order, describe the procedure to be followed. Introduce everybody. Although some organizations have both parties in the room at the same time, this may lead to outbursts and could intensify antagonism between the two parties. You may find it preferable to listen to and question each party separately. Make sure both parties understand the procedure to be used. Whoever has the onus of establishing the facts is heard first.
7. At the end of each side's presentation, if you have a question, ask it then. Do not interrupt the presentation unless absolutely necessary for purposes of clarification.
8. Have paper and pencil available. Make a note when something strikes you as important.
9. The members of the tribunal should retire to consider their decision. This means you must have your own room for your deliberations in the absence of the parties. This may be done by moving into another room or by asking the parties to leave the room you are in.
10. Write out your decision promptly. Give reasons. The reasons may be set up as follows:
  - Describe the issue
  - Set forth the relevant facts
  - Summarize in brief form each side's argument
  - State your findings
  - State your decisionThe reasons do not need to be long, but they must be clear and deal with the issues raised.
11. The written decision should be delivered (by hand, e-mail or mail) to the individual facing the disciplinary action. They should also be advised at that time of the appeal procedure available to them within your organization or through the BCLA.
12. At the end, leave and go home. Do not talk to the parties prior to the decision being delivered.

**REMEMBER:** At the end, it is important that both sides feel they have been given a fair opportunity to state their case.