

**MEMORANDUM ON
DISCIPLINARY PROCEEDINGS**

(Disciplinary Panels)

PROCEDURE

Introduction

1. The Chairman will introduce the proceedings by reminding the parties of the reason for the hearing which is to determine whether or not the Defendant has acted in breach of The Football Association of Wales' Rules or procedures and, if he/she has, to determine the appropriate penalty with regard to the relevant guidelines.
2. Both parties will be asked to confirm that they have had an opportunity to prepare their case, that they understand the procedure to be followed and are ready to proceed. The Defendant will be reminded that he or she should listen carefully to the case against him/her and that he/she will be given an opportunity to challenge what is said and present his/her own case later in the proceedings.

The Complainant's Case

3. The Chairman will then invite the Complainant to present the case against the Defendant. The Complainant will read his/her report and be given an opportunity to add any other information or comments or refer the Disciplinary Panel to any documentation which may be relevant.
4. Once the Complainant has presented his/her case, the Disciplinary Panel may question the Complainant if it requires clarification of any point.
5. The Defendant will then be invited to ask questions and challenge the Complainant's evidence and assertions.
6. The Complainant will then have an opportunity to call witnesses who will be asked to give evidence in turn and, at the end of each witness's evidence, the Defendant will be given an opportunity to ask questions and challenge the evidence of each witness. The Disciplinary Panel may also question the witnesses if it wishes.

The Defendant's Case

7. The Chairman will then invite the Defendant to present his/her case. The Defendant may read a prepared statement and/or present any information or comments or refer the Disciplinary Panel to any documentation which may be relevant.
8. Once the Defendant has presented his/her case, the Disciplinary Panel may question the Defendant if it requires clarification of any point.
9. The Complainant will then be given an opportunity to ask questions and challenge the Defendant's evidence and assertions.
10. The Defendant may then call any witnesses who are to give evidence on his/her behalf in turn and, at the end of each witness's evidence, the Complainant will be given an opportunity to question the witnesses. The Disciplinary Panel may also question the witnesses if it wishes.

The Decision of the Disciplinary Panel

11. Once the Defendant has confirmed that he/she has finished presenting his/her case, and provided that the Chairman is satisfied that both parties have had every opportunity to present any relevant information in support of their cases, the Chairman will adjourn the hearing to enable the Disciplinary Panel to consider its decision.
12. Once the Disciplinary Panel has reached its decision, the hearing will be reconvened and the Chairman will announce the decision to the parties.
13. If the decision is that the case against the Defendant has been proven, and before the Disciplinary Panel decides on the appropriate penalty, the Defendant will be given an opportunity to bring to the attention of the Disciplinary Panel any mitigating factors or other circumstances which might affect the penalty imposed.
14. The hearing should then be adjourned again to allow the Disciplinary Panel to consider the appropriate penalty taking into account the nature of the misconduct and any mitigating circumstances. In reaching its decision the Disciplinary Panel will have regard to the guidelines set out in the Rules and relevant regulations **[but will not regard itself as bound by those guidelines in the event that it considers an alternative penalty more suitable in taking into account all of the particular circumstances of the case].**
15. The decision of the Disciplinary Panel will be announced either at the hearing or notified to the parties in writing within the next 10 days (or in cases of Assault, written notification will be sent to all parties within three days). In any event, the decision of the Disciplinary Panel will be confirmed in writing and, if appropriate, will advise the Defendant of his or her right to appeal.